

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

| | | |
|------------------------------------|---|----------------|
| REPUBLICAN NATIONAL COMMITTEE, |) | |
| et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CL 26001208-00 |
| |) | |
| VIRGINIA STATE BOARD OF ELECTIONS, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

**NOTICE OF CHALLENGE TO THE CONSTITUTIONALITY
OF 2026 VA. ACTS, CH. 7**

Pursuant to Rule 3:14A(b) of the Rules of the Supreme Court of Virginia, Plaintiffs hereby give notice of their challenge to the constitutionality of those provisions of HB 29 (now signed by the Governor and codified as 2026 Va. Acts ch. 7) purporting to abolish the congressional district boundaries established by the Supreme Court of Virginia in 2021 (the "2021 Plan") and to establish new and different boundaries (the "2026 Plan"). The challenged provisions of HB 29 include, but are not necessarily limited to, those found under "Additional Enactments," number 16.

The constitutional challenge is raised in the Complaint filed in the above-styled matter on March 3, 2026 (a copy of which is being provided to the Attorney General with this Notice).

The purported abolishment of the 2021 Plan, and the purported adoption of the 2026 Plan, violate the Virginia Constitution in multiple ways. First, the General Assembly had – and has – no authority to alter the congressional district lines established by the Supreme Court of Virginia in the 2021 Plan. See Art. II, §§ 6 & 6A. Second, even if the Virginia Constitution were to be lawfully amended to give the General Assembly authority to "modify" the lines established by the 2021

Plan, that amendment does not operate retroactively. Third, the changes set forth in HB 29 and the 2026 Plan do not “modify” the 2021 Plan; they completely destroy the 2021 Plan and replace it with a radically different set of congressional district lines. Fourth, HB 29 and the 2026 Plan violate the Virginia Constitution’s requirement that congressional districts be “compact,” see Art. II, § 6, and the failure of HB 29 and the 2026 Plan to provide compact districts cannot be justified by communities of interest or any other legitimate redistricting criterion. The Attorney General should refer to the above-cited Complaint for a fuller explanation of the challenge, all of which is incorporated herein by reference.

Pursuant to Rule 3:14A(b), a copy of this notice has been sent this day via email to noticesofappeal@oag.state.va.us.

Dated: March 10, 2026

/s/ Katherine L. McKnight

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Ben Hazekamp, Susan Valentine,
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Wendell Walker, Mike Ziegenfuss,
Willie Deutsch, Laird Knights, Steven Statzer,
and Creal French*

Respectfully submitted,

/s/ William H. Hurd

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and Robert J. Wittman*

CERTIFICATE OF SERVICE

This will certify that I have this 10th day of March, 2026, served a true copy of the foregoing Notice on the Attorney General of Virginia by email at noticesofappeal@oag.state.va.us, and on each of the following Defendants by first class mail:

1. **VIRGINIA STATE BOARD OF ELECTIONS**

Serve:
JOHN O'BANNON,
Chairman of the Virginia State
Board of Elections
Washington Building
1100 Bank Street, First Floor
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2. **VIRGINIA DEPARTMENT OF ELECTIONS**

Serve:
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4. **ROSALYN R. DANCE,**
Vice Chair of the Virginia State
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5. **GEORGIA ALVIS-LONG,**
Secretary of the Virginia State
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6. **CHRISTOPHER P. STOLLE,**
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/s/ William H. Hurd

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

REPUBLICAN NATIONAL)
COMMITTEE; REPUBLICAN PARTY)
OF VIRGINIA; BEN CLINE; H.)
MORGAN GRIFFITH; JENNIFER A.)
KIGGANS; JOHN J. MCGUIRE;)
ROBERT J. WITTMAN; MARK)
DANIEL; DENNIS FREE; MIKI)
MILLER; CAREY ALLEN; RICK)
BUCHANAN; JOHN MASSOUD; BEN)
HAZEKAMP; SUSAN VALENTINE;)
MATT BRAYNARD; CHRIS)
WINSLOW; WENDELL WALKER;)
MIKE ZIEGENFUSS; WILLIE)
DEUTSCH; LAIRD KNIGHTS;)
STEVEN STATZER; and CREAL)
FRENCH,)

Plaintiffs,)

v.)

VIRGINIA STATE BOARD OF)
ELECTIONS; VIRGINIA)
DEPARTMENT OF ELECTIONS;)
STEVEN KOSKI, in his official capacity)
as Commissioner of the 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 Chair of the)
Virginia State Board of Elections;)
GEORGIA ALVIS-LONG, in her official)
capacity as Secretary of the Virginia)
State Board of Elections; and)
CHRISTOPHER P. STOLLE, in his)
official capacity as Member of the)
Virginia State Board of Elections.)

Defendants.)

Case No. CI _____

FILED BY DEMOCRACYDOCKET.COM

COMPLAINT

Plaintiffs the Republican National Committee, the Republican Party of Virginia, Ben Cline, H. Morgan Griffith, Jennifer A. Kiggans, John J. McGuire, Robert J. Wittman, Mark Daniel, Dennis Free, Miki Miller, Carey Allen, Rick Buchanan, John Massoud, Ben Hazekamp, Susan Valentine, Matt Braynard, Chris Winslow, Wendell Walker, Mike Ziegenfuss, Willie Deutsch, Laird Knights, Steven Statzer, and Creal French, through counsel, submit this Complaint against Defendants for declaratory and injunctive relief and allege as follows:

PRELIMINARY STATEMENT

1. In 2020, the people of Virginia spoke with consensus against gerrymandering—“the drawing of legislative district lines to subordinate adherents of one political party and entrench a rival party in power.” *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 791 (2015). That year, the voting public amended the Commonwealth’s Constitution to prohibit the General Assembly from independently enacting congressional (as well as legislative) districts. Under the amendment, the General Assembly may redistrict only if it adopts a plan crafted and proposed by an independent commission. If that process fails, the Constitution vests redistricting authority in the Supreme Court of Virginia. Those are Virginia’s “prescriptions for lawmaking” that govern the congressional redistricting process. *Moore v. Harper*, 600 U.S. 1, 25–26 (2023) (citation omitted).

2. In December 2021, the Virginia Supreme Court unanimously adopted a congressional plan prepared by two special masters (the “2021 Plan”). The 2021 Plan was widely lauded as “one of the fairest district maps in the country,” one that affords congressional representation to the Commonwealth’s varied communities, urban, suburban, rural, mountainous,

and coastal.¹ By design, representation is afforded to northern Virginia (inner and outer), Appalachia and the Shenandoah Valley, Central Virginia, Hampton Roads and Virginia Beach, Richmond, and Southside. The 2021 Plan adheres to statutory criteria the General Assembly established and to the constitutional command that “[e]very electoral district shall be composed of . . . compact territory.” Va. Const. art. II, § 6.

3. Dissatisfied with that outcome, a newly constituted partisan monopoly in Richmond has brazenly done exactly what the Constitution was amended to forbid, sneaking a new congressional redistricting plan (the “2026 Plan”) into a lengthy appropriations bill—HB29—now signed by the Governor. The General Assembly’s leaders announced in explicit terms that their goal was a 10–1 partisan split in the delegation—a more aggressive goal than the General Assembly attempted in the past when it held the map-drawing pen—and it directed the Commonwealth’s election officials to implement the 2026 Plan “immediately.” It has done all this even though the effort is obviously unconstitutional. As explained, the Constitution *forbids* the General Assembly from adopting its own redistricting legislation.

4. The General Assembly apparently believes its action is justified because of an upcoming referendum it claims to have scheduled in April 2026. But its actions toward the referendum have themselves been declared unconstitutional. That aside, the General Assembly is prohibited from redistricting at present, no future vote could ever ratify a plan it has already adopted, and the scheduled referendum does not even purport to validate its new plan.

5. Worse, the plan self-evidently violates the Constitution’s separate compactness requirement, which the General Assembly has not asked voters to repeal. HB29 rips the

¹ See, e.g., UpVote Virginia: Key Issue: Redistricting (noting that the 2021 Plan was “lauded by a long list of nonpartisan analysts [. . .] who said that Virginia ‘has some of the fairest district maps in the country.’”) (available at: <https://upvoteva.org/redistricting>) (last visited Feb. 25, 2026).

Commonwealth into pieces, tearing apart communities with actual shared interests in pursuit of a singular partisan objective. All districts exhibit tentacles, appendages, bizarre shapes, and other obvious irregularities. The plan is in fact the least compact congressional map in the United States; it is less compact than plans in states that have no constitutional compactness mandate. Consistent with the majority's partisan goal, the new districts mark an attempt to deny many communities of interest in the Commonwealth any representation and load the delegation—destined for Washington—with representatives elected principally by Washington's own suburbs. The General Assembly did not balance a number of competing considerations that are legitimate, such as traditional districting principles like preservation of existing districts and political subdivisions, incumbency, voting behavior, and communities of interest.

6. This case is the rare one where the General Assembly's actions are so palpably unconstitutional as to demand judicial intervention. The Court should declare the 2026 Plan unlawful and enjoin it immediately.

PARTIES

7. Plaintiff Republican National Committee ("RNC") is the national committee of the Republican Party, as defined by 52 U.S.C. § 30101(14), with its principal place of business at 310 First Street SE, Washington, DC 20003.

8. The RNC represents over 30 million registered Republicans in all 50 States, the District of Columbia, and the U.S. territories, including 1.7 million Virginians.

9. The RNC is comprised of 168 voting members representing state Republican Party organizations, including multiple members who are registered voters in Virginia.

