

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

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CITY OF LYNCHBURG, VIRGINIA,

Plaintiff,

v.

STEVEN KOSKI, in his official capacity as  
Commissioner of Elections of the  
Commonwealth of Virginia, *et al.*,

Defendants.

Civil Action No. CL26000183-00

Hon. F. Patrick Yeatts

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**SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFF'S REQUESTED RELIEF  
BY INTERVENOR VIRGINIANS FOR FAIR ELECTIONS**

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Plaintiff City of Lynchburg frames its Complaint as requesting clarification about its legal obligations following a judicial order from Tazewell County. As this Court explained when it dismissed Count I of the City’s Complaint, the Tazewell action does not disturb any of the City’s obligations because the City is not a party to that suit. *See* Tr. of Feb. 26 Hr’g at 174–75 (“Hr’g Tr.”). The only law currently relevant to the City’s election-administration obligations is found in statutes commanding the City to proceed with all preparations for the April 21, 2026, referendum. *See, e.g.*, Code § 24.2-600; H.B. 1384.

At this week’s hearing, however, the City betrayed its true purpose in this action: It seeks to enjoin the April 21 election altogether. Hr’g Tr. 122:15–17, 131:8–10, 140:2–4, 178:4–7. But such injunctive relief, and any accompanying declaratory relief, is strictly foreclosed by binding precedent of the Supreme Court of Virginia. Simply put, this Court lacks subject-matter jurisdiction to grant *any* relief interfering with the process of enacting the proposed constitutional amendment or enjoining the holding of the April 21 election on that amendment. To cast aside that jurisdictional bar would violate the separation of powers and irreparably violate the people’s fundamental right to vote on an amendment to their foundational charter. The Court should deny relief and dismiss the remaining Counts.

## **BACKGROUND**

Earlier this year, the General Assembly passed—and the Governor signed into law—H.B. 1384, a general appropriations law that set April 21, 2026, as the date for the special election on a proposed constitutional amendment related to redistricting. *See* H.B. 1384, 2026 Gen. Assemb., Reg. Sess. (Va. 2026) (enacted Feb. 6, 2026), attached as **Ex. 1**. In actions by various parties challenging the ratification process for the proposed amendment, two different courts refused to issue injunctive relief similar to the relief that the City seeks here, holding that the requested

interference in the constitutional amendment process before final ratification would violate the separation of powers. *See, e.g.*, Order at 1, *McDougle v. Nardo*, No. CL25-1582 (Va. Cir. Ct. Oct. 31, 2025) (denying plaintiffs’ request for a TRO), attached as **Ex. 2**; Order at 2, *Jett v. Nardo*, No. CL25-5352 (Va. Cir. Ct. Nov. 5, 2025) (denying plaintiffs’ request for a TRO and preliminary injunction), attached as **Ex. 3**; Order at 2, *McDougle v. Nardo*, No. CL25-1852 (Va. Cir. Ct. Jan. 13, 2026) (denying plaintiffs’ second request for a TRO), attached as **Ex. 4**.

On January 27, however, the Circuit Court of Tazewell County abruptly changed course and issued 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.” *McDougle v. Nardo*, No. CL25-1582, 2026 WL 243908, at \*2–4 (Va. Cir. Ct. Jan. 27, 2026). An appeal of that decision is currently pending before the Supreme Court of Virginia. *See Order, Scott v. McDougle*, No. 260127 (Va. Sup. Ct. Feb. 13, 2026), attached as **Ex. 5**. In denying a stay of the circuit court’s order, the Supreme Court emphasized the “limited scope of the [Tazewell Court’s] injunctive relief,” and made clear that the April 21, 2026, referendum required by H.B. 1384 could continue *unimpeded* while the parties briefed the appeal. *Id.* at 4.

On February 18, five days after the Supreme Court’s Order made clear that the referendum election would proceed, another case challenging H.B. 1384 was filed in Tazewell Circuit Court. In that case, *Republican National Committee v. Koski*, the circuit court granted the plaintiffs’ motion for preliminary injunction the day after the complaint was filed, without any opposition briefing, in a terse six-page opinion that did not meaningfully address the court’s subject-matter jurisdiction or critically examine the merits of the plaintiffs’ claims. *See generally Order, Koski*, No. CL26-266 (Va. Cir. Ct. Feb. 19, 2026), attached as **Ex. 6**. The court preliminarily enjoined

state officials 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.” *Id.* at 5–6. The injunction, which is effective until March 18, 2026, *see id.* at 6, has also been appealed to the Supreme Court of Virginia and emergency stays have been requested.

On February 25, Plaintiff City of Lynchburg commenced this action by suing the same Virginia officials who were defendants in *Koski*. Although the City’s Complaint is framed as seeking judicial clarification about the obligations of its employees, it in fact seeks relief that would prevent its employees from performing their duties to effectuate the upcoming referendum election. Specifically, Count I asks for a declaratory judgment as to whether “the city and its General Registrar are legally required, permitted, or prohibited from proceeding with” election-preparation activities in light of *Koski*. Compl. ¶¶ 30–34. Count II asks for a declaratory judgment as to whether there is a “conflict” between Article XII, § 1 of the Constitution of Virginia and “statutory deadlines for early voting and related election preparations.” *Id.* ¶¶ 35–38. And Count III asks for a declaratory judgment as to whether the City “may lawfully pause or condition expenditure of municipal resources for referendum-specific preparations pending judicial clarification of its duties.” *Id.* ¶¶ 39–40. Although these counts are framed as requests for declaratory judgment, the Complaint also asks the Court to impose “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 [Preliminary Injunction] Order” and “[g]rant such other and further relief as the Court deems just and proper.” *Id.* at 6, ¶ E. In other words, the City invites a broad injunction against itself to prevent its own election officials from doing their jobs.

