

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

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JOHN J. MCGUIRE, et al.,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Civil Action No. 26000938-00

Hon. Tracy Thorne-Begland

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**MOTION TO INTERVENE AS DEFENDANTS BY DON SCOTT, IN HIS OFFICIAL  
CAPACITY AS SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES, LOUISE  
LUCAS, IN HER OFFICIAL CAPACITY AS PRESIDENT PRO TEMPORE OF THE  
VIRGINIA SENATE, AND SCOTT SUROVELL, IN HIS OFFICIAL CAPACITY AS  
MAJORITY LEADER OF THE VIRGINIA SENATE**

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Proposed Intervenors, Don Scott, in his official capacity as Speaker of the Virginia House of Delegates, Louise Lucas, in her official capacity as President Pro Tempore of the Virginia Senate, and Scott Surovell, in his official capacity as Majority Leader of the Virginia Senate, by and through undersigned counsel, respectfully submit this Motion to Intervene and hereby move to intervene in the instant matter under Va. Sup. Ct. R. 3:14.

### **BACKGROUND**

In October 2025, the General Assembly passed a proposed constitutional amendment—House Joint Resolution (“HJR”) 6007—that, if endorsed by Virginia voters, will permit it to engage in mid-decade redistricting. *See* H.D.J. Res. 6007, 2024 Spec. Sess. I (Va. 2025), attached as Ex. 1. After a general election for the House of Delegates was held on November 4, 2025, a new General Assembly was sworn in on January 14, 2026. Va. Const. art. IV, § 6. The new General Assembly soon approved the proposed amendment for the second time. *See* H.D.J. Res. 4, 2026 Reg. Sess. (Va. 2026), attached as Ex. 2. The General Assembly then passed—and the Governor subsequently signed into law—H.B. 1384, which set a referendum election for the proposed amendment. *See* H.B. 1384, 2026 Reg. Sess. (Va. 2026) (enacted), attached as Ex. 3.

As relevant here, H.B. 1384 did two things: (1) it set April 21, 2026, as the date for the special election on the proposed constitutional amendment; and (2) it provided the ballot language for voters to consider at that election. *Id.* §§ 1, 14. That ballot language reads as follows: “Question: Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections, while ensuring Virginia’s standard redistricting process resumes for all future redistricting after the 2030 census?” *Id.* § 14.

There has already been a significant amount of litigation involving the ratification process for the proposed amendment. In November 2025, this Court heard a constitutional and statutory challenge to HJR 6007 and denied the plaintiffs a TRO and injunctive relief that would have halted the ongoing process of passing that proposed constitutional amendment. *See* Order at 1–2, *Jett v. Nardo*, No. CL25-5352 (Va. Cir. Ct. Nov. 5, 2025) (holding that the Court lacked jurisdiction to interfere lest it violate the separation of powers (citing *Scott v. James*, 114 Va. 297 (1912))), attached as Ex. 4. Proposed Intervenor Don Scott was a defendant in *Jett*.

Around the same time, a different set of plaintiffs brought similar claims against HJR 6007 in the Circuit Court of Tazewell County. On October 31, 2025, the Tazewell Court denied plaintiffs’ request for a TRO. Order at 1, *McDougle v. Nardo*, No. CL25-1582 (Va. Cir. Ct. Oct. 31, 2025), attached as Ex. 5. When the plaintiffs subsequently moved again for a TRO seeking to stop HJR 6007’s transfer to the General Assembly’s 2026 regular session, the court again denied the request. *See* Order at 2, *McDougle*, No. CL25-1582 (Va. Cir. Ct. Jan. 13, 2026) (holding the Court’s interference was barred in part by the separation of powers (citing *Scott*, 114 Va. at 304)), attached as Ex. 6. But two weeks later, in resolving the plaintiffs’ motion for preliminary injunction, the Tazewell Court issued a “TEMPORARY and PERMANENT INJUNCTION” against both H.B. 1384 and the other legislative enactments underlying the proposed amendment. *See McDougle v. Nardo*, 2026 WL 243908, at \*2–4 (Va. Cir. Ct. Jan. 27, 2026), attached as Ex. 7. There had been no change in law between the court’s denial of the TRO and grant of the injunction, and the court did not provide any explanation of why it believed the separation-of-powers concerns motivating its TRO denial had dissipated. Speaker Scott—an Intervenor in that case—appealed the Circuit Court’s decision to the Court of Appeals, which moved to certify the case to the Supreme Court of Virginia. Va. App. Ct.’s Mot. for Certification to Va. Sup. Ct., *Scott v. McDougle*, No. 0190-26-3

(Va. Ct. App. Feb. 4, 2026). Finding that the case was of imperative public importance, the Supreme Court accepted jurisdiction of the *McDougle* appeal. Order at 1–2, *Scott v. McDougle*, No. 260127 (Va. Sup. Ct. Feb. 13, 2026) (citing Va. Code Ann. § 17.1-409), attached as Ex. 8. In doing so, the Supreme Court noted the “limited scope of the [Tazewell Court’s] injunctive relief,” and made clear that the April 21, 2026, referendum election set forth in H.B. 1384 could continue unimpeded while the parties briefed the appeal. *Id.* at 4. The *McDougle* appeal remains pending in the Supreme Court with Speaker Scott as an Appellant.<sup>1</sup>

On February 18, five days after the Supreme Court’s Order expressed its expectation that the special election would proceed, two new cases were filed—one in the Tazewell Circuit Court and the present action in this Court. Both involve a litany of claims seeking substantially the same relief against most of the same defendants as the earlier actions: to enjoin the April 21 referendum election, suppressing Virginia voters’ ability to be heard on the proposed amendment. The delay to that electoral process that Plaintiffs seek in this case (and that the plaintiffs seek in the second Tazewell case) is exactly what the Supreme Court sought to avoid in its February 13 Order.

The following day, the Tazewell Court granted the plaintiffs’ motion for preliminary injunction in a terse six-page opinion that did not meaningfully address the court’s subject matter jurisdiction or critically examine the merits of plaintiffs’ claims. *See generally* Order, *Republican Nat’l Comm. v. Koski*, No. CL26-266 (Va. Cir. Ct. Feb. 19, 2026), attached as Ex. 9. The Tazewell Court further enjoined the defendants from “administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to

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<sup>1</sup> The Supreme Court subsequently granted the Attorney General’s motion to intervene on appeal on behalf of the Commonwealth as an Appellants. Order at 2, *McDougle*, No. 260127 (Va. Sup. Ct. Feb. 13, 2026).

be held on the proposed constitutional amendment contained in” HJR 6007. *Id.* at 5–6. The Order is effective until March 18, 2026—well past March 2, when H.B. 1384 requires the defendants (the same Defendants here) to send the ballot question to electoral boards for early voting, and far past March 6, when early voting on the proposed constitutional amendment is scheduled to begin. *See* Va. Code Ann. § 24.2-701.1; Order at 6, *Koski*, No. CL26-266 (Va. Cir. Ct. Feb. 19, 2026). The next day, the defendants appealed that decision to the Supreme Court of Virginia, sought an immediate stay of the order pending appeal, and asked to consolidate *Koski* with *McDougle* due to the substantial overlap among the issues, parties, and interests at stake.