10. Plaintiff Republican Party of Virginia ("RPV") is the Virginia branch of the Republican Party. RPV is a nonprofit corporation located at 115 E. Grace Street Richmond, VA

23219. RPV works to recruit and assist candidates to run for local, state, and federal offices in Virginia.

11. Per its Bylaws and Plan of Organization, the RPV is subdivided by congressional district. Each congressional district has a district chairman.

12. Pursuant to Va. Code § 24.2-509, the RPV's authorities for each district decide the method by which to nominate candidates, by direct primary or convention.

13. Plaintiff Ben Cline represents Virginia's CD6 in the U.S. House of Representatives and is a candidate for reelection to that office in 2026. Plaintiff Ben Cline is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

14. Plaintiff H. Morgan Griffith represents Virginia's CD9 in the U.S. House of Representatives and is a candidate for reelection to that office in 2026. Plaintiff H. Morgan Griffith is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

15. Plaintiff Jennifer A. Kiggans represents Virginia's CD2 in the U.S. House of Representatives and is a candidate for reelection to that office in 2026. Plaintiff Jennifer A. Kiggans is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

16. Plaintiff John J. McGuire represents Virginia's CD5 in the U.S. House of Representatives and is a candidate for reelection to that office in 2026. Plaintiff John J. McGuire is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

17. Plaintiff Robert J. Wittman represents Virginia's CD1 in the U.S. House of Representatives and is a candidate for reelection to that office in 2026. Plaintiff Robert J. Wittman is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

18. Plaintiff Mark Daniel is the 1st District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's Congressional District ("CD") 1. HB29 moves Daniel from CD1 to CD8. Plaintiff Mark Daniel is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

19. Plaintiff Dennis Free is the 2nd District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD2. CD2 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD2 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Dennis Free is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

20. Plaintiff Miki Miller is the 3rd District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD3. HB29 moves Miller from CD3 to CD2. Plaintiff Miki Miller is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

21. Plaintiff Carey Allen is the 4th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD4. CD4 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD4 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Carey Allen is a registered voter

who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

22. Plaintiff Rick Buchanan is the 5th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD5. HB29 moves Buchanan from CD5 to CD4. Plaintiff Rick Buchanan is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

23. Plaintiff John Massoud is the 6th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD6. HB29 moves Massoud from CD6 to CD11. Plaintiff John Massoud is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

24. Plaintiff Ben Hazekamp is the 7th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD7. HB29 moves Hazekamp from CD7 to CD1. Plaintiff Ben Hazekamp is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

25. Plaintiff Susan Valentine is the 8th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD8. HB29 moves Valentine from CD8 to CD1. Plaintiff Susan Valentine is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

26. Plaintiff Matt Braynard is the 11th District Chairman tasked with organizing the nomination process for selecting RPV's candidate for Virginia's CD11. Plaintiff Matt Braynard is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

27. Plaintiff Chris Winslow serves on the RPV State Central Committee as the Vice Chairman for the Eastern part of Virginia. HB29 moves Winslow from CD1 to CD5. Plaintiff Chris Winslow is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

28. Plaintiff Wendell Walker is a current Virginia State Delegate for the 52nd District and serves as a House Caucus Representative for RPV. HB29 moves Delegate Walker from CD5 to CD6. Plaintiff Wendell Walker is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

29. Plaintiff Mike Ziegenfuss is a 3rd Congressional District State Central Representative for the RPV. CD3 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD3 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Mike Ziegenfuss is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

30. Plaintiff Willie Deutsch is a 6th Congressional District State Central Representative for the RPV. HB29 moves Deutsch from CD6 to CD10. Plaintiff Willie Deutsch is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

31. Plaintiff Laird Knights is a 7th Congressional District State Central Representative for the RPV. CD7 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD7 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Laird Knights is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

32. Plaintiff Steven Statzer is a 9th Congressional District State Central Representative for the RPV. CD9 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD9 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Steven Statzer is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

33. Plaintiff Creal French is a Virginia Federation of Republican Women State Central Representative for the RPV. French resides in CD10. CD10 is considerably less compact in the 2026 Plan than in the 2021 Plan, and CD10 is now composed of substantially different territory and residents than in the 2021 Plan. Plaintiff Creal French is a registered voter who regularly participates in elections and typically votes for candidates affiliated with the Republican Party.

34. Defendant the Virginia State Board of Elections is the Commonwealth agency tasked with “immediately implement[ing] the voting districts established” in HB29 and “ensur[ing] that the 2026 Congressional elections proceed as scheduled.”

35. Defendant the Virginia Department of Elections is the Commonwealth agency tasked with “immediately implement[ing] the voting districts established” in HB29 and “ensur[ing] that the 2026 Congressional elections proceed as scheduled.” The Department of Elections is likewise tasked with “implementing the congressional districts as set forth in the shapefiles and block equivalency files.” Finally, the Department of Elections is tasked to “develop instructions to implement the provisions of th[e] act.”

36. Defendant Steven Koski is the Commissioner of the Department of Elections and oversees the administration of statewide elections throughout the Commonwealth. He is sued in his official capacity.

37. Defendants John O'Bannon, Rosalyn R. Dance, Georgia Alvis-Long, and Christopher P. Stolle are members of the Virginia State Board of Elections. They are sued in their official capacities.

38. Collectively, Defendants are tasked with implementing Virginia's congressional districting maps.

JURISDICTION AND VENUE

39. This Court has jurisdiction over Plaintiffs' claims and the subject matter of this complaint under Va. Code §§ 8.01-184, 8.01-186, and 8.01-620 because these statutory sections permit this Court to issue declaratory judgments and grant injunctive relief to effectuate its declaratory judgments, and general jurisdiction to award injunctions "whether the judgment or proceeding enjoined be in or out of the circuit, or the party against whose proceedings the injunction be asked resides in or out of the circuit."

40. An actual controversy exists because the rights and obligations of Plaintiffs are in dispute as a result of the enactment of HB29 and implementation of the 2026 Plan by Defendants.

41. Venue is proper in Richmond City Circuit Court pursuant to Va. Code § 8.01-261(2) because this action is against one or more officers of the Commonwealth acting in official capacity and § 8.01-261(15)(c) because the enjoined act would occur in this city.

BACKGROUND

The Virginia Constitution Eliminates Gerrymandering in Two Distinct Ways

42. Partisan "gerrymandering is incompatible with democratic principles." *Rucho v. Common Cause*, 588 U.S. 684, 718 (2019) (citation omitted).

43. But federal courts lack the tools to police gerrymandering because, as the U.S. Supreme Court held in *Rucho*, there is no "judicially manageable framework" for distinguishing

“an ‘acceptable’ level of partisan gerrymandering from ‘excessive’ partisan gerrymandering.” *Id.* at 715 (citation omitted).

44. This holding did not “condemn complaints about districting to echo into a void.” *Id.* at 719. Far from it, the Supreme Court has identified specific means by which the people of their respective states may curb or prevent gerrymandering. *Id.* at 719–20.

45. One means is for states to vest redistricting power in an authority other than their partisan legislatures. *Id.* at 719–20 (speaking approvingly of Michigan and Missouri constitutional amendments vesting redistricting authority in a commission or other legislative actor). In *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787 (2015) (*AIRC*), the Supreme Court held that the people of a state may use the ballot initiative or referendum to vest redistricting authority in an independent commission. *Id.* at 816–24.

46. Additionally, states may “mandate[] at least some of the traditional districting criteria for their mapmakers.” *Rucho*, 588 U.S. at 720. One such principle is “compactness.” *Miller v. Johnson*, 515 U.S. 900, 919 (1995).

47. The people of Virginia have utilized both methods to outlaw partisan gerrymandering in the Commonwealth.

48. In 2020, the public marked the culmination of a long-pursued redistricting reform effort by overwhelmingly approving an amendment to establish an independent redistricting process. This vote approved a resolution adopted by the Virginia House and Senate in 2019 and then—after an intervening election—again in 2020.

49. Senate sponsor George L. Barker (D-Alexandria) explained the amendment would take away the Legislature's "control in the process" that had enabled polarizing gerrymanders.²

50. Codified at Article II, §§ 6 and 6-A of the Commonwealth's Constitution, the redistricting amendment forbids the General Assembly from independently enacting any redistricting plan. The provision establishes a redistricting commission (the "Commission") and empowers it to propose a congressional plan to the General Assembly. Va. Const. art. II, § 6-A(a)-(e). The Commission is constituted of legislators and members of the public selected in a manner so as not to be controlled by members of one political party. *Id.* § 6-A(b).

51. The General Assembly may adopt a plan proposed by the Commission as law. *Id.* § 6-A(f). If the General Assembly fails to do so, the Commission is directed to submit another plan for the General Assembly's consideration and possible approval. *Id.*

52. If the Commission fails to present a congressional plan or the General Assembly fails to adopt a plan submitted by the Commission, "the districts shall be established by the Supreme Court of Virginia." *Id.* § 6-A(f) and (g). The General Assembly adopted a statute governing such judicial redistricting and, among other things, required the Virginia Supreme Court to employ two special masters and enable public participation in the process. *See* Va. Code § 30-399(A), (C), and (F). The General Assembly also adopted statutory redistricting criteria, including that districts "be composed of compact and contiguous territory" and "preserve communities of interest." *Id.* § 24.2-304.04(6) and (5). The General Assembly also declared "A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party." *Id.* § 24.2-304.04(8).

² Daniel Berti, *Virginia redistricting amendment advances to the Senate*, Capital News Service (Jan. 25, 2019), available at <https://www.wshv.com/content/news/Virginia-redistricting-amendment-advances-to-the-Senate-504884182.html>.