The Court held a preliminary hearing on February 26, 2026. At the hearing, the Court granted Intervenor’s motion to intervene, Hr’g Tr. 10:1–2, and denied the City’s request for relief on Count I, finding that the City is not bound by the *Koski* injunction because it is not a party to that action. *See id.* at 174–75. It then invited the parties to file additional briefs on the remaining issues raised in the Complaint. *Id.* 185:1–3.

## ARGUMENT

### **I. The Court lacks subject matter jurisdiction over the City’s claims.**

For over a century, the Supreme Court of Virginia has forbidden judicial interference with the process of amending the Constitution. *Scott v. James*, 114 Va. 297 (1912). In *Scott*, like here, a proposed constitutional amendment twice-passed by the General Assembly had been referred to the voters for a referendum pursuant to Article XII, § 1 (then Article XV, § 196 of the 1902 Constitution of Virginia). *Id.* at 298–99. A plaintiff sought to enjoin the Secretary of the Commonwealth from distributing the proposed amendment to county clerks for publication before the election on the grounds that the General Assembly had violated the constitutional process for passing the proposed amendment. *See id.* at 301–02. The Supreme Court denied relief on two related but independent grounds: (1) courts have “no power to arrest or interfere” with the lawmaking process, and (2) courts have “no power to enjoin the holding of an election.” *See id.* at 298. The City’s effort to halt its own preparations for the referendum fails for the same reasons. Each claim seeks permission to halt election administration duties that are mandated by law, which would disrupt the amendment process and prevent the scheduled election from proceeding.

#### **A. Courts may not interfere with the lawmaking process.**

As *Scott* made unambiguously clear, neither “a court of equity, nor any tribunal of the judiciary department of government, is authorized to interfere with” the lawmaking “process.” *Id.* at 304. While different processes apply for the enactment of statutes and the ratification of

constitutional amendments, the respective processes must conclude before litigation may be entertained. As the Court explained, “concurrent action, both of the Legislature and the people by their vote, is required” to amend the Constitution, “and *until the final vote of the people is had thereon* the amendment is still in process of evolution or enactment”—and thus immune from any judicial interference. *Id.* at 303–04 (emphasis added). This doctrine follows directly from the rule against litigating alleged deficiencies in draft legislation. Just as it is “very clear that the judiciary department of the government could not enjoin the transmission of [an] enacted bill to the Governor [for her signature], on the ground that it was unconstitutional,” it “would manifestly be an unwarranted interference by the courts” to enjoin the process of amending the Constitution before the voters had adopted a proposed amendment through a referendum. *Id.* at 304.<sup>1</sup> Thus, the Supreme Court expressly prohibited courts from engaging in *any* “interfere[nce]” with the ongoing constitutional amendment process: Because “the amending of the Constitution is the making of a permanent law for the people of the state,” the judiciary “*cannot interfere to stop any of the proceedings* while this permanent law is in process of being made.” *Id.* (emphasis added).

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<sup>1</sup> Indeed, few principles are more deeply embedded in American constitutional jurisprudence. *See, e.g., Prentis v. Atl. Coast Line Co.*, 211 U.S. 210, 228 (1908) (“Litigation cannot arise until the moment of legislation is past.”) (citing *S. Ry. Co. v. Commonwealth*, 107 Va. 771, 772 (1908)); *Spies v. Byers*, 122 N.E. 841, 843 (Ill. 1919) (“No one would contend that a court could enjoin either branch of the General Assembly from passing a bill, or the Governor from acting upon it, on the ground that the completed legislative act would be invalid . . . Courts have no general power to consider proposed and uncompleted legislation, to determine whether an act will be valid or invalid if enacted into law.”); *State ex rel. Ohio Acad. of Trial Lawyers v. Sheward*, 715 N.E.2d 1062, 1081 (Ohio 1999) (“[T]he judicial function does not begin until after the legislative process is completed.” (internal citation omitted)); *Bowe v. Sec’y of the Commonwealth*, 69 N.E.2d 115, 128 (Mass. 1946) (“[N]o court can interfere with the process of legislation . . . before it is completed, to prevent the possible enactment of an unconstitutional measure.”); *League of Ariz. Cities & Towns v. Brewer*, 146 P.3d 58, 60 (Ariz. 2006) (“Before a bill passes, the courts generally may not interfere with the legislative process.” (internal citation omitted)); *City of Hermitage v. Zoning Hearing Bd. of City of Hermitage*, 613 A.2d 612, 613 (Pa. 1992) (“[C]ourts have no power to interfere in the legislative process.”).