In their present Emergency Motion for Preliminary Injunction, Plaintiffs request substantially the same relief as the Tazewell plaintiffs, including by bringing an identical constitutional claim. Plaintiffs also request injunctive relief that would require the General Assembly or this Court to write new ballot language and delay, perhaps indefinitely, the special election until such language has been enacted into law and submitted to the voters pursuant to Article XII, § 1. *See* Compl. at 28, ¶¶ (4)–(5) (Requested Relief); Pls.’ Mot. for Prelim. Inj. at 20. Plaintiffs therefore ask this Court to wade into the ongoing constitutional amendment process, including by disrupting and interfering with the actions of Proposed Intervenors as legislative leaders.

## ARGUMENT

Proposed Intervenors Don Scott, Speaker of the Virginia House of Delegates, Louise Lucas, President Pro Tempore of the Virginia Senate, and Scott Surovell, Majority Leader of the Virginia Senate have weighty interests in this matter that warrant intervention. A proposed intervenor may move to “assert any claim or defense germane to the subject matter of the proceeding,” Va. Sup. Ct. R. 3:14, so long as he or she is also “asserting an interest that is part of

the subject matter of the litigation,” *Hudson v. Jarrett*, 269 Va. 24, 32 (2005); *see also Eads v. Clark*, 272 Va. 192, 196 (2006) (“[T]o become a party by intervention [a proposed intervenor] must assert some right involved in the suit.” (internal quotations and citations omitted)). Proposed Intervenors plainly satisfy these requirements.

All three Proposed Intervenors have a direct interest in defending the General Assembly’s prerogatives from Plaintiffs’ attempt to undermine the constitutional separation of powers. The Constitution of Virginia and the legislative rules of procedure vest each Proposed Intervenor with unique and significant power to control and direct the legislative process. *See* Va. Const. art. IV, § 7; Va. Code Ann. § 30-19; Va. H.R. 5 (adopted Jan. 14, 2026); Va. Sen. R. 7 (adopted Jan. 10, 2024), <https://perma.cc/EFM9-TDAW>; Clerk of the Senate, *Senate of Virginia Handbook* (2023), <https://perma.cc/WKR3-23V6>. Thus, each Proposed Intervenor has direct, significant, and legally protectible interests in defending their constitutional rights to order the affairs of the General Assembly. As Proposed Intervenors explain in their brief in opposition to Plaintiffs’ preliminary injunction motion—filed concurrently with this Motion—Plaintiffs’ suit is an attempt to use litigation to hijack the legislative and constitutional amendment processes, and thereby impinge upon the General Assembly’s prerogatives. Indeed, if the Court granted Plaintiffs’ requested relief, it would be the General Assembly—not Defendants—who would have to act. *See* Compl. 28 ¶ (5) (Requested Relief) (seeking an injunction that would enjoin Defendants from “conducting a referendum” on the proposed amendment “unless and until a ballot question that is lawful in all respects *has been passed by the General Assembly*” or ordered as such by this Court (emphasis added)); *Goldman v. State Bd. of Elections*, No. 201067, 2020 WL 5498497, at \*3 (Va. Sep. 9, 2020) (unpublished) (holding that it is not the Virginia Board of Elections but the “General Assembly” that “decide[s]” the “language of the ballot question”); *see also* A.E. Dick Howard,

*Commentaries on the Constitution of Virginia* 1173 (1974) (“[Article XII,] Section I leaves the manner of submission, including the form of the ballot, to the discretion of the General Assembly . . . . Likewise, the wording of the ballot lies within the discretion of the General Assembly.”). Plaintiffs’ claims thus directly threaten Proposed Intervenors’ interests in defending those legislative prerogatives and the separation-of-powers principles enshrined in the Constitution of Virginia, meaning that Proposed Intervenors are “legitimately . . . defendants in litigation because the nature of their claim includes some right that is involved in the litigation.” *Hudson*, 269 Va. at 34.

Notably, in the related *McDougle* action, Speaker Scott sought and obtained intervention from the Circuit Court of Tazewell County. The Court, in granting intervention, recognized Speaker Scott’s direct, significant, and legally protectible interest in defending his constitutional right to order the affairs of the General Assembly. Order at 2, *McDougle*, No. CL25-1582 (Va. Cir. Ct. Dec. 30, 2025), attached as Ex. 10. The Constitution of Virginia and the Rules of the House of Delegates vest Speaker Scott with significant power to set the legislative agenda in the House and order and direct its affairs, including the processes necessary to pass the proposed amendment and the language referring that proposed amendment to the voters—H.B. 1384. Va. Const. art. IV, § 7; H.R. 5. Speaker Scott’s right to exercise this legislative authority is undoubtedly a personal “interest” relevant to this suit’s subject matter, which addresses significant separation-of-powers questions, that is “different from [any harm] suffered by the public.” *Friends of the Rappahannock v. Carline Cnty. Bd. of Supervisors*, 286 Va. 38, 48 (2013) (quoting *Va. Marine Res. Comm’n v. Clark*, 281 Va. 679, 687 (2011)); see also Order at 2, *McDougle* (Va. Cir. Ct. Dec. 30, 2025).

Additionally, because Speaker Scott participated as an intervenor-defendant in the closely related *McDougle* case, he would be the only party here who is also an original party to the pending

proceedings in that case before the Supreme Court of Virginia. Crucially, in *McDougle*, Speaker Scott sought to stay the Circuit Court’s decision to enjoin the April 21 special election—and the Supreme Court ultimately directed that the election proceed as planned. Just like the second case filed in Tazewell County, the present case is an improper collateral attack on the Supreme Court’s February 13 Order in an attempt by Plaintiffs to negate the Supreme Court’s directive and enjoin or indefinitely delay the election. Speaker Scott thus has a unique interest in preserving the relief that the Supreme Court has already ordered, and/or will order, in *McDougle* from this collateral attack as well. Further, Speaker Scott’s presence in this case would bring a unique perspective on legal arguments that are now being aired in multiple forums, and his insight would benefit the Court as it decides these weighty issues.

Although Virginia law does not require a proposed intervenor to demonstrate that their interests lack adequate representation in this case, Proposed Intervenors’ interests are significantly distinct from those of the existing Defendants, who are election administrators sued in their official capacities. Defendants’ executive duties depend on legislation passed under Proposed Intervenors’ authority and guidance, and they have no interest in defending the authority of the Legislative Branch to direct its own affairs and oversee the legislative and constitutional amendment processes. And, as Plaintiffs’ requests for relief make clear, it is Proposed Intervenors—through their roles as leaders of their respective legislative chambers—that would have to act if this Court granted the relief Plaintiffs seek. *See* Compl. at 28, ¶ (5) (Requested Relief).

Finally, in addition to Proposed Intervenors’ significant interests, practical considerations also weigh heavily in favor of intervention. Proposed Intervenors’ entry into this case would not delay these proceedings; if anything, their participation will accelerate ventilation of the relevant issues. After all, Proposed Intervenors move to intervene before Defendants have noted an

appearance or responded to Plaintiffs' Complaint and Motion. Proposed Intervenors will also comply with any and all deadlines set by this Court. Proposed Intervenors present a complete and detailed brief in opposition to Plaintiffs' preliminary injunction motion that illuminates complicated issues of Virginia and federal constitutional law. Regardless of outcome, this case benefits from Proposed Intervenors' presence.

### **CONCLUSION**

For the reasons set forth herein, Proposed Intervenors respectfully request that the Court permit them to intervene as Defendants in this action.

DATED: February 26, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Aria C. Branch', written over a horizontal line.