53. Under no circumstances is the General Assembly permitted to adopt its own congressional redistricting plan—i.e., a plan that was not submitted by the Commission. The Constitution is clear that “Members of the House of Representatives . . . shall be elected from electoral districts established pursuant to Section 6-A of this Constitution.” *Id.* art. II, § 6 (emphasis added). This provision expressly prohibits elections from districts adopted outside of the carefully calibrated redistricting process of Article II, § 6-A. In short, it prohibits the General Assembly from adopting a redistricting plan on its own initiative.

54. By severely restricting the General Assembly’s authority, the Virginia Constitution prevents gerrymandering in the manner approved by the U.S. Supreme Court in *AIRC*.

55. Separately, the Virginia Constitution implements a second guard against gerrymandering by identifying mandatory traditional redistricting criteria. As relevant here, Article II, § 6 requires that “[e]very electoral district shall be composed of . . . compact territory.” Va. Const. art. II, § 6.

56. This mandate is in the Constitution “to preclude at least the more obvious forms of gerrymandering.” A.E. Dick Howard, *Commentaries on the Constitution*, 415 (1974). This requirement is a recognition that “reapportionment is one area in which appearances do matter.” *Shaw v. Reno*, 509 U.S. 630, 647 (1993).

The Supreme Court of Virginia Adopts a Plan Prepared by Two Special Masters Consisting of Compact Districts Respecting Identified Communities of Interest

57. The Commonwealth adhered to Article II, §§ 6 and 6-A in the 2021 redistricting.

58. To be sure, the process of redistricting through the Commission (proposing a plan) and the General Assembly (approving it) was unsuccessful. Accordingly, the General Assembly did not adopt a redistricting plan after the release of the 2020 census results.

59. But, as explained already, redistricting authority becomes vested in the Supreme Court of Virginia in that event. The Virginia Supreme Court ultimately succeeded in adopting a congressional plan in 2021, i.e., the 2021 Plan.

60. Pursuant to Virginia Code § 30-399(F), the Virginia Supreme Court appointed two special masters, Dr. Bernard Grofman (proposed by Democrats) and Sean Trende (proposed by Republicans). The special masters subsequently issued a report recommending a congressional plan (along with state legislative plans). The special masters reported that they “agreed on almost all issues initially, and the few issues on which we initially disagreed were resolved by amicable discussion.” 12/7/21 Special Master Report 1.

61. On December 28, 2021, the Virginia Supreme Court unanimously adopted the plans proposed by the special masters, finding that they “have fully complied with federal and state law.” 12/28/21 Order 2.

62. The report of the special masters describes the process by which a mapmaker must balance various factors in designing districts that are equally populated, compact, contiguous, and otherwise lawful.

63. The special masters “minimized county and city splits, while respecting natural boundaries and communities of interest (‘COIs’) to the extent possible.” 12/7/21 Special Master Report 3.

64. To identify communities of interest, the special masters “carefully reviewed the communities of interest submitted by Virginia’s residents to the Virginia Redistricting Commission,” examined data from “a non-profit organization that allows individuals to draw their communities of interest and then stores those communities of interest in digital form,” and

incorporated "the Supreme Court of the United States' attempts at defining communities of interest." 12/7/21 Special Master Report 6.

65. More specifically, the special masters were "mindful of the Blue Ridge Mountains as an important geographic divider in Virginia's history," "considered the course of the Shenandoah Valley," weighed "the federal definition of Appalachia" as well as "the historic importance of Southside Virginia and the Piedmont region in general and the Fall Line as important geographic markers," and were "mindful of the Commonwealth's major metropolitan areas and the travel arteries that feed them: Northern Virginia, greater Richmond, and the Hampton Roads area, as defined both by the United States Census Bureau and major media markets." *Id.* at 6-7.

66. The special masters also considered "the eight regions identified by the University of Virginia's Weldon Cooper Center." *Id.* at 15.

67. The resulting map spread representation in Congress according to Virginia's unique needs and localized interests.

68. The special masters created two districts (CD8 and CD11) "entirely within Fairfax County and those localities closer to Washington, D.C." and "two additional districts almost entirely within the remainder of Northern Virginia" (CD7 and CD10), one anchored in Loudon County and the other in Prince William County. *Id.* at 16; *see id.* at 12-13, 15-16.

69. The special masters created two districts in Appalachia and the Shenandoah Valley (CD6 and CD9), opting "to place the counties north of Roanoke and west of the Blue Ridge in a single district representing the Valley of Virginia" and to place in the other "the panhandle and ... almost all of the counties in Virginia classified as Appalachian." *Id.* at 13-14.

70. The special masters created two districts in Hampton Roads and Virginia Beach (CD2 and CD3), grouping "Norfolk, Newport News, Hampton and Portsmouth" into "a compact

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district" and "the Eastern Shore, all of Virginia Beach, and the remainder of Chesapeake City," among other places, into another. *Id.* at 14. Another district (CD1) contains "the northern Tidewater area, but which then takes in the northern Richmond suburbs and a few lightly populated counties in the northern Piedmont area." *Id.* at 16.

71. In Richmond, the special masters considered grouping "only Richmond City and Henrico/Chesterfield counties" into "a compact district" but feared this "would cause dilution problems," as "African-Americans would total a little more than a third of the population, and their candidate of choice might not emerge from the Democratic primary." *Id.* at 15. Accordingly, the special masters chose an alternative (CD4) "that is reasonably compact and that still respects county borders," including parts of Southampton, Henrico, and Chesterfield Counties and counties to the south "for geographic and population equality purposes." *Id.* at 15. They created CD5 in Southside Virginia, continuing "Virginia's lengthy tradition of placing a district" there. *Id.* at 15.

72. In the process the special masters tempered their policy goals against the Constitution's command that "[e]very electoral district shall be composed of . . . compact territory." Va. Const. art. II, § 6. For example, they rejected "an 'Orange Line' district" in northern Virginia because it would render the other district of the DC suburbs "excessively non-compact." 12/7/21 Special Master Report 12.

73. At the same time, the special masters' effort illustrated how a mapmaker "must balance a number of competing . . . factors" such as "traditional redistricting elements" like "communities of interest." *Wilkins v. West*, 264 Va. 447, 464 (2002).

74. For example, the special masters presented compactness scores for their districts under commonly used metrics (Reock and Polsby-Popper) and acknowledged that three districts (CD2, CD6, and CD9) "score relatively poorly using Reock scores" (.23, .22, and .16,

respectively). 12/7/21 Special Master Report 17–18. However, “[t]his is to be expected” in a few districts “given the geographic constraints placed upon them” by surrounding districts and traditional districting principles. *Id.* at 17. The Virginia Supreme Court has interpreted the compactness command to permit at least some districts that fall below ideal and abstract measures in service of traditional districting principles. See *Wilkins*, 264 Va. at 461–66; *Vesilind v. Virginia State Bd. of Elections*, 295 Va. 427 (2018); *Jamerson v. Womack*, 244 Va. 506 (1992).

75. Importantly, the special masters did not pursue partisan or regional advantage for any favored group and instead prepared a plan where, in an ordinary electoral environment, “we would expect to see a 6–5 Democratic edge.” 12/7/21 Special Master Report 20.

76. As noted, the Virginia Supreme Court unanimously adopted the special masters’ congressional plan (along with their legislative plans). As the Virginia Constitution directs, the congressional plan governed the elections in 2022 and 2024.

The General Assembly Claims to Repeal the 2021 Plan and Adopts a Redistricting Plan Outside the Constitutionally Prescribed Process for No Other Purpose Than Achieving a 10–1 Partisan Split in the Congressional Delegation

77. In the 2025 general elections, the Democratic Party retained control of both houses of the General Assembly and gained control of the Commonwealth’s executive branch.

78. Democratic partisans saw in this newly obtained monopoly an opportunity to redraw the Commonwealth’s congressional districts—notwithstanding that the Constitution denies the General Assembly independent power to redistrict.

79. On February 5, 2026, Democratic legislative leaders publicly announced a proposed congressional map and began formulating implementing legislation, which they added to the general appropriations bill, HB29.

80. At the press conference unveiling the plan, Senate President pro Tempore Louise Lucas confirmed rumors that the General Assembly would pursue a 10–1 partisan split advantaging Democratic interests, declaring: “We said 10-1 and we meant it.”³

81. A 10–1 partisan split is aggressive by any measure. Even before the people chose independent redistricting, no Virginia delegation at least as far back as 1990 was so lopsided. Political performance in recent statewide elections shows that this ratio does not reflect the will of Virginia voters. Indeed, the 6–5 split in Virginia’s congressional delegation in 2022 and 2024 mirrors the statewide partisan split in voting for congressional candidates.

82. Undeterred by the Constitution, the General Assembly passed HB29—including its redistricting provisions—and the Governor signed it on February 20.

83. HB29 declares that the congressional redistricting plan adopted by the Virginia Supreme Court “is hereby repealed and any further use of the voting districts constituting such redistricting map is prohibited.” The term “any further use” embraces in its scope efforts by the Commonwealth’s election officials to implement the 2021 Plan.

84. HB29 purports to establish new districts in the 2026 Plan.

85. HB29 does not purport to modify existing districts.

86. HB29 declares “The State Board of Elections and the Department of Elections shall immediately implement the voting districts established herein to ensure that the 2026 Congressional elections proceed as scheduled.”

87. HB29 declares that “[t]he provisions of this act shall apply to the November 3, 2026, general elections for a member of . . . the United States House of Representatives.”

³ Video available at <https://x.com/SenLouiseLucas/status/2019460695545286980>; quote reported at Braktkon Booker, Virginia Democrats release proposed new congressional map, POLITICO (Feb. 5, 2026),

88. HB29 declares that the act in its entirety “is effective on its passage as provided in § 1-214 of the Code of Virginia.” Virginia Code § 1-214(C) in turn indicates that “[a] general appropriation act shall take effect from its passage, unless another effective date is specified in the act.” In declaring itself “effective on passage,” HB29 tracks and refers to the Code’s language “effective from its passage.”