In addition to respecting the separation of powers, the bright-line rule against pre-ratification review also protects the judiciary's own limited resources. As *Scott* explained, "If the amendment is not adopted [by the people], of course, no question will ever come before the court." *Id.*; *accord id.* at 306 (citing *Duggan v. City of Emporia*, 114 P. 235, 239 (Kan. 1911) ("The futility of the proceedings to enjoin the submission of the proposed ordinances is likewise obvious when we reflect that the people may not adopt them, and the court ought not to be called upon to anticipate conditions which may never arise.")). But "[i]f, upon completion of the proceedings, the validity of the amendment is assailed, on the ground that the several provisions of the Constitution have not been complied with, then the courts can pass upon the validity of the amendment." *Id.* at 304 (emphases added). Only then, when the proposed amendment has been "put in force," does the Court have jurisdiction. *Id.* Because any relief that would delay, prohibit, or otherwise disrupt the referral of the proposed amendment to the voters at the April 21, 2026, referendum would, by definition, "interfere" with the amendatory process, it is expressly prohibited. *Id.* at 304–06.

In its Complaint, the City attempts to hide the elephant-sized relief it seeks in mousehole rhetoric, purporting to solicit "narrowly tailored temporary relief" while disclaiming any effort "to halt the referendum statewide." Compl. ¶¶ 42–43. But cosmetic adverbs and adjectives cannot disguise the true nature of the City's request, and neither could the City's counsel when questioned by the Court at the February 26 hearing. Asked directly whether he believed it would be worse to administer an "imperfect election" or have "no election" at all, counsel was unequivocal about his preference that *no election occur at all*. See Hr'g Tr. 122:11–17. In open court, Plaintiff's counsel demanded that the Court exercise its equitable power to interfere in the process of amending the Constitution and deny the citizens of Lynchburg their fundamental right to vote on a time-sensitive amendment to their Constitution. *Id.* The City's justification for such an extraordinary ruling is its

belief that the process undertaken to pass the proposed amendment is constitutionally infirm—the same argument invoked in, *and rejected by, Scott*.

Virginia courts have repeatedly applied *Scott* to bar similar relief in cases like this one. In *Fund for Animals, Inc. v. Virginia State Board of Elections*, No. HN-1856-1, 2000 WL 1618006, at \*1 (Va. Cir. Ct. Oct. 27, 2000), plaintiffs sought to enjoin the Virginia State Board of Elections “from canvassing . . . votes” on a proposed constitutional amendment that had already been twice-passed by the legislature and printed on the ballots, but not yet voted on by the people. The court held that it “would be premature” to grant injunctive relief because the claims were unripe and any relief would violate the separation of powers. *Id.* at \*3 (citing *Scott*, 114 Va. at 304); *see also Marshall v. Warner*, No. CL04-504-3, 2004 WL 963528, at \*3 (Va. Cir. Ct. Apr. 29, 2004) (refusing to grant declaratory or injunctive relief that would have invalidated and interfered with the “Lieutenant Governor’s and Speaker of the House’s constitutional duties in signing legislation passed by their respective houses” because to do so would violate the separation of powers (citing *Scott*, 114 Va. at 304)); *McEachin v. Bolling*, No. CL11-5456, 2011 WL 10909615, at \*3 (Va. Cir. Ct. Dec. 16, 2011) (refusing to grant declaratory or injunctive relief that would have had the court “intervene in the normal operating procedures of the Senate and enjoin one of the highest officials of the Commonwealth from performing his constitutional duties” because to do so would violate the separation of powers (citing *Scott*, 114 Va. at 304)).

Similarly, just months ago, the Richmond City Circuit Court denied a request for relief that would have prohibited clerks of the General Assembly from transferring the proposed constitutional amendment between General Assemblies, finding that the request “invite[d] the Court to prematurely invade the province of the legislature.” Order at 2, *Jett v. Nardo*, No. CL25-5352 (Va. Cir. Ct. Nov. 5, 2025), **Ex. 3**. The Court recognized the matter was “not currently

justiciable” because “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.” *Id.* “While that process is ongoing,” the Court concluded, “the courts cannot interfere to stop any of the proceedings.” *Id.* (quoting *Scott*, 114 Va. at 304); *see also* Order at 1, *McDougle v. Nardo*, No. CL25-1582 (Va. Cir. Ct. Oct. 31, 2025), **Ex. 2** (denying similar injunctive relief that would have halted the constitutional amendment process before voters had the opportunity to vote on the proposed amendment); Order at 2, *McDougle*, No. CL 25-1582 (Va. Cir. Ct. Jan. 13, 2026), **Ex. 4** (same) (citing *Scott*, 114 Va. at 304).<sup>2</sup>

**B. Courts have no power to enjoin the holding of an election.**

Separate from *Scott*'s holding that courts “cannot interfere” with the ongoing constitutional amendment process, the Supreme Court also held that courts “will not, with few exceptions, enjoin the holding of an election”—regardless of whether the election is for public office, a proposed amendment, or otherwise. 114 Va. at 304–05, 307. That rationale, too, bars the City’s request that the Court enjoin the April 21 election. *Scott* recognized only one potential exception to this strict rule, suggesting that some courts had “enjoined the holding of an election in which the property rights of the plaintiff were in danger.” *Id.* at 305–07. But the City has not alleged that any of its property rights are at issue. While the City notes that election administration costs money, it did not argue that this fact qualifies as an exception to *Scott*—for good reason. The City does not have a right to refrain from election preparation. *See* Code § 24.2-600 (“The cost of conducting elections under this title shall be paid by the counties and cities, respectively.”). Indeed, if election administration costs qualified as an exception to *Scott*'s rule, then the rule would never apply

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<sup>2</sup> Although the Tazewell Circuit Court ultimately did issue injunctions in *McDougle* and *Koski*, neither order addressed *Scott* or the jurisdictional arguments that defendants in both proceedings had raised. Appeals of both orders remain pending with the Supreme Court of Virginia.

because every constitutional amendment requires a referendum that imposes some administrative expenses.