Aria C. Branch (VSB No. 83682)

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*\* Pro Hac Vice applications forthcoming*

*Counsel for Proposed Intervenors Don Scott,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of February 2026, a true and exact copy of the foregoing was filed with the Office of the Clerk of the Circuit Court of the City of Richmond and, on the same date, sent by email to:

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DATED: February 26, 2026

Respectfully submitted,



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*Counsel for Proposed Intervenors Don Scott,  
Louise Lucas, and Scott Surovell*

# Exhibit 1

# VIRGINIA ACTS OF ASSEMBLY - 2024 SPECIAL SESSION I

## CHAPTER 5

### HOUSE JOINT RESOLUTION NO. 6007

*Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in the Schedule a section numbered 6, relating to apportionment; congressional districts; limited authority of the General Assembly to modify.*

Agreed to by the House of Delegates, October 29, 2025

Agreed to by the Senate, October 31, 2025

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in the Schedule a section numbered 6 as follows:

#### ARTICLE II

#### FRANCHISE AND OFFICERS

##### Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established pursuant to *this section and* Section 6-A of this Constitution. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

The Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2021 and every ten years thereafter, *except that the General Assembly shall be authorized to modify one or more congressional districts at any point following the adoption of a decennial reapportionment law, but prior to the next decennial census, in the event that any State of the United States of America conducts a redistricting of such state's congressional districts at any point following that state's adoption of a decennial reapportionment law for any purpose 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.*

Any such decennial reapportionment law, *or reapportionment law modifying one or more congressional districts*, shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in ~~the decennial~~ *any* reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is ~~required to be~~ enacted. A member in office at the time that a ~~decennial~~ redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

#### SCHEDULE

##### *Section 6. Application and duration of certain redistricting amendments.*

*The authorization in Article II, Section 6 authorizing the General Assembly to modify one or more congressional districts at any point following adoption of a decennial reapportionment law in the event that any State of the United States of America conducts a redistricting of such state's congressional districts at any point following that state's adoption of a decennial reapportionment law shall be limited to making such modifications between January 1, 2025, and October 31, 2030, in response to actions taken by another state between January 1, 2025, and October 31, 2030.*

# Exhibit 2

26101729D

HOUSE JOINT RESOLUTION NO. 4

Offered January 14, 2026

Prefiled November 17, 2025

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in the Schedule a section numbered 6, relating to apportionment; congressional districts; limited authority of the General Assembly to modify.

Patrons—Willett, Convirs-Fowler, Price, Anderson, Anthony, Askew, Bennett-Parker, Bulova, Callsen, Carnegie, Carr, Carroll, Clark, Cohen, Cole, J.G., Cole, N.T., Cousins, Dougherty, Downey, Feggans, Franklin, Gardner, Glass, Guzman, Hayes, Helmer, Henson, Hernandez, Herring, Hope, Jones, Keys-Gamarra, Krizek, Laufer, LeVere Bolling, Maldonado, Martinez, McClure, McQuinn, Mundon King, Nivar, Pope Adams, Rasoul, Reaser, Reid, Scott, D., Seibold, Sewell, Shin, Sickles, Simon, Simonds, Sullivan, Thomas, Thornton, Torian, Tran, Ward and Watts; Senator: Favola

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the special session I of 2024 and referred to this, the next regular session held after the 2025 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in the Schedule a section numbered 6 as follows:

ARTICLE II
FRANCHISE AND OFFICERS

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established pursuant to this section and Section 6-A of this Constitution. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

The Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2021 and every ten years thereafter, except that the General Assembly shall be authorized to modify one or more congressional districts at any point following the adoption of a decennial reapportionment law, but prior to the next decennial census, in the event that any State of the United States of America conducts a redistricting of such state's congressional districts at any point following that state's adoption of a decennial reapportionment law for any purpose 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.

Any such decennial reapportionment law, or reapportionment law modifying one or more congressional districts, shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in the decennial any reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

SCHEDULE

Section 6. Application and duration of certain redistricting amendments.

The authorization in Article II, Section 6 authorizing the General Assembly to modify one or more congressional districts at any point following adoption of a decennial reapportionment law in the event that

1/17/26 11:18

54 *any State of the United States of America conducts a redistricting of such state's congressional districts at*  
55 *any point following that state's adoption of a decennial reapportionment law shall be limited to making such*  
56 *modifications between January 1, 2025, and October 31, 2030, in response to actions taken by another state*  
57 *between January 1, 2025, and October 31, 2030.*

# Exhibit 3

# VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

## CHAPTER 6

*An Act to amend and reenact Items 5 and 6 and Enactments 14, 15, and 16 of Chapter 725 of the Acts of Assembly of 2025, which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and June 30, 2026, and to amend Chapter 725 of the Acts of Assembly of 2025, which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and June 30, 2026, by adding an item numbered 78.10 and by adding enactments numbered 17, 18, 19, and 20 which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and June 30, 2026; and to provide for the submission to the voters of proposed amendments to the Constitution of Virginia by amending Section 6 of Article II and by adding in the Schedule a section numbered 6; and to repeal § 30-13 of the Code of Virginia, relating to the general appropriation act; Department of Elections.*

[H 1384]

Approved February 6, 2026

**Be it enacted by the General Assembly of Virginia:**

**1. That Items 5 and 6 and Enactments 14, 15, and 16 of Chapter 725 of the Acts of Assembly of 2025 are amended and reenacted and that Chapter 725 of the Acts of Assembly of 2025 is amended and reenacted by adding an item numbered 78.10 and by adding enactments numbered 17, 18, 19, and 20, as follows:**

*Item 5. Division of Legislative Automated Services*

	5		First Year - FY2025	Second Year - FY2026
		<b>Information Technology Development and Operations (82000)</b>	\$6,950,723	\$7,100,723
		Computer Operations Services (82001)	\$6,950,723	\$7,100,723
				\$7,200,723
		<i>Fund Sources:</i>		
		General	\$6,663,128	\$6,813,128
				\$6,913,128
		Special	\$287,595	\$287,595

*Authority: Title 30, Chapter 3.2, Code of Virginia.*

*A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Automated Systems, \$210,452 from June 10, 2024 to June 9, 2025 and \$216,766 from June 10, 2025 to June 30, 2026.*

*B. Included in this appropriation is funding sufficient for the ongoing replacement of a legacy legislative bill tracking system. The expenditure of these funds is contingent on the Director of the Division of Legislative Automated Systems developing a detailed implementation plan and submitting the plan to the Committee on Joint Rules for its approval. Any procurement of a replacement legislative bill tracking system shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et. seq.) of the Code of Virginia and the contract review provisions of § 2.2-2012. The plan may propose to procure a replacement legislative bill tracking system using (i) a request for information or a request for proposal, singly or jointly or in any combination thereof, (ii) such other industry recognized procurement method for procuring a management information system, or (iii) such other procurement method that comports with the best interests of the Commonwealth in the determination of the Director.*

*C. The Director, Division of Legislative Automated Systems, shall provide a detailed accounting of funding provided since fiscal year 2020 for the replacement of the legacy legislative tracking system, and separately for other legislative system replacements and upgrades. Such accounting shall be provided to the Chairs of the Joint Rules Committee, the House Appropriations Committee, and the Senate Finance and Appropriations Committee by October 1, 2024.*

*D. Out of the amounts included in this item, \$201,140 the first year and \$201,140 the second year from the general fund is provided to complete the replacement of a legacy legislative bill tracking system.*

*E. Out of the amounts included in this item, \$50,000 the first year and \$50,000 the second year from the general fund is provided for software, security, and infrastructure upgrades for the Division of Legislative Automated Systems.*

*F. Out of this appropriation, \$100,000 the second year from the general fund shall be provided for costs associated with the April 21, 2026, special election.*

*Item 6. Division of Legislative Services*

	6		First Year - FY2025	Second Year - FY2026
		<b>Legislative Research and Analysis (78400)</b>	\$9,640,479	\$9,640,479
			\$9,915,804	\$9,860,479

	Bill drafting and Preparation (78401)	\$9,640,479	\$9,640,479
		\$9,915,804	\$9,980,479
	Fund Sources:		
	General	\$9,620,449	\$9,620,449
			\$9,840,449
	Special	\$20,030	\$20,030
		\$295,355	

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$202,701 from June 10, 2024 to June 9, 2025 and ~~\$208,782~~ \$219,221 from June 10, 2025 to June 30, 2026.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Behavioral Health Commission, the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, the Commission on Electric Utility Regulation, and the Virginia State Crime Commission.