89. Other language in HB29 intimating that certain provisions may become effective after the April 21 referendum is ambiguous and conflicting and, at best, has the effect of creating uncertainty concerning what congressional plan governs Virginia.

90. Nothing in HB29 states in clear terms that the 2021 Plan will govern the 2026 elections under any circumstance.

91. Upon information and belief, Defendants are currently implementing the 2026 Plan.

92. Upon information and belief, Defendants are currently not preparing to conduct any election under the 2021 Plan as adopted by the Supreme Court of Virginia.

93. As of February 20, 2026, the day HB29 was signed into law, the Commonwealth’s redistricting authority could be exercised only in compliance with Article II, § 6-A. Accordingly, only a plan adopted by the Virginia Supreme Court or proposed by the Commission could lawfully govern elections in Virginia.

94. HB29—including its redistricting provisions—was not adopted by the Virginia Supreme Court or proposed by the Commission.

95. The General Assembly did not as of February 20, 2026—and does not today—have power to repeal a congressional plan adopted in compliance with Article II, § 6-A.

96. The General Assembly did not as of February 20, 2026—and does not today—have power to direct the Commonwealth's election officials not to implement a congressional plan adopted in compliance with Article II, § 6-A.

97. The General Assembly did not as of February 20, 2026—and does not today—have power to direct the Commonwealth's election officials to implement a congressional plan adopted in violation of Article II, § 6-A.

98. The General Assembly's Democratic majority apparently believes that a public referendum to occur in the *future* grants it authority to enact HB29 before such authority exists. The General Assembly has attempted to obtain public approval at a vote on April 21, 2026, for a constitutional amendment to authorize it to engage in partisan gerrymandering.

99. April 21, 2026, comes after February 20, 2026. Lacking means of time travel, the General Assembly cannot claim to presently have constitutional authority to redistrict. The redistricting provisions of HB29 are therefore unconstitutional and thus "null and void." *Elizabeth River Crossings OpCo, LLC v. Meeks*, 286 Va. 286, 301 (2013).

100. Moreover, a Circuit Court of this Commonwealth twice has held that the General Assembly violated the Constitution in purporting to pass the referendum and set it for a public vote and has temporarily enjoined actions to conduct the vote. An unconstitutional proposed amendment cannot justify HB29.

101. Even if it were constitutional, however, the amendment could not retroactively grant the General Assembly authority to enact HB29, which was adopted months before the amendment may or may not be approved by voters.

102. Nothing in HB29 states in clear terms that the 2026 Plan will not become effective if the public declines to approve the proposed redistricting amendment in the April 21 referendum.

103. The language of the amendment, if adopted, will not support the General Assembly's redistricting plan in any event. The referendum language purports to afford the General Assembly authority to redistrict under certain conditions going forward. The referendum does not embrace HB29 or the 2026 Plan and does not ask the public to endorse the 2026 Plan.

104. Additionally, if adopted, the language of the amendment would provide “that the General Assembly shall be authorized to modify one or more congressional districts” if another state “conducts a redistricting of such state's congressional districts at any point following that state's” initial redistricting, with certain exceptions.

105. Accordingly, the language of the amendment, if adopted, makes its limited grant of authority to modify districts contingent on certain redistricting activities in another state in terms that refer to a future redistricting of another state's congressional districts, not one occurring before the amendment is even adopted (if it is ever lawfully adopted).

106. The General Assembly, however, did not purport to “modify” existing congressional districts in HB29.

107. To “modify” is to “[t]o make somewhat different; to make small changes to.” Black's Law Dictionary 1203 (11th ed. 2019). Accordingly, “permission to ‘modify’ does not authorize ‘basic and fundamental changes.’” *Biden v. Nebraska*, 600 U.S. 477, 494 (2023) (citation omitted).

108. As shown below, the General Assembly did not make small adjustments to the 2021 Plan; it changed all districts in fundamental ways, creating a plan sharing no common features with the 2021 Plan.

109. For example, districts in the 2026 Plan have low core retention numbers as compared to comparable districts in the 2021 Plan. The districts were not “modified,” but rather fundamentally transformed into new geographic areas and populations.

110. Under no circumstances will the 2026 Plan ever be constitutional.

The General Assembly’s Redistricting Plan Is So Irregular as to Reveal It Gave no Consideration to the Compactness Requirement

111. In fashioning the redistricting plan, the General Assembly did not balance a number of competing considerations that are legitimate, such as traditional districting principles like preservation of existing districts and political subdivisions, incumbency, voting behavior, and communities of interest.

112. No member indicated a basis to conclude any district in the plan is composed of compact territory.

113. No member indicated a basis to conclude any districts in the plan preserve or unite communities of interest.

114. No member indicated a basis to conclude any districts in the plan adequately adhere to the boundaries of political subdivisions.

115. No member indicated a basis to conclude that the 2026 Plan improved on the 2021 Plan in any respect other than advancing the interests of one national political party (assuming that qualifies as “improvement”).

116. There is no basis to believe the General Assembly took compactness into consideration at all and overwhelming evidence indicating the legislature dispensed entirely with compactness objectives.

117. For example, HB29 expressly declares that the “provisions” of Va. Code § 24.2-304.04 “shall not be applicable” to the 2026 Plan.

118. Va. Code § 24.2-304.04(8) provides that “[a] map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.” The General Assembly jettisoned this important criterion in order to facilitate the true objective of 2026 Plan—achieving a 10-1 partisan advantage.

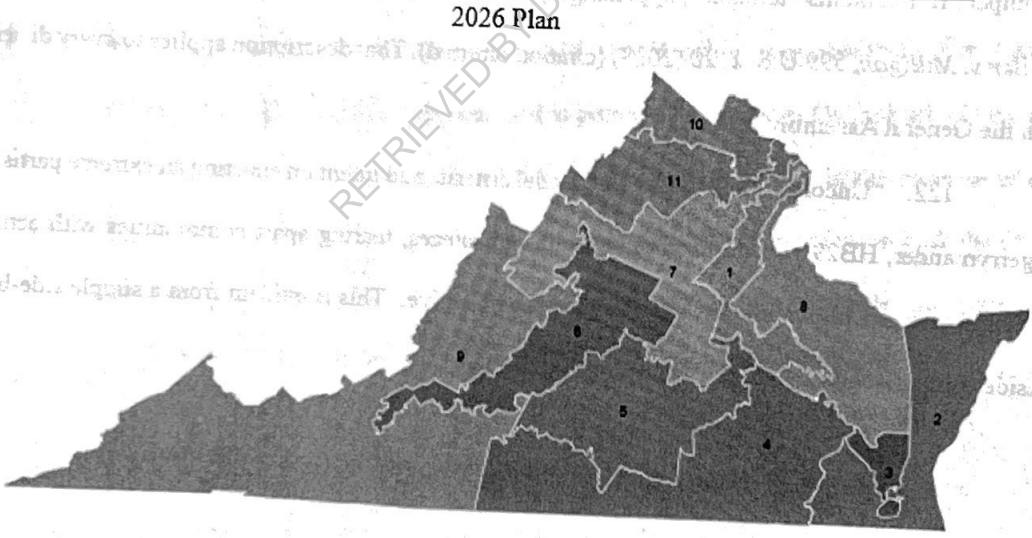
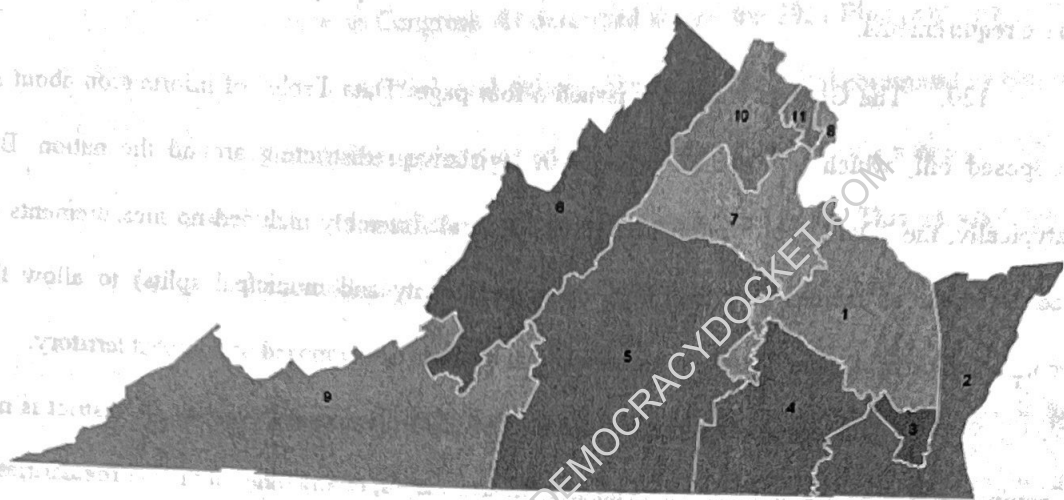
119. Va. Code § 24.2-304.04 (7) states that “[d]istricts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.” The same section also requires that districts “be drawn to preserve communities of interest.” In jettisoning these and other requirements, the General Assembly exhibited an intent to configure districts without regard to these requirements.

120. The General Assembly issued a four-page “Data Table” of information about its proposed bill, which is common practice in legislative redistricting around the nation. But atypically, the “Data Table” published by the General Assembly included no measurements of compactness or similar statistics (e.g., counts of county and municipal splits) to allow for consideration of Article II, § 6’s requirement that districts be composed of compact territory.