The only argument that the City *did* reference against *Scott*'s application (and only by implication) was that a different decision, *Coleman v. Pross*, 219 Va. 143 (1978), establishes this court's jurisdiction. But *Coleman* did not overrule *Scott*—it never even mentioned *Scott*—and this Court “lacks power to rule that [the Supreme] Court [of Virginia] has overruled its earlier precedent by implication.” *Commonwealth v. Watson*, 297 Va. 355, 358 (2019).

In any event, *Coleman*'s facts were unlike *Scott*'s—and unlike those here. *Coleman* was brought directly in the Supreme Court of Virginia under a statutory regime that allows the Attorney General to seek a writ of mandamus to compel the Comptroller to appropriate funds for a referendum on proposed amendments that the Comptroller believes are unconstitutional. *See* Code § 8.01-653. That statute permits judicial review under a process that *respects* the separation of powers, rather than violates it, because the General Assembly specifically granted the Court that power. *See Jenkins v. Mehra*, 281 Va. 37, 42 (2011) (“Th[e Supreme] Court’s ‘jurisdiction is defined by the [C]onstitution of the state and the laws passed in pursuance thereof.’” (quoting *Forbes v. State Council*, 107 Va. 853, 855 (1908))); Va. Const. art. VI, § 1. Obviously, the General Assembly has provided no such specific grant of authority here. *See Scott*, 114 Va. at 304–06; *see also Fund for Animals*, 2000 WL 1618006, at \*3 (holding plaintiffs’ reliance on *Coleman* in challenging the constitutionality of not-yet adopted constitutional amendments was “misplaced” because in *Coleman* “the [Supreme Court] was specifically vested with jurisdiction to grant mandamus relief when it [was] requested by” named officials (citations omitted)).

*Coleman* is further distinguishable because in that action the Attorney General sought to *compel* an election on proposed constitutional amendments, rather than to *prevent* an election. *See*

*Coleman*, 219 Va. at 152. Thus, unlike *Scott* and its progeny, the Court’s jurisdiction was not being invoked to interfere with or enjoin any election. To the contrary, because the Comptroller there refused to release the necessary funds for the election, the lawmaking process could not have completed—and the election could not have been held—but for the Court’s involvement.

The hypothetical raised by the Court at the February 26 hearing—imagining “the Department of Elections has decided that only men can vote on this constitutional amendment,” Hr’g Tr. 154:1–2—is thus more like *Coleman* than *Scott*. First, plaintiffs challenging that rule would not be seeking to enjoin any election; they would be asking the Court to help *facilitate* an already-scheduled election by ordering ballots to be distributed to the full electorate, including women. (Here, the City’s requested relief would prevent the election from occurring.) Second, plaintiffs could not prematurely challenge *the validity of the proposed constitutional amendment* on the basis of the Department of Elections’ voting rule—per *Scott*, that challenge would still have to wait until the amendment process had completed. But once the Department of Elections’ rulemaking process concluded and the restriction on women voting became final, there would be no bar to claims brought directly against that final rule. (Here, the City does not challenge any agency rulemaking and, instead, *does* challenge the validity of the proposed amendment before the process of adopting that amendment has completed.) Finally, the hypothetical rule would obviously violate the federal Equal Protections Clause, which would supersede any state-law obstacles to judgment. (Here, the City has not raised any federal law claims.)<sup>3</sup>

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<sup>3</sup> The City’s supplemental brief ponders a different question, asking “if the *General Assembly* said only men could vote for this referendum, could the Court not stop such a vote?” Pl.’s Br. at 6 (emphasis added). The answer is the same. Parties could challenge that hypothetical law, just like any other law, *after* it is enacted. But they could not use that challenge, as the City attempts here, to collaterally attack the constitutionality of the proposed amendment and try to prevent the referendum on that amendment from occurring. *See Scott*, 114 Va. at 304–06.

Therefore, the applicable precedent is *Scott*, which makes clear this Court lacks jurisdiction and may not grant the declaratory or injunctive relief that Plaintiff seeks.

**II. There is no “conflict” between Virginia’s early voting requirements and Article XII, § 1 of the Constitution of Virginia.**

Count II of the Complaint seeks a declaratory judgment about the interaction and potential conflict “between constitutional and statutory timing requirements.” Compl. ¶¶ 35–38. Although the Complaint does not spell out how such a “conflict” could emerge, Count II appears to reference an argument advanced by the *Koski* plaintiffs, who contended that the election schedule violates Article XII, § 1’s requirement that the General Assembly “submit” any proposed amendment to the voters “in such manner as it shall prescribe and *not sooner than ninety days* after final passage by the General Assembly.” Va. Const. art. XII, § 1 (emphasis added). H.B. 1384, which the General Assembly passed on January 16, 2026, set the referendum election for 95 days later, on April 21, 2026. *See* H.B. 1384, 2026 Gen. Assemb., Reg. Sess. (Va. 2026) (enacted); *see also* Compl. ¶ 1 (acknowledging election date). Ninety-five days is indisputably more than 90 days, and thus there is no conflict.