D. Notwithstanding any other provision of law, the Senate Joint Resolution 10 (2022 Session) Joint Subcommittee to Examine the Commonwealth's Pandemic Response shall continue conducting its study and meet as needed to provide a final report by December 1, 2024. Any remaining appropriation at year end shall be carried forward to the subsequent fiscal year to support the Joint Subcommittee.

E. The Division shall procure additional expertise as necessary in its role as staff support to the Virginia Gaming Commission established by House Joint Resolution 548, 2023 Acts of Assembly. In addition to the activities directed in HJR 548, the Joint Subcommittee shall evaluate all potential options to consolidate gaming regulation and oversight in the Commonwealth and provide a detailed transition plan in support of recommendations.

F. Out of this appropriation, \$275,325 the first year from dedicated special revenue is provided to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.

G. Out of this appropriation, \$120,000 from the general fund the second year shall be provided for one position to support the Commission on Women's Health.

H. Out of this appropriation, \$100,000 the second year from the general fund shall be provided for costs associated with the April 21, 2026, special election.

Item 78.10. Department of Elections

	78.10		First Year - FY2025	Second Year - FY2026
		Financial Assistance to Localities - General (72800)	\$0	\$5,000,000
		Funding for Special Elections and Assistance to Localities (72823)	\$0	\$5,000,000
		Fund Sources:		
		General	\$0	\$5,000,000

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. Out of this appropriation, \$5,000,000 the second year from the general fund shall be provided to the Department of Elections for the costs associated with the April 21, 2026, special election. Unless otherwise prohibited by law, the funding may be used for voter education, administrative costs of the Department, grant funding to localities to defray the costs of absentee voting in-person, and other costs associated with the April 21, 2026, special election.

B. Localities shall establish voter satellite offices for the April 21, 2026, special election, that allow for appropriate access to in-person absentee voting.

14. § 1. It shall be the duty of the officers responsible for conducting the election directed by law to be held on the Tuesday after the first Monday in November each year, to conduct an election, at the places appointed for holding the same, on Tuesday, April 21, 2026, for the purpose of taking the sense of the qualified voters upon the ratification or rejection of the proposed amendments to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendments, to wit:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in the Schedule a section numbered 6 as follows:

ARTICLE II  
FRANCHISE AND OFFICERS

Section 6. Apportionment.

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established pursuant to *this section and* Section 6-A of this Constitution. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in

proportion to the population of the district. Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

The Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2021 and every ten years thereafter, *except that the General Assembly shall be authorized to modify one or more congressional districts at any point following the adoption of a decennial reapportionment law, but prior to the next decennial census, in the event that any State of the United States of America conducts a redistricting of such state's congressional districts at any point following that state's adoption of a decennial reapportionment law for any purpose 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.*

Any such decennial reapportionment law, *or reapportionment law modifying one or more congressional districts*, shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in ~~the decennial~~ *any* reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is ~~required to be enacted~~. A member in office at the time that a ~~decennial~~ redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

#### SCHEDULE

*Section 6. Application and duration of certain redistricting amendments.*

*The authorization in Article II, Section 6 authorizing the General Assembly to modify one or more congressional districts at any point following adoption of a decennial reapportionment law in the event that any State of the United States of America conducts a redistricting of such state's congressional districts at any point following that state's adoption of a decennial reapportionment law shall be limited to making such modifications between January 1, 2025, and October 31, 2030, in response to actions taken by another state between January 1, 2025, and October 31, 2030.*

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections, while ensuring Virginia's standard redistricting process resumes for all future redistricting after the 2030 census?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments and question contained herein for the officers of election to post in each polling place on April 21, 2026. The State Board of Elections shall be deemed to be in compliance with the provisions of § 30-19.9 of the Code if the information required by that section is sent to the electoral boards on or before Monday, March 2, 2026.

The electoral board of each county and city shall, as soon as possible but no later than six days after the day of the election, make out, certify, and forward an abstract of the votes cast for and against such proposed amendments in the manner now prescribed by law in relation to votes cast in general elections.

Notwithstanding the provisions of subsection B of § 24.2-679, the State Board of Elections shall meet as soon as possible after receipt of the certified abstracts but no later than fourteen days after the day of the election to open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendments in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendments.

If a majority of those voting vote in favor of the amendments, they shall become effective upon certification by the State Board of Elections.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

**15. That § 30-13 of the Code of Virginia is repealed.**

**16. That the provisions of the fifteenth enactment of this act shall be retroactive effective beginning July 1, 1971.**

*17. Notwithstanding any other law to the contrary, in any action or suit related to any resolution concerning a constitutional amendment, any election related to a constitutional amendment, any enacted constitutional amendment, or any related statute, including any claim related to the process, efficacy, implementation, or interpretation thereof, venue shall only be proper in the Circuit Court of the City of Richmond. The provisions of this enactment shall be effective September 1, 2025, and shall be broadly construed. Upon passage, any pending suit affected by this legislation shall be immediately transferred to the Circuit Court of the City of Richmond.*

~~414.~~ 18. That the provisions of the first ~~and second enactment~~ enactments of this act shall expire at midnight on June 30, 2026.

~~515.~~ 19. That the provisions of the ~~second~~ third, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, ~~and thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth~~ enactment enactments of this act shall have no expiration date.

~~616.~~ 20. That the provisions of the ~~third~~ fourth enactment of this act are declarative of existing law and shall have no expiration date.

2. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.

# Exhibit 4

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

**CHRISTALYN M. JETT, ET AL.,**

*Plaintiffs,*

v.

**Case No.: CL25-5352**

**G. PAUL NARDO, ET AL.,**

*Defendants.*

**ORDER**

On November 3, 2025, the parties appeared, in person and by counsel, on Plaintiffs' motions for Temporary Restraining Order and Preliminary Injunction relating to a pending constitutional amendment affecting congressional redistricting. Having considered the undisputed facts, the relevant authorities, and the arguments of counsel, the Court rules as follows:

*(a) The Plaintiffs Lack Standing.*

Plaintiffs, three elected Clerks of Circuit Courts in the Commonwealth, claim imminent harm on the basis that they are unable to comply with the notice provisions of Va. Code Ann. § 30-13 (Lexis 2025) due to alleged infirmities in an ongoing act of the General Assembly to amend the Constitution of the Commonwealth. Section 30-13 requires clerks of the various Circuit Courts to publicly post proposed amendments when they have been journaled by the Clerk of the House of Delegates at the end of the respective session of the General Assembly. See *id.* Plaintiffs acknowledge that Defendant Nardo, as Clerk of the House of Delegates, has not journaled any proposed

amendment to the Constitution. As such, Plaintiffs' obligations under § 30-13 have not arisen, and any claimed harm is entirely speculative. See *Friends of Rappahannock v. Caroline Cnty.*, 286 Va. 38, 48 (2013) (complainant must allege facts demonstrating a particularized harm). Plaintiffs lack standing.