121. That omission is not accidental. The 2026 districts are eyesores. A district is not compact if it contains “tentacles, appendages, bizarre shapes, or any other obvious irregularities.” *Allen v. Milligan*, 599 U.S. 1, 20 (2023) (citation omitted). That description applies to *every* district in the General Assembly’s plan.

122. Unconstrained by any traditional criteria, and intent on enacting an extreme partisan gerrymander, HB29 rips the Commonwealth into pieces, tearing apart communities with actual shared interests in pursuit of a singular partisan objective. This is evident from a simple side-by-side comparison of the 2021 Plan and the 2026 Plan:

The map in its basic design is an assault on compactness understood in any remotely reasonable way. The transparent concept is not to group compact territory into districts but to spread Democrat vote share far and wide, collecting dissimilar communities separated by considerable distances.



123. The map in its basic design is an assault on compactness understood in any remotely reasonable way. The transparent concept is not to group compact territory into districts but to spread Democrat vote share far and wide, collecting dissimilar communities separated by considerable distances.

124. Accepted compactness measurements, including the Polsby-Popper, Reock, and Convex Hull measures, reflect this. The Commonwealth's 2026 Plan ranks as the least compact

congressional plan in the nation⁴ under the Reock measurement, with an average Reock score of just 0.265. The 2026 Plan ranks at the very bottom of the rankings in Polsby-Popper (average of 0.146) and Convex Hull (0.600). By comparison, the 2021 Plan is compact, with average Reock, Polsby-Popper, and Convex Hull scores of 0.383, 0.262, and 0.748.

125. The irregular shapes of the 2026 districts do not result from an effort to respect communities of interest. A traditional communities-of-interest objective seeks to afford representation to different portions of a state that have different interests such that a voice can speak for that interest in Congress. As described above, the 2021 Plan respected communities of interest by grouping traditional rural, urban, suburban, and coastal communities together.

126. Taking the opposite approach, the General Assembly's majority configured strips of territory running from urban to suburban and then rural areas. This ensured that no district represented one community of interest. The districts join far-flung communities and voters who share no common interests.

127. More specifically, the General Assembly used these non-compact configurations to ensure that urban and suburban areas would be able to outvote exurban and rural areas such that only a few interests of the Commonwealth would obtain representation. For example, CD10, CD11, CD7, CD1, and CD8 are designed to give the Washington, DC, suburbs five representatives in Congress who all represent the interests of those communities, at the expense of communities more than 100 miles away in all directions that have nothing in common with the DC suburbs. In CD5 and CD4, the 2026 Plan likewise denies representation to southside communities, extending all the way to Danville, by grouping them with Richmond and its suburbs.

⁴ Among the 37 states having three or more congressional districts.

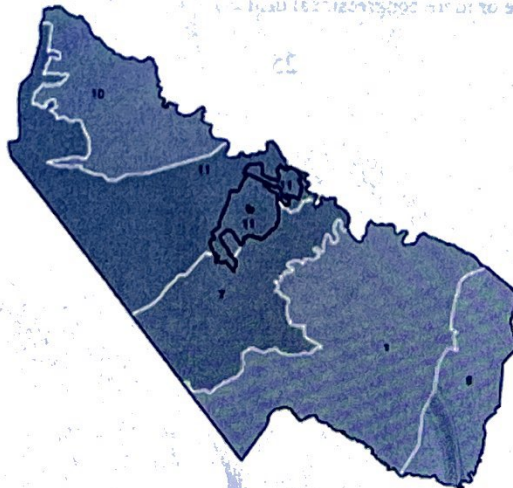
128. No district in the 2026 Plan is composed of compact territory. This point is plain, not fairly debatable.

129. HB29 slices up Fairfax County and Prince William County north-to-south into five districts that wind south more than 100 miles, as shown on these figures:

Fairfax County split into 5 districts
2026 proposed plan



Prince William County split into 5 districts
2026 proposed plan



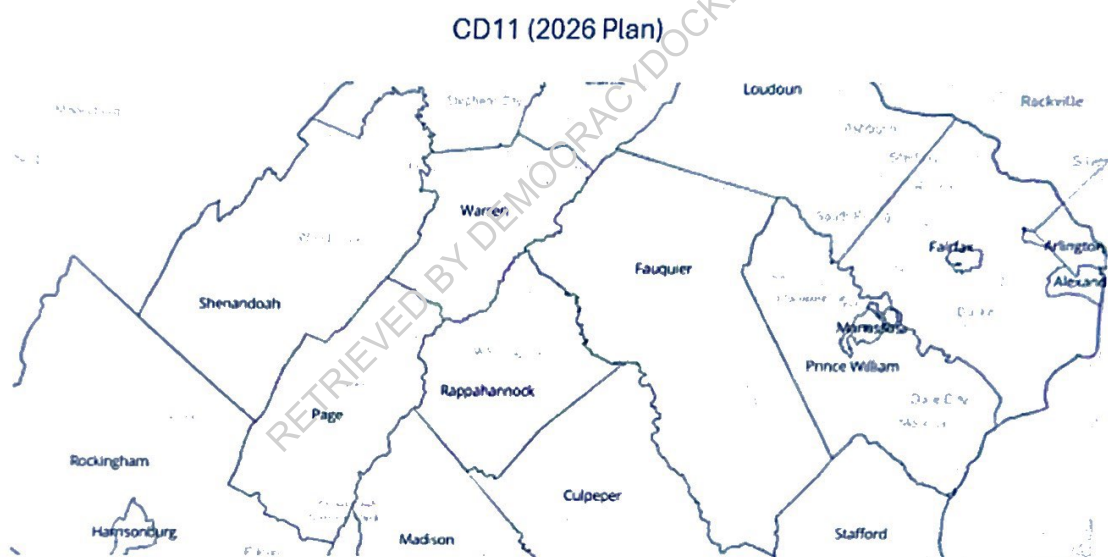
CD7, CD10, CD11

130. CD7, CD10, and CD11 are not composed of compact territory. This is plain, not fairly debatable.

131. Nor are the bizarre configurations of these districts the result of an effort to achieve legitimate redistricting principles such as combining communities with shared interests. To the contrary, these districts transparently mark an effort to harm communities of interest by joining dissimilar regions of the Commonwealth.

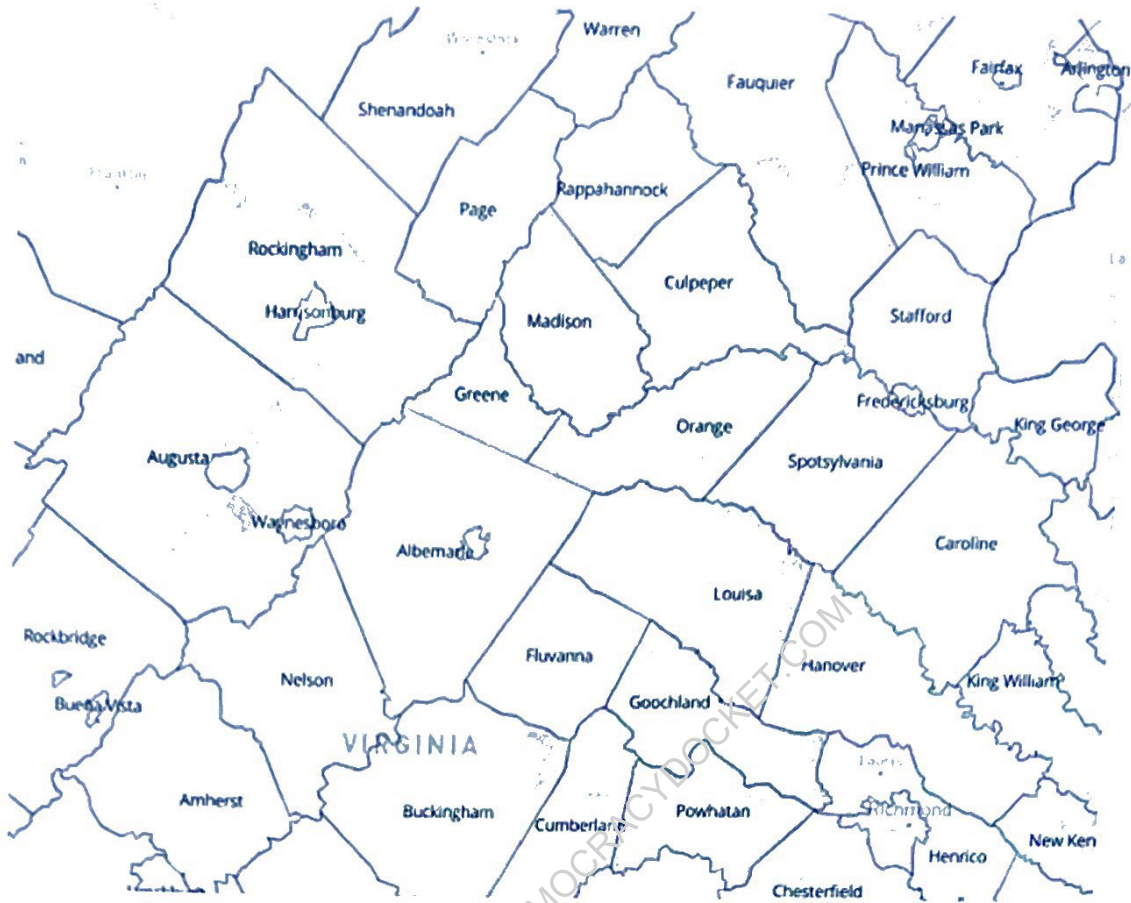
132. CD10 and CD11 both begin in Fairfax County—which they split bizarrely—and wind westward to subsume (and dilute) dissimilar territory well into the Shenandoah Valley.