The City suggests that because early voting for the referendum election may occur before April 21, the proposed amendment will unlawfully be “submitted to the voters” within 90 days of its passage. But that argument defies logic and law. The April 21, 2026, referendum election is the avenue by which the General Assembly will “submit” the proposed amendment “to the voters.” *See* A.E. Dick Howard, *Commentaries on the Constitution of Virginia* 1175 (1974) (hereinafter “*Commentaries*”) (“Amendments may be *submitted to the voters* at either a general or special election.” (emphasis added)). Thus, the date of the proposed amendment’s “submission” *is* the date

of the election set by the General Assembly.<sup>4</sup> And, under Virginia law, an election occurs only on a single, specified date designated by the Constitution or statute—whereas early voting and pre-election activities are understood to occur *prior to* the election. *See* Va. Const. art. IV, § 2 (“The Senate members shall be elected by the voters *on* the Tuesday succeeding the first Monday in November.” (citation modified)); *id.* § 3 (same for House delegates); *compare also* Code § 24.2-101 (defining “General *election*” to mean “an election held in the Commonwealth *on* the Tuesday after the first Monday in November” (emphasis added)), *with id.* § 24.2-701.1(A) (providing “[a]bsentee *voting* in person shall be available on the forty-fifth day *prior to any election*” (emphases added)); *see also id.* § 24.2-306(B) (directing that a notice of any change in polling place shall be mailed to voters “at least 30 days *prior to the next general, special, or primary election*” (emphasis added)); *id.* § 30-19.9 (directing the Virginia Board of Elections to publish an explanation of a proposed amendment “once during the week *preceding the election* at which the proposed amendment is to be *presented* to the people” (emphases added)). The Attorney General of Virginia agrees. *See* 2026 Va. Op. Att’y Gen. 3, 2026 WL 200232, at \*2 (Jan. 17, 2026) (rejecting argument that the November 2025 election occurred before its designated date of November 4 due to early voting).

Longstanding and binding Virginia precedent confirms that a question is “submitted to the voters” on the day designated for the election to decide that question. In *Ennis v. Town of Herndon*, for example, the Supreme Court of Virginia considered whether an election held on October 20,

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<sup>4</sup> Plaintiff’s declarants implicitly concede this fact. *Compare* Declaration, Patricia Jones, ¶ 6 (“Virginia Code § 24.2-306(B) requires mailing notice of [a change in polling place] to all affected registered votes . . . *at least 30 days before the election.*” (emphasis added)), *with id.* ¶ 7 (“To meet the requirements of Virginia Code § 24.2-306(B) . . . the mailed notice must be generated and sent *by March 22, 2026.*” (emphasis added)). *Compare* Declaration, Dan Pense, ¶ 6 (same), *with id.* ¶ 7 (same). March 22 is 30 days before April 21—the date of the election and submission to the people of the proposed amendment.

1936, which “submit[ted] [a question] to the qualified voters” of a town, was “within one year after” an election held on October 3, 1935, which concerned a “similar . . . question submitted to the voters of said town.” *See* 168 Va. 539, 545 (1937). The Court held that it plainly was not—and in doing so, it did not inquire whether some voters may have cast ballots on an earlier date. *Id.* at 545–46; *see also Kirkpatrick v. Bd. of Supervisors of Arlington Cnty.*, 146 Va. 113, 117–18 (1926) (discussing an “an election . . . held on June 15, 1926, submitting the question . . . to the voters” (emphases added)). At the February 26 hearing, counsel erroneously contended that this precedent was inapposite because early voting did not exist when these decisions were rendered.<sup>5</sup> That is wrong—*Ennis* or *Kirkpatrick* could indeed have considered the possibility of early or absentee voting because, as the Attorney General has verified, such options have “been allowed in Virginia for over 150 years.” *See* 2026 Va. Op. Att’y Gen. 3, 2026 WL 200232, at \*2 n.13 (citing Code §§ 24.2-612, 24.2-701.1, 24.2-707, 24.2-707.1 (1916), which, collectively, “permitted a voter to apply to vote absentee 60 days prior to the date of an election”).<sup>6</sup> The Court had no need to make any such inquiry in either case, though, because it recognized that early voting “cannot[] alter” the fixed date of an election, *id.*—nor can it accelerate the date on which a proposal is “submitted” to Virginia’s electorate. *See Moore v. Pullem*, 150 Va. 174, 182, 196–97 (1928) (upholding Virginia’s absentee-voter law excusing voters from “personal[] presen[ce] to tender [their] ballot on the day

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<sup>5</sup> Even though Intervenor cited this caselaw in the record at the February 26 hearing, the City conspicuously does not address it *at all* in its supplemental brief. That fact alone should be construed as an admission that it has no viable counterargument to this unambiguous, binding precedent.