*(b) The Matter is not Justiciable.*

Plaintiffs' action also invites the Court to prematurely invade the province of the legislature. For well over a century, the courts of the Commonwealth have recognized a bedrock principle that amending the Constitution is a process left exclusively to the sound judgment of the legislature that proposes amendments and the citizens that ratify or reject them. See *Scott v. James*, 114 Va. 297 (1912). While that process is ongoing, "the courts cannot interfere to stop any of the proceedings." See *id.* at 304. This matter is not currently justiciable.

For the foregoing reasons, the motions currently before the Court must be **DENIED.**

Pursuant to Rule 1:13, the Court dispenses with the parties' endorsement of this Order. The Clerk is directed to forward a certified copy of this Order to the parties.

**IT IS SO ORDERED.**

ENTER: November 5, 2025

  
Tracy Thorne-Begland, Judge

*Duplicate original*

# Exhibit 5

**VIRGINIA:**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF TAZEWELL**

**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,** )  
**Plaintiffs,** )

**Case 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 the Court of the Tazewell** )  
**Circuit Court,** )  
**Defendants.** )

**ORDER**

This matter comes before the Court on plaintiffs' requests for injunctive relief. The Court held a hearing on these requests on October 29, 2025. Having considered the pleadings filed in this matter and the arguments of counsel at the hearing, and for the reasons stated on the record, plaintiffs' emergency motion for a temporary restraining order is DENIED. The hearing on preliminary injunction is set for November 5, 2025.

Endorsements of counsel are hereby dispensed with pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia.

ENTERED this 31<sup>st</sup> day of October, 2025.

  
Judge

# Exhibit 6

**VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

RYAN T. MCDUGLE, Virginia State Senator and  
Legislative Commissioner for the Virginia  
Redistricting Commission, et al.,

Plaintiffs,

v.

G. PAUL NARDO, in his official capacity as  
Clerk of the Virginia House of Delegates, et al.,

Defendants,

and

DON SCOTT, in his official capacity as Speaker  
of the Virginia House of Delegates,

Intervenor-Defendant.

Civil Action No. CL25-1582

**ORDER DENYING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING  
ORDER**

Having considered the Plaintiffs' Emergency Motion for Temporary Restraining Order and the briefing, record, and pertinent authorities, as well as the Clerk Defendants' Plea of Immunity, the Court finds that Plaintiffs are not entitled to a Temporary Restraining Order pending a hearing on Plaintiffs' Motion for Preliminary Injunction. The Court finds that the current case poses an analogous situation to *Chase v. Senate of Va.*, 539 F. Supp. 3d 562 (E.D. Va. 2021), where the Court therein reasoned that,

“Here, the Court, persuaded by the reasoning in Rangel and Harwood, concludes that legislative immunity extends to Schaar. First, as in Rangel, the Virginia Constitution requires both houses of the General Assembly to maintain a journal of proceedings. Second, as in both Rangel and Harwood, there is no allegation that [\*572] Schaar committed any wrongdoing. Rather, her job is to act as the agent of the senators in complying with a facially neutral constitutional provision. *Cf. Harwood*, 69 F.3d at 631. On these facts, Schaar is entitled to partake of the legislative immunity that would have been afforded to the state senators.”

Likewise, this Court cannot find that any of these three Clerks have committed, or will commit, any wrongdoing by carrying out their respective duties as Clerks and agents of their employer legislators.

The Court therefore **DENIES** Plaintiffs' Emergency Motion for Temporary Restraining Order.

Plaintiffs' Motion at its core, requests the Court to invade the province of the Legislature prior to the final actions of the Legislature. For well over a century, the courts of the Commonwealth have recognized a bedrock principle that amending the Constitution is a process left exclusively to the sound judgment of the Legislature that proposes amendments and the citizens that ratify or reject them. See *Scott v. James*, 114 Va. 297 (1912). While that process is ongoing, "the courts cannot interfere to stop any of the proceedings." See *id.* at 304. In the Separation of Power doctrine established by the U.S. Constitution as well as the Constitution of Virginia, the Court's role in these situations is limited to scrutinizing the Constitutionality of any action of the Legislature is at the conclusion of the act, not in the process thereof.

For the foregoing reasons, the Motion for Temporary Restraining Order must be DENIED.

Pursuant to Rule 1:13, the Court dispenses with the parties' endorsement of this Order.

The Clerk is directed to forward a certified copy of this Order to the parties.

IT IS SO ORDERED.

ENTERED this 13th day of January, 2026.

  
Judge

# Exhibit 7

**2026 WL 243908 (Va.Cir.Ct.) (Trial Order)**

Circuit Court of Virginia.

Tazewell County

Ryan T. MCDUGLE, Virginia State Senator and Legislative  
Commissioner for the Virginia Redistricting Commission, et al., Plaintiffs,

v.

G. Paul NARDO, in his official capacity as Clerk of  
the Virginia House of Delegates, et al., Defendants,

and

Don SCOTT, in his official capacity as Speaker of the  
Virginia House of Delegates, Intervenor-Defendant.

No. CL25-1582-00.

January 27, 2026.

**Order**

[Jack S. Hurley, Jr.](#), Judge.

\*1 Upon an Amended Complaint, all responses thereto; upon all briefs, Memoranda Exhibits, Amicus Briefs, and arguments at the hearing of January 21, 2026, the Court makes the following findings and rulings.

While the Court allowed counsel up to ten (10) days to submit additional authority on the limited issue of ripeness regarding the applicability of [Va. Code §30-13](#), the actions of the Interpleader Defendant makes clear that it is ripe; however, since the Court retains jurisdiction for twenty-one (21) days, it can re-address this issue if additional authority filed by January 31, 2026 so necessitates.

The first issue raised by the Plaintiffs is that the 2024 Special Session could not legally remain active as of October 31, 2025, the date of passage of the proposed Constitutional Amendment. Plaintiffs argue that the Special Session ended upon the convening of the Regular 2025 Session. Secondly, they argue in the alternative that the Special Session ended upon the passage of the Budget, which was the purpose for which the Governor called the Special Session.

However, Plaintiffs were unable to show Constitutional or Statutory prohibition of continuing the Special Session and conceded that when the Plaintiffs were in the majority in 2018 and 2022, they continued Special Sessions in the same manner. Therefore, the Court FINDS that the continued reconvening of the Special Session was valid up to and including the October 31, 2025 meeting of said Special Session.

The second challenge to the actions of the 2024 Special Session's passage of the proposed Constitutional Amendment is the failure of the General Assembly to follow its own Resolutions in adding the proposed Constitutional Amendment to the scope of business that may come before the 2024 Special Session.

While it is not contested that the Governor called for a Special Session to address the issue of the Budget Bill, it is likewise conceded that on a February 3, 2024 vote of both houses of the General Assembly, an application for a Special Session was also invoked pursuant to Article III, Section 6 of the Virginia Constitution.