133. CD11 utilizes a narrow bridge from Fairfax to Manassas—splitting Prince William County—into Fauquier County—split—all the way to Rockingham County—also split:



134. Voters in counties such as Shenandoah, Rockingham, Page, and Warren share no meaningful common interest with voters in Fairfax County.

CD7 (2026 Plan)



138. Voters in counties like Augusta, Rockingham, Greene, Madison, Orange, and Louisa share no meaningful common interests with voters in Arlington and Fairfax Counties.

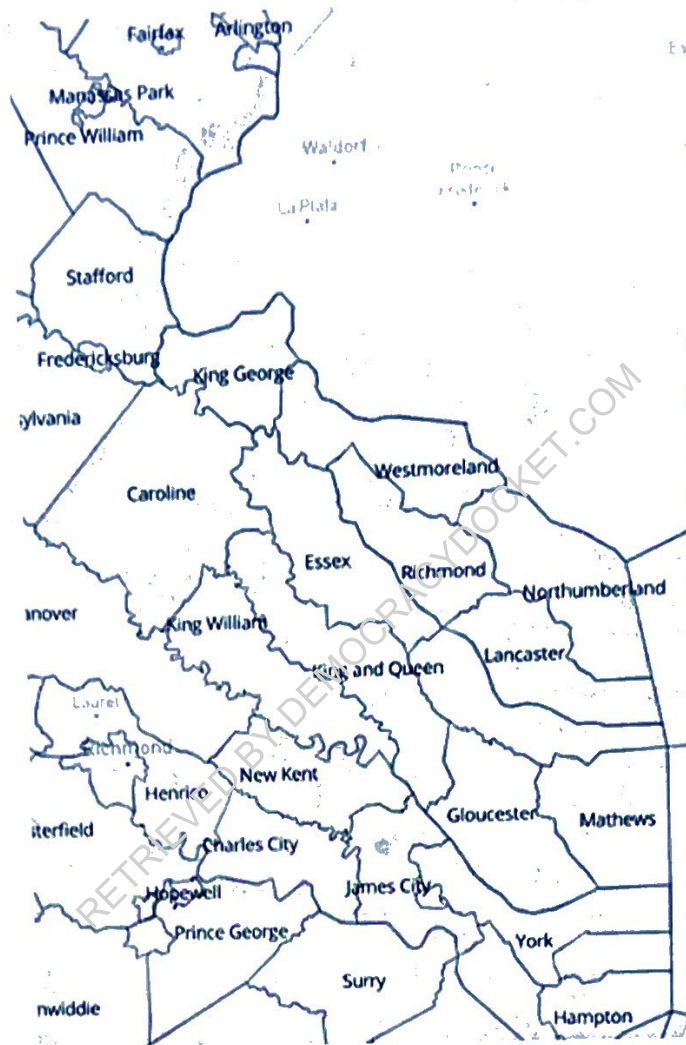
CD1 and CD8

139. CD1 and CD8 are not composed of compact territory. This is plain, not fairly debatable.

140. CD1 in the 2021 Plan was centered in the historic triangle of Jamestown, Williamsburg, and Yorktown and included the Northern Neck and Middle Peninsula areas outside of Richmond. HB29 reconfigures CD1 as a boomerang beginning as a thin strip in Fairfax County

142. CD8 is shaped like a brontosaurus, beginning with a small head in Arlington County and the City of Alexandria, extending to a long neck southward and ending in a large body of territory subsuming the Northern Neck, Middle Peninsula, and portions of the Lower Peninsula:

CD8 (2026 Plan)

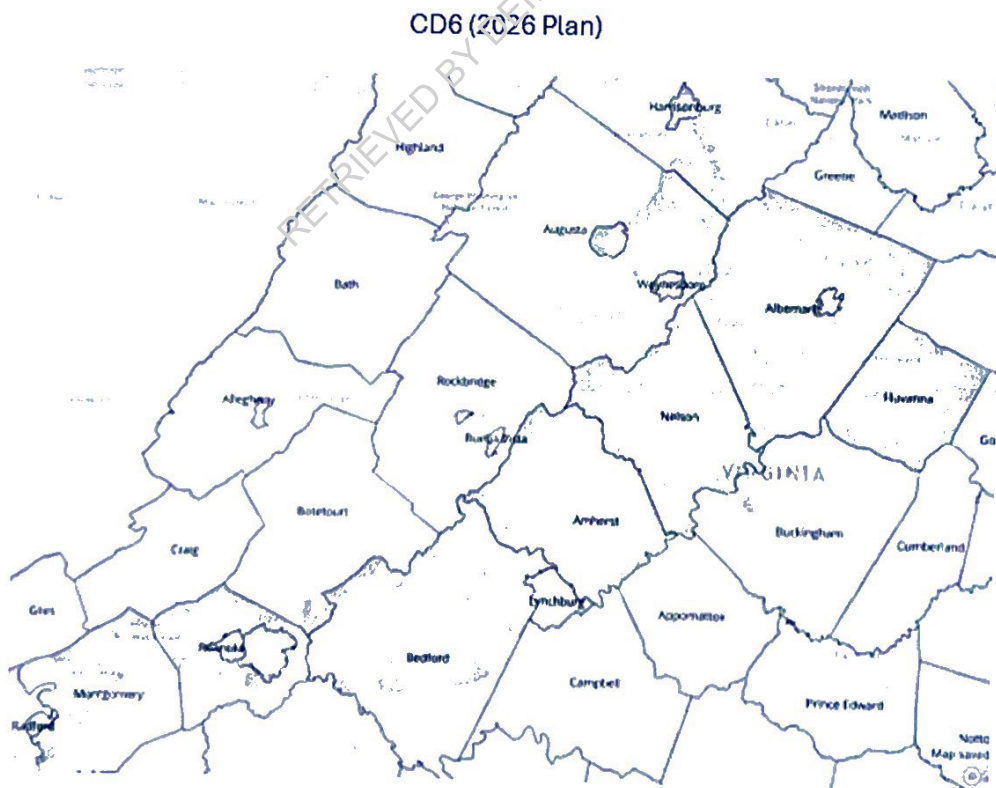


143. Voters in counties such as New Kent, York, Gloucester, and Mathews share no common interests with voters in Alexandria and Arlington.

CD6 and CD9

144. CD6 and CD9 are not composed of compact territory. This is plain, not fairly debatable.

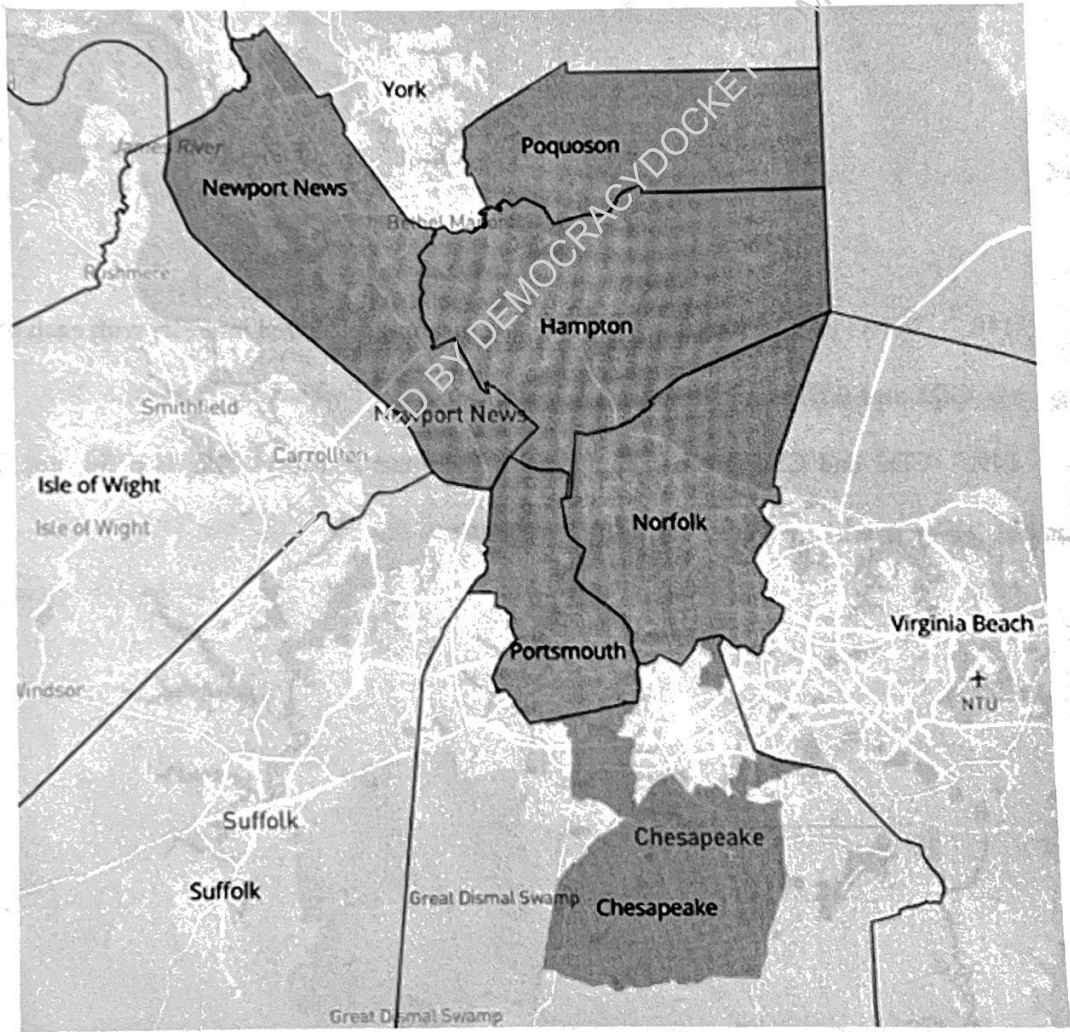
145. CD6, which the special masters configured in the Valley of Virginia, is now a scorpion shape with deformed appendages into Harrisonburg on its north end and Radford on the south end. In between, the district juts east towards Central Virginia into Charlottesville and Albemarle and Fluvanna Counties—splitting counties everywhere—before heading Southwest into Roanoke City and Pulaski County:



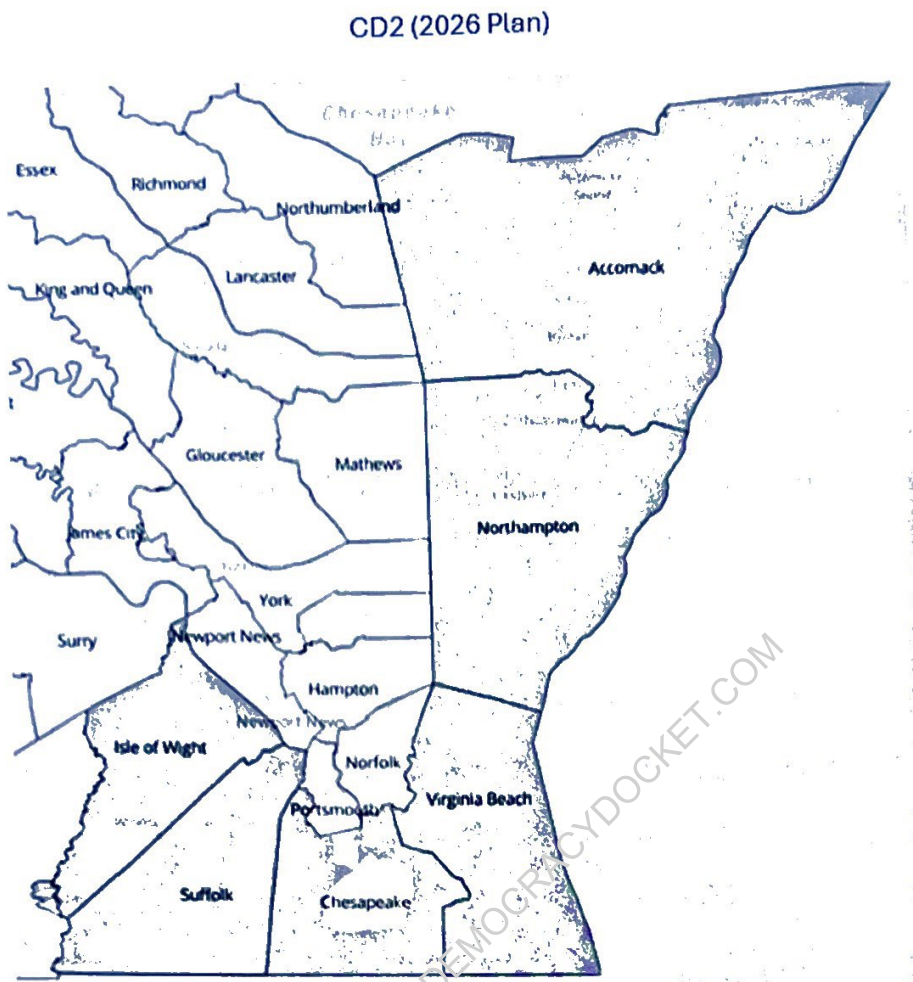
146. Voters in these far-flung regions lack meaningful shared interests with each other.

150. The 2026 Plan reconfigures CD3 to connect Hampton and Newport News to a bulb-and-tentacle cut-out portion of the City of Chesapeake through a very narrow neck, creating the shape of a hot air balloon:

CD3 (2026 Plan)



151. This abnormal configuration leaves CD2 with a hole in its center, as only a hollowed-out portion of Chesapeake remains:



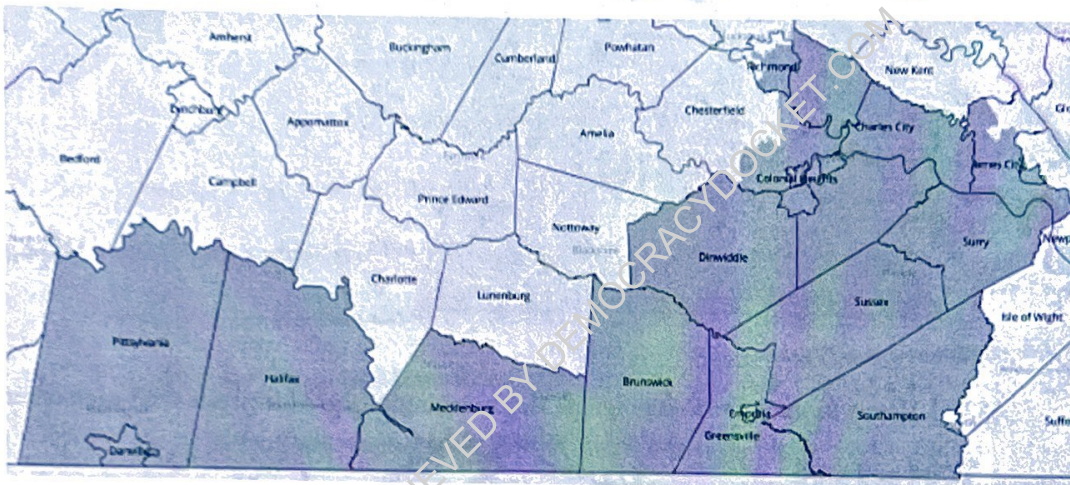
152. Voters in these far-flung regions lack meaningful shared interests with each other.

CD4 and CD5

153. CD4 and CD5 are not composed of compact territory. This is plain, not fairly debatable.

154. The two districts split Richmond in an odd shape and work into dissimilar rural counties to ensure their interests are not represented in Congress. CD4 extends from James City County (which it splits) on its eastern edge to Danville City and Pittsylvania Counties on its western edge:

CD4 (2026 Plan)



155. Voters in these far-flung regions lack meaningful shared interests with each other.

156. CD5 begins with a tentacle grabbing a portion of the City of Richmond and then runs west into Central Virginia—splitting Buckingham and Cumberland Counties—south—splitting Chesterfield County—and north—splitting Henrico and Hanover Counties:

CD5 (2026 Plan)



157. Voters in these far-flung regions lack meaningful shared interests with each other.

158. The configuration of CD5 is noticeably less compact, as the General Assembly sought to re-orient these districts west-to-east and needed to use a tentacle-like shape to bring the City of Richmond into the district. Further, HB29's configuration of CD5 separates Chesterfield County from Henrico County despite the feedback received by the Special Masters—reported in their 12/27/21 Special Masters Rep. (at 13)—that Chesterfield County residents did not want to be placed in CD5 but wanted to be combined more naturally with Henrico County.

159. No legitimate criterion caused the tentacles, appendages, bizarre shapes, and obvious irregularities. The special masters, whose work was adopted by the Virginia Supreme Court, were able to prioritize a host of redistricting criteria—including communities of interest

and political subdivision lines—in districts considerably more compact than the General Assembly has adopted.

160. This is not a case where a small subset of districts in a large plan are comparatively irregular as a consequence of competing criteria to be balanced across neighboring districts—as was the case with CD2, CD6, and CD9 in the special masters’ plan and with the small number of districts challenged in *Vesilind*, *Wilkins*, and *Jamerson*. Here, all the districts are highly irregular on their face, including those slicing erratically through central Virginia, where the compactness mandate is comparatively easier to satisfy consistent with legitimate objectives.

161. Because the compactness requirement is meant “to preclude at least the more obvious forms of gerrymandering,” A.E. Dick Howard, *Commentaries on the Constitution*, 415 (1974), a goal of partisan advantage cannot itself justify gross departures from regular compactness standards. But the General Assembly’s partisan majority has effectively admitted it had no other purpose than gerrymandering.

162. Majority leaders have advertised the 2026 Plan on no other ground than that it will create a 10–1 partisan split in the delegation.

163. For example, the President Pro Tem of the Senate bragged publicly on her X account: “I have the utmost respect for Senator Kaine and Senator Warner but we do not need ‘coaching’ on redistricting coming from a cuck chair in the corner. How about you all stay focused on the fascist in the White House and let us handle redistricting in Virginia. 10-1[.]”⁵

164. In deeming the 2026 Plan exempt from the statute directing traditional districting criteria, the General Assembly announced that it would not attempt to balance those criteria in the 2026 Plan.

⁵ <https://x.com/SenLouiseLucas/status/2012285930229334235> (last accessed February 26, 2026).

165. Under the 2021 Plan, Virginia's delegation to the U.S. House consists of six Democrats—elected from CD3, CD4, CD7, CD8, CD10, and CD11—and five Republicans, including Representatives Rob Wittman (CD1), Jen Kiggans (CD2), John McGuire (CD5), Ben Cline (CD6), and Morgan Griffith (CD9). Instead, the General Assembly identified a 10–1 partisan split—reconfiguring CD1, CD2, CD5, and CD6 to instead likely elect Democrats while packing Republican voters into CD9—as the sole purpose for redistricting at all and the sole goal in the redistricting (with the possible exception of race-based goals).

166. Election analyses indicate that the General Assembly's goal of gerrymandering a 10–1 partisan delegation is likely to be achieved.