<sup>6</sup> “While it is not binding on this Court, an Opinion of the Attorney General is entitled to due consideration.” *Beck v. Shelton*, 267 Va. 482, 492 (2004) (citation omitted).

of election,” and, instead, allowing them to cast votes before the election, which would then be counted “on the day of election”).<sup>7</sup>

Howard’s *Commentaries* further illuminate the “submission” process. After noting the 90-day requirement, the *Commentaries* observe that “[t]he vast majority of amendments to the Virginia Constitution have been *voted on at* the November general election,” though the General Assembly has always been “free to have constitutional amendments *voted on the same day as other elections* or at a separate time.” *Commentaries* at 1175 & n.17 (emphasis added) (citing 1920 Ops. Va. Att’y Gen. 46–47). In other words, the *Commentaries* suggest that a proposed amendment is “submitted” to the voters on the date designated for the election, even if *voting* on the proposed amendment occurs before the election itself.

This interpretation of the submissions clause also conforms with the 90-day waiting period’s purpose. When amending the Constitution in 1971 to create the 90-day waiting period, the drafters noted that the “real purpose” of the lapse between the “final action of the General Assembly and the submission of the proposed amendment to the people” was to ensure that the people “would be informed” as to the “text of the proposed amendment.” *Proceedings and Debates of the House of Delegates pertaining to Amendment of the Constitution* 496 (Woltz 1971). Voters

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<sup>7</sup> Other state courts interpreting identical language in their states’ constitutions have concluded the same. *E.g.*, *Sherman v. City of Tempe*, 45 P.3d 336, 341 (Ariz. 2002) (holding that the Arizona Constitution’s provision setting legislative elections “*on the first Tuesday after the first Monday in November*” means that “elections occur *on one particular date* and the term ‘election’ refers to that date” (quoting Ariz. Const. art. VII, § 11 (emphases added))); *Cook v. Maher*, 842 P.2d 729, 730 (Nev. 1992) (holding that an “election” occurs on a single date because the Nevada Constitution expressly provides that “[t]he general election shall be held *on the Tuesday next after the first Monday of November*” (quoting Nev. Const. art. XV, § 5 (emphasis added))); *State ex rel. Peacock v. Latham*, 170 So. 475, 480 (Fla. 1936) (holding that an early-absentee voting period does not expand the dates of the “election” because the Florida “Constitution . . . provides that the general election shall be held *on the first Tuesday after the first Monday in November and not at any other time*” (citing Fla. Const. art. XVIII, § 9 (emphases added))).

thus enjoy 90 days between legislative passage and referendum to inform themselves of the proposal, weigh competing arguments, and decide their vote. Not all voters, however, may require the full 90 days to decide their position; some may become satisfied that they are sufficiently informed before then and cast their ballot during the early voting period. All that matters for purposes of constitutional compliance, however, is that any voter who does desire the full 90 days of deliberation may have it. The April 21 election date provides that—and more.

The City’s alternative construction—that an amendment is “submitted to the voters” as soon as early voting in the referendum begins—is plainly wrong. “Approval of an amendment requires that the majority of those voting on that amendment vote in favor of it.” *Commentaries* at 1175. Until all have had an opportunity to vote—that is, until the polls close on election day—there is no way to identify whether a majority has approved the amendment. To hold that an amendment is nonetheless “submitted” as soon as a single voter can cast a ballot during the early-voting period would be absurd.

Lastly, the City’s new briefing also seems to argue that, because this referendum election is a “special” rather than “general” election held in November, that the date and time parameters the Constitution establishes for senatorial and delegate elections—namely, being “on” a specific date—do not apply. *See* Pl.’s Br. at 3; Va. Const. art IV, §§ 2–3. That argument finds no support in the text. Indeed, the constitutional provisions the City alludes to do not contain the word “general” election. *See* Va. Const. art. IV, §§ 2–3. The Constitution envisions that the same rules apply to *any* type of election. *Id.* art. II, § 4 (“The General Assembly shall . . . regulate the time, place, manner, conduct, and administration of primary, general, and special elections.”). Besides, the Constitution’s drafters did not believe that the type of election changes the constitutional calculus. *See Commentaries* at 1175 (“Amendments may be submitted to the voters at either a general or

special election.”). Thus, the temporal parameters the Constitution places on general elections apply with equal force to the April 21 special election—that election occurs on a single date, and the submission of the proposed amendment to the voters occurs *on that date only*, regardless of when voting may occur.

### **III. The City may not unilaterally suspend its preparations for the upcoming election.**

Count III of the Complaint purports to seek clarification of the City’s ability to “lawfully pause or condition expenditure of municipal resources for referendum-specific preparations pending judicial clarification of its duties,” referring to the Supreme Court’s adjudication of the *Koski* appeal. Compl. ¶ 40. As an initial matter, Count III is entirely redundant of Count I, which requests a declaration clarifying (in light of *Koski*) whether it is “legally required, permitted, or prohibited from proceeding with . . . [e]xpenditure of local funds for referendum-related preparation.” *Id.* ¶ 33(e). Because this Court has already held that the City is not bound by the *Koski* injunction in dismissing Count I, Hr’g Tr. at 174–75, the duplicative request in Count III requires the same disposition.