House Joint Resolution 428 passed in the House of Delegates by a vote of 98-0, and in the Senate by a vote of 40-0. Said Resolution stated that the Special Session would “consider such matters are provided for in **the procedural resolution** [emphasis added] adopted to govern the conduct of business coming before such Special Session;”

The Procedural Resolution” was House Joint Resolution 6001, which also passed by a super majority in both houses: 99-0 in the House and 39-1 in the Senate. The specified purpose of the Resolution, which is found in italics under the Bills Number is:  
*“Limiting legislation to be considered by the 2024 Special Session I of the General Assembly and establishing a schedule of the conduct of business coming before such Special Session.”*

The first paragraph directly states that”... **except with unanimous consent** [emphasis added] of the house in which legislation is offered, **no** [emphasis added] bill, joint bills, joint resolutions, or resolutions affecting the rules of procedure or schedule of business of the General Assembly, either of its houses during the Special Session other than (i) Budget Bill(s) and revenue bills; (ii) single-house commending and memorial resolutions; (iii) General Assembly, either of its houses, or any of its committees; (iv) the election of judges and other officials subject to the election of the General Assembly; or (v) appointments subject to the confirmation of the General Assembly”.

**\*2** Irrespective of their own rule as set forth in House Joint Resolution 6001, the General Assembly passed a second rule without unanimous consent OR a super majority to add a sixth item of business - “(vi) bill or joint resolution addressing the impacts upon the Commonwealth, its budget, and its services due to layoffs, firings, or reductions in force by the federal government, changes to federal government programs, actions of the Department of Government Efficiency, and other actions affecting the Commonwealth relating to the federal budget may be offered and considered during the 2024 Special Session I of the General Assembly”.

While this suit does not address any such bills, etc. considered in the Special Session pertaining to item (vi), any such action, if taken, might well be in violation of the scope of business allowed in the 2024 Special Session.

The Special Session once again met and attempted to expand the scope of its business through a third procedural resolution, House Joint Resolution 6006, which added a seventh item, “(vii) joint resolution proposing an amendment to the Constitution of Virginia related to reapportionment or redistricting may be offered and considered during the 2024 Special Session I of the General Assembly,” which IS the basis of this pending action.

The vote on this procedural resolution was passed strictly along party lines, in the House 50-42 and, 21-17 in the Senate. This vote was not by unanimous vote as required under House Joint Resolution 6001, and it did not pass by a two-thirds super majority that would have been required to demand a new Special Session to consider this business.

Certainly, both houses of the Commonwealth's legislature are required to follow their own rules and resolutions. Likewise, the legislators required to reach the two-thirds super majority in order to demand a Special Session under Article IV, Section 6, have the right to depend on the accompanying rule which limit the subject matter of the items they agree can be considered in the Special Session. Without this limitation, the majority can seek a Special Session agreeing to consider limited items in order to gain the votes necessary to invoke a Special Session, and thereafter by simple majority vote take up ANY ITEM without acquiescence of the two-thirds concurrence necessary to request the same. This blatant abuse of power by a majority IGNORES their own rules and resolutions thereby trampling ANY and ALL procedural rights of the minority.

Surely, the minority members of the Virginia House of Delegates and the Senate of Virginia are afforded the same civil rights of any citizen of the Commonwealth who enters into an agreement upon valid consideration, as here where they voted for a Special Session which contained a procedural rule limiting the business to come before it to five (5) specific items, unless the same was presented by unanimous vote of the house offering the proposed legislation.

Therefore, the Court FINDS that adding the House Joint Resolution 6007 (joint resolution proposing an amendment to the Constitution of Virginia related to the reapportionment or redistricting) violated House Joint Resolution 428 and House Joint Resolution 6001, and any action taken thereon is an invalid expansion of the General Assembly's own call to the Governor for the 2024 Special Session, and the Court ORDERS that any such action is void, ab initio.

The third challenge to the proposed Constitutional Amendment, is that it is being submitted to the voters of the Commonwealth of Virginia, pursuant to [Article XII, Section I of the Virginia Constitution](#), which states:

“Any amendment or amendments to this Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, the name of each member and how he voted to be recorded, and referred to the General Assembly and its first regular session held after the next general election of members of the House of Delegates.”

**\*3** The Plaintiffs contend that the vote on House Joint Resolution 6007 which occurred on October 31, 2025, some forty-three days after voting began in the 2025 General Election for the House of Delegates, wherein more than one million votes (approximately 40% of the 2025 Vote Totals) had already been cast. Plaintiffs contend that the definition of “election” is the process of selecting a person to occupy an office.” *Election, Black's Law Dictionary*.

The Attorney General opined that on January 17, 2026 that the Constitution defines the date of the General Election for the House of Delegates on “the Tuesday succeeding the first Monday in November.”

While all concede that the enumerated date in [Article IV, Section 3 of the Constitution](#) is “Election Day,” Defendants concede that voting began pursuant to Virginia law on September 19, 2025. Approximately one million Virginians had voted by the time the General Assembly passed House Joint Resolution 6007 regarding the proposed redistricting Constitutional Amendment. For this Court to find that the election was only on November 4, 2025, those one million Virginia voters would be completely disenfranchised. The Constitution REQUIRES an intervening election FOLLOWING the first passage of a proposed Constitutional Amendment. It is legal, acceptable and even encouraged for voters to take advantage of the earlier voting statute. There is no rational conclusion except that the ELECTION began on the first day of voting (September 19, 2025) and ended on November 4, 2025. Therefore, the Court FINDS that following the October 31, 2025 vote and passage of House Joint Resolution 6007 there HAS NOT BEEN an ensuing general election of the House of Delegates, and such ensuing general election CANNOT occur until 2027. Thus, the action of the General Assembly during its Regular Session 2026 CANNOT meet the second passage required of [Article XII, Section 1 of the Virginia Constitution](#), which second passage must occur before the same can be submitted to the voters of Virginia for adoption.

The fourth and final challenge by the Plaintiffs is that [VA Code Section 30-13](#) was not satisfied since the Defendants concede that the proposed Constitutional Amendment was neither published by the Clerk of the House of Delegates, nor was it posted at the front door of every Courthouse, “not later than three months prior to the next ensuing general election of members of the House of Delegates.”

Defendants woefully argued that the posting could occur three (3) months prior to the 2027 election and still comply with the statute even if the proposed Constitutional Amendment was voted on in the Spring of 2026. The sole purpose for the posting the proposed amendment at the front door of the Courthouse and having a copy in the Clerk's Office available for inspection is to provide the voters with notice and information PRIOR to the election of the House of Delegates members who would be elected to vote on the proposed Constitutional Amendment for the second vote as required under the Constitution. Since [Article](#)

XII, [Section I of the Virginia Constitution](#) states that after the proposed amendment has been passed the second time, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the voters qualified to vote in elections by the people, in such manner as it shall prescribe [emphasis added] and not sooner than ninety days after final passage by the General Assembly.

\*4 [VA Code Section 30-13](#) does exactly THAT. It prescribes how the vote can take place, and what steps must be taken prior to such vote. This statute has been amended four times SINCE the adoption of the 1971 overhaul of the Virginia Constitution. Therefore, the Court FINDS that the provisions of [Section 30-13 of the Code of Virginia](#) have not been complied with, and therefore all votes on the proposed Constitutional Amendment taken during the 2026 Regular Session of the General Assembly are ineffective as being a “SECOND” VOTE OF THE General Assembly under [Article XII, Section I of the Constitution](#).

The Court having made the FINDINGS set forth above hereby RULES that the 2024 Special Session was a valid session up to and including all meetings until January 13, 2026. The Court further having FOUND that the General Assembly failed to follow its own Rules and Resolutions, DECLARES that any and all matters, motions, actions and votes regarding House Joint Resolution 6007 was in violation of the same as are ORDERED to be VOID AB INITIO.