167. The 2026 Plan scores poorly under recognized partisan fairness measures.

168. The Constitution prohibits this obvious gerrymander.

The Defendants' Implementation of the New Map Harms Plaintiffs

169. As noted above, the General Assembly directed immediate implementation of the 2026 Plan. This harms Plaintiffs.

170. Plaintiff RNC is an expressive association that, among other things, supports and seeks to facilitate the election of Republican nominees to federal offices and advocates for the voting rights of supporters of Republican candidates who are lawfully registered to vote in Virginia. RNC engages in advocacy and organizational efforts in support of Republican candidates for congressional seats, including in Virginia.

171. HB29 hinders the RNC's ability to organize its campaign and advocacy efforts by imposing irregularly shaped districts that span vast territory in far-flung regions of the Commonwealth and that are designed to elect Democratic candidates to Congress. Under HB29, the RNC will be compelled to spend more time and resources to engage in its advocacy efforts than it would be compelled to spend under the 2021 Plan. And the RNC expenditures of time and

resources are all but certain to be less effective under HB29 than under the 2021 Plan because the 2026 districts are carefully designed to thwart the electoral prospects of candidates the RNC supports.

172. The Plaintiff U.S. Representatives are each harmed by the confusion and non-compactness of the 2026 Map. Specifically, signature collection and campaigning have been thrown into a state of confusion. Candidates do not know where to run for office, or which voters to contact, or the relevant interests of citizens that will be salient. Plaintiffs are unable to campaign effectively without certainty of the districts in which they will be running in the 2026 election cycle. This hinders Plaintiff Members in fundraising, campaigning, and signature collection without legal clarity as to the current state of the district lines.

173. Plaintiff RPV is an expressive association that, among other things, identifies and nominates candidates for Congress and advocates for Republican Party causes. The individual Plaintiffs are Republican voters and members of its State Central Committee who also advocate for Republican Party causes. The General Assembly's goal of a 10-1 partisan split in the delegation harms Plaintiffs' ability to elect their preferred candidates.

174. Plaintiff RPV is internally organized according to Virginia's congressional districts. HB29 has reorganized all congressional districts, altering the internal operations of RPV mid-decade. RPV's Executive Committee is composed primarily of district chairs, and district committees are the organizing force that supports the grassroots and engagement. Their efforts will be disrupted by dramatically new—and non-compact—districts imposed mid-decade. State central committee members will lose their seats, as will members of the finance committee, which is also composed of representatives from each district.

175. Insofar as Defendants might contend that certain parts of HB29 are not currently effective, this state of confusion only causes further harms, effectively subjecting the Commonwealth to more than one congressional plan at once at least in *de facto*—if not *de jure*—terms. As noted above, a part of HB29 that undoubtedly purports to be effective at present declares that the 2026 Plan will govern the 2026 general election. No provision of HB29 declares that the 2021 Plan could govern the 2026 general election because it has been repealed, leaving Plaintiffs in a lurch.

176. It is more difficult for RPV to conduct its affairs under the 2026 Plan because of the irregularly shaped districts that span regions of the Commonwealth. Under the 2026 Plan, members of RPV in places like Alexandria, Arlington, and Fairfax are grouped in districts with co-members well over 100 miles away, from such far-flung places as Northumberland County (CD8) to Frederick County (CD10). The 2026 Plan makes coordination of efforts within RPV substantially more cumbersome.

177. Even before the April 21 referendum—if it goes forward—HB29 requires the RPV to determine the method of nomination for each district. Similarly, the law tells the State Board to “immediately implement” the 2026 voting districts. RPV is entirely unable to organize itself for the 2026 election cycle without knowing which congressional district lines are currently in place.

178. Similarly, the Chairmen are adversely impacted because they are moved into new congressional districts, throwing their authority and appointments into confusion. It is unclear which Chairman is assigned to which district for purposes of HB29. If the 2026 Map, then the Chairmen are moved out of their seats and, in some cases, placed in the same Congressional district, making administration of district-specific nomination processes impossible.

179. This uncertainty hinders RPV and the Chairmen in concrete ways, such as delaying and rendering more difficult recruitment of candidates; hindering district-specific fundraising abilities; and building political infrastructure to assist the eventual nominees in the general election within a known congressional district.

**COUNT I—VIOLATION OF THE VIRGINIA CONSTITUTION’S DECENNIAL
REDISTRICTING PROVISIONS**

Va. Const. art. II, § 6 & 6-A

180. Plaintiffs re-allege and incorporate by reference all previous allegations.

181. Article II, Section 6 of Virginia’s Constitution states: “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.”

182. In turn, Section 6-A directs a redistricting process initiated by the Commission, and if that fails, redistricting authority is vested in the Supreme Court of Virginia. Sections 6 and 6-A together prohibit the General Assembly from adopting a redistricting plan on its own initiative.

183. As of February 20, 2026, the Commonwealth’s redistricting authority could be exercised only in compliance with Article II, § 6-A. Accordingly, only a plan adopted by the Virginia Supreme Court or proposed by the Commission could lawfully govern elections in Virginia.

184. HB29 violates these constitutional provisions in three ways.

185. *First*, the General Assembly did not as of February 20, 2026—and does not today—have power to repeal the 2021 Plan. HB29 declares that the congressional redistricting plan adopted by the Virginia Supreme Court “is hereby repealed and any further use of the voting districts constituting such redistricting map is prohibited.” The term “any further use” embraces in its scope implementation efforts by the Commonwealth’s election officials. This is unconstitutional because only the Commission, or the Supreme Court if the Commission fails, may

adopt congressional districts. Article II, Sections 6 and 6-A give no authority to the General Assembly to “repeal” or “prohibit” from use the map adopted by the Supreme Court pursuant to Section 6A(g).

186. *Second*, the General Assembly did not as of February 20, 2026—and does not today—have power to establish new congressional districts. HB29 establishes new districts. Under Article II, Sections 6 and 6A, only the Commission, or the Supreme Court if the Commission fails, may establish new congressional districts.

187. *Third*, the General Assembly did not as of February 20, 2026—and does not today—have power to direct the Commonwealth’s election officials to implement a congressional plan adopted in violation of Article II, § 6-A.

188. A referendum that has yet to take place cannot grant the General Assembly legal authority to enact HB29 or the 2026 Plan. The referendum language purports to give the General Assembly authority to redistrict from the time of its adoption forward, not retroactively, and not to ratify HB29 or the 2026 Plan. Moreover, the authority the referendum language purports to give is limited to authority to “modify” existing districts. The 2026 Plan does not “modify” the 2021 Plan; it ejects all the 2021 districts and begins from scratch, implementing new districts with no meaningful overlap with the 2021 districts.

189. Plaintiffs are entitled to a declaration under Va. Code § 8.01-184 that HB29 violates the decennial redistricting and Commission redistricting clauses of Va. Const. art. II, § 6 and § 6-A and therefore is *ultra vires*.

190. Plaintiffs will have no adequate remedy at law should the implementation of the non-compact map proceed immediately.

191. The legal rights and duties of Plaintiffs depend upon resolving whether HB29 is unconstitutional legislation in contravention of Article II, § 6 & 6-A of Virginia's Constitution.

192. Plaintiffs are likewise entitled to injunctive relief under Va. Code § 8.01-186 and § 8.01-620 requiring that Defendants immediately desist any implementation of the new map.

**COUNT II – VIOLATION OF THE VIRGINIA CONSTITUTION'S COMPACTNESS
REQUIREMENT**

Va. Const. art. II, § 6

193. Plaintiffs re-allege and incorporate by reference all previous allegations.

194. Article II, Section 6 of Virginia's Constitution states: "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."

195. The word "shall" is mandatory.

196. HB29 violates the Constitution's compactness requirement. The districts are not compact.

197. The General Assembly gave no redistricting criterion meaningful consideration except pursuing a 10-1 partisan split.

198. Furthermore, when fashioning the redistricting plan, the General Assembly did not balance a number of competing considerations that are legitimate, such as traditional districting principles like preservation of existing districts and political subdivisions, incumbency, voting behavior, and communities of interest.

199. No member indicated a basis to conclude any district in the plan is composed of compact territory.

200. No member indicated a basis to conclude any districts in the plan preserve or unite communities of interest.

201. No member indicated a basis to conclude any districts in the plan adequately adhere to the boundaries of political subdivisions.

202. Plaintiffs are entitled to a declaration under Va. Code § 8.01-184 that HB29 violates the compactness clause of Va. Const. art. II, § 6.

203. Plaintiffs will have no adequate remedy at law should the implementation of the non-compact map proceed immediately.

204. The legal rights and duties of Plaintiffs depend upon resolving whether HB29 is unconstitutional legislation in contravention of Article II, § 6 of Virginia's Constitution.

205. Plaintiffs are likewise entitled to injunctive relief under Va. Code § 8.01-186 and § 8.01-620 requiring that Defendants immediately desist any implementation of the new map.

REQUEST FOR RELIEF

WHEREFORE, for the foregoing reasons, Plaintiffs request relief as follows:

- a. A declaration that the 2026 Plan of HB29 violates Article II, Sections 6 and 6-A of the Virginia Constitution, was adopted without legal authority when enacted, and is therefore null and void;
- b. An injunction preliminarily prohibiting Defendants from repealing the 2021 Plan and attempting to implement the 2026 Plan as proposed and/or effectuated in HB29;
- c. An injunction permanently prohibiting Defendants from repealing the 2021 Plan and attempting to implement the 2026 Plan as proposed and/or effectuated in HB29;
- d. Costs; and
- e. Any other and further relief to which Plaintiffs are entitled at law or in equity.

Respectfully Submitted,

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