Regardless, to the extent Count III is intended to suggest that the City may unilaterally suspend funding of the referendum election based on questions about the election’s legality, it has presented no authority to suggest it can. To the contrary, the statutory provision the City cites—Code § 24.2-600—states that the “cost of conducting elections . . . shall be paid by the counties and cities,” and sets out no exceptions to that rule. Moreover, Virginia’s statutes impose several other obligations on municipalities and municipal election officials to effectuate elections. *See, e.g.*, Code §§ 24.2-111, -115, -517, -612. None of these statutes permit municipalities to refuse duties based on a purported dispute about the validity of an election. Thus, to the extent the Court’s ruling on Count I does not entirely dispose of Count III, Count III should be dismissed on its own terms.

#### **IV. The City improperly alleges new claims in its supplemental briefing.**

At the February 26 hearing, this Court invited the parties to file “any additional briefs” that “summarize your arguments.” Hr’g Tr. 182:19–20, 184:1. An invitation to summarize is plainly not one to introduce new claims. But without filing any motion to amend its Complaint, the City has attempted exactly that in Parts III and IV of its post-hearing brief. Those sections allege entirely new claims challenging (1) the substantive “manner” in which the General Assembly has submitted the proposed amendment to the voters, Pl.’s Br. at 4 (Part III); and (2) H.B. 1384 itself for allegedly violating Article IV, § 13—a constitutional provision that is never once cited in the Complaint. *Id.* at 4–5 (Part IV). Because that is improper, the Court should entirely disregard Parts III and IV of the City’s supplemental brief. *See Vines v. Branch*, 244 Va. 185, 188 (1992) (“Amendments will not be allowed . . . when they raise a new substantive cause of action which is different from that which the plaintiff asserted when he or she first filed the action.”). However, even if the Court does reach the merits of these newly concocted claims, they fail.

##### **A. The General Assembly has complied with its own “manner” of submitting the proposed amendment to the people.**

The City argues the proposed amendment is not being submitted to the voters “in the manner prescribed” by the General Assembly, as required by Article XII, because the General Assembly has not complied with Code §§ 30-19.9–10. That argument is wrong several times over: Section 30-19.10 does not apply to constitutional amendments; Section 30-19.9 does not require strict compliance on its own terms; and the General Assembly has complied with Section 30-19.9 in any event.

As an initial matter, Section 30-19.10 directs officials to take certain actions whenever there is a “statewide referendum on a matter *other than a constitutional amendment.*” Code § 30-19.10

(emphasis added). Because this case concerns a constitutional amendment, that section is entirely irrelevant.

Section 30-19.9, for its part, does not impose any legal prerequisites to the amendment process. Although it does provide instructions to the State Board of Elections, “‘shall’ commands addressed to public officers are typically deemed to be directory instead of mandatory, unless otherwise provided by the statute.” *Bland-Henderson v. Commonwealth*, 303 Va. 211, 220 (2024). Thus, “a statute that ‘direct[s] the mode of proceeding by public officers is to be deemed directory, and a precise compliance is not to be deemed essential to the validity of the proceedings,’ unless the statute says otherwise.” *Id.* (quoting *Nelms v. Vaughan*, 84 Va. 696, 699–700 (1888)). Sections 30-19.9–10 never says otherwise. Indeed, the provision contains a savings clause that expressly states: “Any failure to comply with the provisions of this section *shall not affect the validity of the constitutional amendment.*” Code § 30-19.9 (emphasis added). Thus, the City’s argument that any purported violation of Section 30-19.9 invalidates the proposed amendment is patently incorrect.

The City’s argument also fails because there has been no violation of Section 30-19.9. That provision directs the Virginia State Board of Elections to distribute copies of an explanation of the proposed amendment to general registrars at least 90 days before an election. Code § 30-19.9. But the General Assembly enacted new legislation—H.B. 1384—that provides: “The State Board of Elections shall be deemed to be in compliance with the provisions of § 30-19.9 . . . if the information required by that section is sent to the electoral boards *on or before* Monday, March 2, 2026.” H.B. 1384, § 14 (emphasis added). Thus, until March 3, full compliance is still possible. Indeed, even the City’s own witnesses stated that they have until either “Tuesday or Wednesday” until they risk noncompliance with *any* state law. *See* Hr’g Tr. 46:17. Thus, as Intervenor argued at the hearing, any such claim is “premature.” *Id.* 126:2.

**B. H.B. 1384 is currently in effect.**

The City is wrong to argue that HB 1384 does not take effect until July 1, 2026, which would effectively void its provisions related to the referendum scheduled for April. General appropriations laws like H.B. 1384 may take effect immediately or as otherwise specified in the act. *See* Va. Code Ann. § 1-214; Va. Const. art. IV, § 13. In *Koski*, where this argument was developed in greater depth, the plaintiffs did not contest that HB 1384 is an appropriation bill. Citing to a national treatise, they merely argued that HB 1384 is not a “general” appropriation law exempt from Article IV, § 13’s prospective effective date because it is instead a “specific” appropriation law. The Circuit Court appeared to adopt this reasoning without citing *any* authority. Order at 4. But the cited treatise is not Virginia law, and the relevant section does not even cite Virginia law. *See* 63C Am. Jur. 2d Public Funds § 27. In fact, Virginia law does not distinguish at all between general and specific appropriation laws; in Virginia, all appropriations involve “[m]oney set apart by formal action to a specific use.” *Almond v. Day*, 197 Va. 419, 426 (1955). HB 1384 amended and reenacted the Chapter 725 General Appropriation Act and indisputably appropriates money for several uses. Therefore, Article IV, § 13 does not postpone the bill’s effective date, and the *Koski* court erred in holding otherwise.<sup>8</sup>