Likewise, even if said passage HAD been valid, that no “NEXT ENSUING GENERAL ELECTION OF THE MEMBERS OF THE HOUSE OF DELEGATES” has occurred whereby the Court ORDERS that any 2026 Regular Session vote on a proposed Constitutional Amendment SHALL BE and IS construed as a FIRST vote under [Article XII, Section I of the Virginia Constitution](#).

Lastly, even if the General Assembly is NOT required to follow its own Rules and Resolutions, and even if “election” is narrowly defined as “Election Day”, the Court FINDS the General Assembly FAILED to comply with [Section 30-13 of the Code of Virginia](#), which therefore PROHIBITS the proposed amendment from being submitted to the voters for their consideration. The Court hereby GRANTS a TEMPORARY and PERMANENT INJUNCTION, requiring the Clerk of the Circuit Court of Tazewell County to post the proposed Constitutional Amendment at least ninety (90) days BEFORE the next ensuing election of the members of the House of Delegates election.

The General Assembly has attempted or is attempting to repeal [Section 30-13](#), which is fully within their power to do. However, under [Article IV, Section 13 of the Constitution of Virginia](#), “All laws enacted at a regular session... shall take effect on the first day of July following the adjournment of the session of the General Assembly at which it has been enacted;... unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house....” Therefore, any attempt to repeal [Section 30-13](#) which does not comply with this Constitutional mandate, is NULL and VOID. In the same way, the attempt within the House Joint Resolution to have this pending case transferred to the Circuit Court of the City of Richmond is in direct violation of [Article IV, Section 14\(2\) of the Constitution of Virginia](#) which states that: “The General Assembly shall not enact any local special, or private law in the following cases: (2) Providing for a change of venue in civil or criminal cases.

A copy of House Joint Resolutions and Virginia Codes and Constitutional provisions referred to herein are attached hereto.

The Clerk is directed to send attested copies to all attorneys of record.

Enter this 27<sup>th</sup> day of January, 2026.

<<signature>>

Jack S. Hurley, Jr., Judge

Tazewell County Circuit Court

End of Document

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# Exhibit 8

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 13th day of February, 2026.*

DON SCOTT, IN HIS OFFICIAL CAPACITY AS  
SPEAKER OF THE VIRGINIA HOUSE OF  
DELEGATES, ET AL.,

APPELLANTS,

against      Record No. 260127  
                  Court of Appeals No. 0190-26-3

RYAN T. McDOUGLE, VIRGINIA STATE SENATOR AND  
LEGISLATIVE COMMISSIONER FOR THE VIRGINIA  
REDISTRICTING COMMISSION, ET AL.,

APPELLEES.

AND

G. PAUL NARDO, IN HIS OFFICIAL CAPACITY AS  
CLERK OF THE VIRGINIA HOUSE OF DELEGATES, ET AL.,

APPELLANTS,

against      Court of Appeals No. 0189-26-3

RYAN T. McDOUGLE, VIRGINIA STATE SENATOR AND  
LEGISLATIVE COMMISSIONER FOR THE VIRGINIA  
REDISTRICTING COMMISSION, ET AL.,

APPELLEES.

FROM THE COURT OF APPEALS OF VIRGINIA

Before the Court is the Motion of the Court of Appeals of Virginia that this Court certify the above-captioned cases for review in this Court pursuant to Code § 17.1-409, including certain ancillary matters and motions. Having reviewed the motion of the Court of Appeals and considered the appellate filings made by the parties to date, the Court orders as follows:

1. It appearing to the Court that these matters have not been determined by the Court of Appeals of Virginia and that the case is of such imperative public importance as to justify the deviation from normal appellate practice and to require a prompt decision in this Court, the

motion of the Court of Appeals of Virginia that we certify these cases for review pursuant to Code § 17.1-409 is hereby granted. Accordingly, appellate jurisdiction over these cases is transferred to this “Court for all purposes[.]” Code § 17.1-409, and all further appellate proceedings in these matters shall be had in this Court unless and until further order of this Court provides otherwise.<sup>1</sup>

2. This order constitutes certification pursuant to Rule 5:23 that an appeal has been awarded. Because no assignments of error or petitions for appeal have been filed, the parties may assign any purported errors in the judgment below in their initial briefing in this Court.

3. The Clerk of the Circuit Court of the County of Tazewell is hereby ordered to provide the certified record of the proceedings held in this matter in that court to the Clerk of this Court on or before February 20, 2026. With the exception of the deadline, the circuit court clerk shall provide the record in accordance with the specifications of Rules 5:13 and Rule 5:13A.

4. The motion of the Attorney General of Virginia to intervene in this matter is hereby granted.

5. The parties designated by the Court of Appeals as appellants in this matter and the Attorney General of Virginia are directed to file their respective Opening Briefs, if any, on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:27.

6. Any person wishing to intervene on the side of the parties designated by the Court of Appeals as appellants in this matter shall move to intervene on or before March 16, 2026. Any

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<sup>1</sup> Although there was only one proceeding in the circuit court, the Court of Appeals of Virginia assigned separate case numbers to the filings of the various parties. Going forward, all filings shall be made in *Scott, et al., v. McDougle, et al.*, Record No. 260127.

brief on behalf of any such intervenor shall be filed on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:27.

7. Any person wishing to file a brief amicus curiae in support of the parties designated by the Court of Appeals as appellants in this matter shall move for leave to file such a brief on or before March 16, 2026. Any such brief amicus curiae shall be filed on or before March 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:30.

8. The parties designated by the Court of Appeals as appellees in this matter are directed to file their respective Briefs of the Appellees, if any, on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:28.

9. Any person wishing to intervene on the side of the parties designated by the Court of Appeals as appellees in this matter shall move to intervene on or before April 6, 2026. Any brief on behalf of any such intervenor shall be filed on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:28.

10. Any person wishing to file a brief amicus curiae in support of the parties designated by the Court of Appeals as appellees in this matter shall move for leave to file such a brief on or before April 6, 2026. Any such brief amicus curiae shall be filed on or before April 13, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:30.

11. The parties designated by the Court of Appeals as appellants in this matter and the Attorney General of Virginia are directed to file Reply Briefs, if any, on or before April 23, 2026. With the exception of the filing deadline, said briefs shall comply in all other respects with the requirements of Rule 5:26 and Rule 5:29.

12. Pursuant to Rule 5:32(c), the Court hereby dispenses with the requirements regarding an appendix and the matter will proceed on the original record. Briefs shall cite to the certified record produced by the circuit court.

13. Oral argument, if any, will be scheduled at a date and time selected by the Court.

14. The motions for stay previously filed in the Court of Appeals of Virginia are hereby denied. Given the limited scope of the injunctive relief issued in the circuit court's order, *see* Order at 6 (Jan. 27, 2026) ("The Court hereby GRANTS a TEMPORARY and PERMANENT INJUNCTION, requiring the Clerk of the Circuit Court of Tazewell County to post the proposed Constitutional Amendment at least ninety (90) days BEFORE the next ensuing election of the members of the House of Delegates election"), the denial of the motions to stay has no effect on the referendum scheduled for April 21, 2026, and nothing in this order shall prevent the parties from raising the underlying arguments and issues as this matter goes forward.

A Copy,

Teste:



Clerk

# Exhibit 9

**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**

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

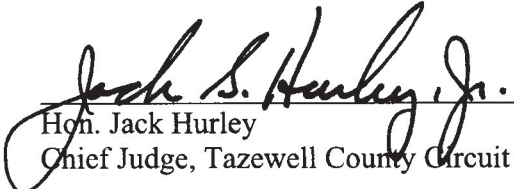
and local Electoral Board members shall neither be impacted nor prohibited by this Order.