**V. The equities weigh overwhelmingly against an injunction.**

An injunction is not necessary to prevent irreparable harm to the City, will substantially injure other parties in the interim, and will contravene the public interest. *See* Va. Sup. Ct. R. 3:26(d). The harm to the constitutional separation of powers from judicial interference in the

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<sup>8</sup> The consequence of declaring unconstitutional the entirety of H.B. 1384, which is the legislation constituting the “manner” in which the legislature has submitted the proposed amendment to the people under Article XII, § 1, would not only *interfere* with the referendum, it would have the effect of *canceling* the April 21 election statewide. Thus, the relief requested here is unquestionably foreclosed by *Scott*. 114 Va. at 303–07; *supra* Argument § I.A–B.

lawmaking process far outweighs any harm claimed by the City. “Respect for the separation of the powers of the legislative and judicial branches of government is an essential element of our constitutional system.” *Advanced Towing Co., LLC v. Fairfax Cnty. Bd. of Supervisors*, 280 Va. 187, 191 (2010); see *Edwards v. Vesilind*, 292 Va. 510, 524 (2016) (emphasizing the importance of “promoting, not eroding, the separation of powers principles integral to the sound government of this Commonwealth”). *Scott* makes clear that amending the Constitution is a process shared by the legislature and people alike. See 114 Va. at 303–04. Any injunction would obstruct early voting, which is required by statute to begin on March 6, 2026, Code § 24.2-701.1, and throw the entire referendum election into chaos. That pandemonium could irreparably deprive Virginians of the opportunity to vote on a constitutional amendment that will decide the congressional districts for upcoming elections.

On the other side of the ledger, the City does not face any harm from complying with its obligations to administer the election. Indeed, public reporting shows that registrars in many Virginia counties have had no problem fully complying with their statutory directives to administer the election.<sup>9</sup> And *Scott* explicitly rejects the premise that an unlawful amendment process is irreparable. See *Scott*, 114 Va. at 304 (“If, upon completion of the proceedings, the validity of the amendment is assailed, on the ground that the several provisions of the Constitution have not been complied with, then the courts can pass upon the validity of the amendment.”). The Supreme Court’s February 13 Order likewise properly permitted the referendum election to continue

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<sup>9</sup> See Tyler Englander, @TylerEnglander, X (Feb. 27, 2026, at 11:23 A.M.), <https://perma.cc/4FSQ-CJYY> (collecting statements from the general registrars of Henrico, Chesterfield, Hanover, Richmond, and Petersburg that their localities are moving forward with the start of early voting on March 6).

unimpeded on April 21 while allowing a decision on the merits to occur thereafter. *See* Order at 4, *McDougle*, No. 290127; *Scott*, 114 Va. at 304. That is the only lawful and equitable course.

### **CONCLUSION**

The Court should deny the City's requested relief in its entirety and dismiss this action with prejudice.

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DATED: February 28, 2026

Respectfully submitted,



Aria C. Branch (VSB No. 83682)

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Derek A. Zeigler\*

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*\* Pro Hac Vice applications forthcoming*

*Counsel for Intervenor Virginians for Fair  
Elections*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th 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 Lynchburg and, on the same date, sent by email to:

Timothy Anderson  
timanderson@virginialawoffice.com  
*Counsel for Plaintiff*

Todd Shockley  
tshockley@oag.state.va.us  
*Counsel for Defendant*

DATED: February 28, 2026

Respectfully submitted,



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*Counsel for Intervenor Virginians for Fair Elections*

# Exhibit 1

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# 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 2

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**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.** )

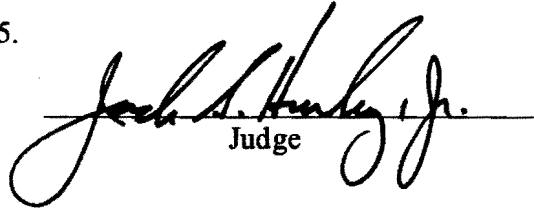
**G. PAUL NARDO, in his official capacity** )  
**as Clerk of the Virginia House of Delegates,** )  
**SUSAN CLARKE SCHAAR, in her official** )  
**capacity as Clerk of the Virginia Senate,** )  
**TARA PERKINSON, in her official capacity** )  
**as Chief Deputy Clerk of the Virginia Senate,** )  
**And** )  
**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 3

RETRIEVED FROM DEMOCRACY DOCKET.COM

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 4

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

RYAN T. MCDOUGLE, 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 5

RETRIEVED FROM DEMOCRACY DOCKET.COM

**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 6

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**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

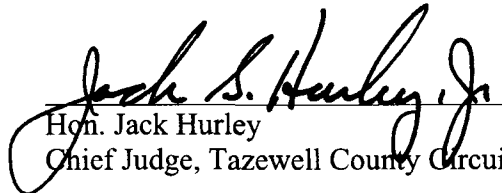
and local Electoral Board members shall neither be impacted nor prohibited by this Order.

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

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