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.



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  
204 Abingdon Place  
Abingdon, VA 24211  
Telephone: (276) 628-1786  
Facsimile: (276)-628-4375  
Email: pburgess@oag.state.va.us  
\*Counsel of Record for Defendant

# Exhibit 10

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF TAZEWELL

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,

Case No. CL25-1582

Plaintiffs,

Hon. Jack Hurley

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 the Court of the Tazewell  
Circuit Court,

Defendants.

ORDER

For the reasons set forth on the record during the hearing held between the parties and the Court on Friday, December 12, 2025, at 1:00 P.M., and, having considered the Motion of Don Scott, in his official capacity as Speaker of the House of Delegates, Louise Lucas, in her official capacity as President Pro Tempore of the Virginia Senate, and Scott Surovell, in his official capacity as Majority Leader of the Virginia Senate, to Intervene as Defendants (the "Motion to Intervene"), Defendants Nardo's, Schaar's and Perkinson's Objection to Venue and Motion to

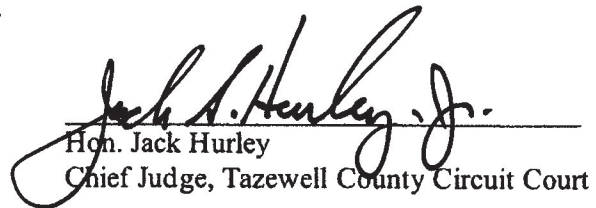
Transfer to the Circuit Court for the City of Richmond (the “Defendants’ Objection to and Motion to Transfer Venue”), Proposed Intervenor-Defendants’ Motion to Transfer Venue (the “Motion to Transfer Venue”), Plaintiffs’ Motion for Leave to Amend (the “Motion for Leave”), Plaintiffs’ Opposition to Motion to Intervene by Don Scott, Louise Lucas, and Scott Surovell, Plaintiffs’ Opposition to Defendant Legislative Clerks’ Objection to Venue and Motion to Transfer Venue, Proposed Intervenor-Defendants’ Proposed Brief in Opposition to Plaintiffs’ Motion for Leave to Amend Complaint, Proposed Intervenor-Defendants’ Reply Brief in Support of Their Proposed Motion to Transfer Venue, Proposed Intervenor-Defendants’ Brief in Reply to Plaintiffs’ Opposition to Proposed Intervenor’s Motion to Intervene, Defendants G. Paul Nardo, Susan Clarke Schaar, and Tara Perkinson’s Memorandum in Opposition to Plaintiffs’ Motion For Leave to Amend, and the arguments made by respective counsel for Plaintiffs, Defendants G. Paul Nardo, Susan Clarke Schaar, and Tara Perkinson, and Proposed Intervenor at the December 12, 2025, hearing, it is hereby ORDERED that:

- (1) The Motion to Intervene is hereby **GRANTED IN PART**. The Court has granted the Motion to Intervene by Proposed Intervenor, Don Scott, in his official capacity as Speaker of the House of Delegates. Speaker Scott is hereby made a Defendant-Intervenor in the above captioned matter and shall be so entered upon the docket. The Court’s decision on the Motion to Intervene as to Proposed Intervenor Louise Lucas, in her official capacity as President Pro Tempore of the Virginia Senate, and Scott Surovell, in his official capacity as Majority Leader of the Virginia Senate, is hereby **HELD IN ABEYANCE** pending resolution of further issues in this civil action; *and*
- (2) The Defendants’ Objection to and Motion to Transfer Venue is hereby **OVERRULED and DENIED**; *and*
- (3) The Motion to Transfer Venue is hereby **DENIED**; *and*
- (4) The Motion for Leave to Amend is hereby **GRANTED**. By close of Court on Monday, December 15, 2025, Plaintiffs are hereby **ORDERED** to inform the Court of their intention for the Court to docket the proposed Amended Complaint, currently appended to the

Motion for Leave to Amend as an Exhibit, or whether they will file a different Amended Complaint promptly with the Court.

The Clerk shall deliver attested copies of this ORDER by email and mail to counsel for the Plaintiffs, counsel for the Defendants, and counsel for Intervenor Scott and Proposed Intervenor Lucas and Surovell. This matter shall remain pending on the docket for such further proceedings as the parties may deem appropriate.

ENTERED this 30<sup>th</sup> day of December, 2025.

  
\_\_\_\_\_  
Hon. Jack Hurley  
Chief Judge, Tazewell County Circuit Court

**SEEN** and **OBJECTED** to as to the Court's granting in part of the Proposed Intervenor's motion to intervene and the permitting of Speaker Scott into the case as an Intervenor-Defendant:

/s/ Michael A. Thomas

Michael A. Thomas (VSB No. 93807)  
**Gillespie, Hart, Pyott & Thomas, P.C.**  
179 Main Street  
Tazewell, Virginia 24651  
Phone: 276-988-5525  
Fax: 276-988-6427  
mthomas@ghartlaw.com

*Counsel for Plaintiffs*

**SEEN** and **OBJECTED** to as to the Court's denial of Defendants' objection to venue and motion to transfer venue for the reasons stated in the briefs and at oral argument, and additionally because Plaintiffs have failed to state facts upon which relief against Defendant Charity D. Hurst can be granted, and because there having been no action directing or authorizing her to act, and therefore preferred venue does not lie in Tazewell County; **OBJECTED** to as to the Court's granting of Plaintiffs' motion for leave to amend for the reasons stated in the briefs and at oral argument, and additionally because Plaintiffs have failed to state facts upon which the relief demanded against Defendants can be granted because the proposed amendment is legally futile:



John E. Lichtenstein (VSB No. 27048)  
Gregory L. Lyons (VSB No. 24037)  
Jacob B. Lichenstein (VSB No. 100000)  
**Lichtenstein Law Group PLC**  
347 Highland Avenue, SW (24016)  
P.O. Box 601  
Roanoke, Virginia 24004-0601  
Phone: 540-343-9711  
Fax: 540-343-9713  
John.Lichtenstein@lichtensteinlawgroup.com  
Greg.Lyons@lichensteinlawgroup.com  
Jake.Lichenstein@lichensteinlawgroup.com

*Counsel for Defendants*

**SEEN** and **OBJECTED** to as to the Court's holding in abeyance its decision as to Proposed Intervenor's motion to intervene as to President Pro Tempore Lucas and Majority Leader Scott because sufficient facts and argument thus far developed supports that each has sufficient rights at stake in the litigation to warrant intervention; **OBJECTED** to as to the Court's denial of Proposed Intervenor's motion to transfer venue for the reasons stated in the briefs and at oral argument, and additionally because Plaintiffs have failed to state facts upon which relief against Defendant Charity D. Hurst can be granted, and because there having been no action directing or authorizing her to act, and therefore preferred venue does not lie in Tazewell County; **OBJECTED** to as to the Court's granting of Plaintiffs' motion for leave to amend for the reasons stated in the briefs and at oral argument, and additionally because Plaintiffs have failed to state facts upon which the relief demanded against Defendants and Intervenor Scott can be granted because the proposed amendment is legally futile:



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Aria C. Branch (VSB No. 83682)  
Derek A. Zeigler\*  
**Elias Law Group LLP**  
250 Massachusetts Avenue, NW, Suite 400  
Washington, DC 20001  
Phone: 202-968-4490  
abranche@elias.law  
dzeigler@elias.law

\*Admitted *Pro Hac Vice*

*Counsel for Intervenor Scott and  
Proposed Intervenor Lucas and Surovell*