

IN THE SUPREME COURT OF VIRGINIA

Record No. 26 _____

REPUBLICAN NATIONAL COMMITTEE, et al.,
Petitioners/Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS, et al.,
Respondents/Defendants

PETITION FOR REVIEW
PURSUANT TO CODE § 8.01-626

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TABLE OF CONTENTS

NATURE OF THE CASE AND MATERIAL PROCEEDINGS BELOW.....	1
ASSIGNMENTS OF ERROR.....	3
STATEMENT OF FACTS.....	4
STANDARDS OF REVIEW.....	6
AUTHORITIES AND ARGUMENT.....	7
I. The Amendment Does Not Authorize the 2026 Plan.....	7
A. The Amendment Is Invalid (AEO 1 – A).....	7
B. The 2026 Plan Exceeds the General Assembly’s Authority Under the Amendment (AOE 1 – B).....	7
II. The Circuit Court Erred in Finding the Compactness Mandate Inapplicable (AOE 2).....	9
III. The Circuit Court Erred in Finding the 2026 Plan Compact (AOE 3).....	12
IV. The Circuit Court Erred in Failing to Find All Equitable Factors Favor an Injunction (AOE 4 and 5).....	19
CONCLUSION.....	20

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Alger v. Commonwealth</i> , 267 Va. 255 (2004)	11
<i>Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n</i> , 576 U.S. 787 (2015)	4
<i>Biden v. Nebraska</i> , 600 U.S. 477 (2023)	8
<i>Botkin v. Commonwealth</i> , 296 Va. 309 (2018)	9
<i>Brown v. Saunders</i> , 159 Va. 28 (1932)	13
<i>Coffman v. Commonwealth</i> , 67 Va. App. 163 (2017)	11
<i>Commonwealth v. Fairfax Cnty. Sch. Bd. & P.L.</i> , 49 Va. App. 797 (2007)	9
<i>Commonwealth v. Sadler Bros. Oil Co.</i> , No. 230610, 2023 WL 9693656 (Va. Oct. 13, 2023)	6
<i>Crawford v. Haddock</i> , 270 Va. 524 (2005)	11
<i>Erie Ins. Exch. v. EPC MD 15</i> , LLC, 297 Va. 21 (2019)	10
<i>Fischer v. United States</i> , 603 U.S. 480 (2024)	11
<i>Georgia v. Ashcroft</i> , 539 U.S. 461 (2003)	10
<i>Jamerson v. Womack</i> , 244 Va. 506 (1992)	3, 17

<i>Koski v. RNC</i> , 926 S.E.2d 289 (Va. 2026)	1, 7
<i>MCI Telecommunications Corp. v. Am. Tel. & Tel. Co.</i> , 512 U.S. 218 (1994).....	8
<i>Morgan v. Commonwealth</i> , 301 Va. 476 (2022)	9
<i>Rucho v. Common Cause</i> , 588 U.S. 684 (2019).....	4, 19
<i>United States v. Hansen</i> , 599 U.S. 762 (2023).....	9
<i>Vesilind v. Va. State Bd. of Elections</i> , 295 Va. 427 (2018)	<i>passim</i>
<i>Westrick v. Dorcon Grp., LLC</i> , 303 Va. 204 (2024)	8
<i>Wilkins v. Davis</i> , 205 Va. 803 (1965)	12
<i>Wilkins v. West</i> , 264 Va. 447 (2002)	3, 17, 19
Statutes	
Virginia Code §8.01-626	3
Rules	
Rule 5:17A	3
Other Authorities	
A.E. Dick Howard, Commentaries on the Constitution (1974)	5
<i>Modify</i> , MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/modify (last visited Apr. 29, 2026).....	8, 9
Va. Const. art. II, § 6.....	1, 4, 6, 9

Va. Const. art. II, § 6-A(a)–(e).....4
Webster’s Third New International Dictionary Unabridged 788 (1993)10

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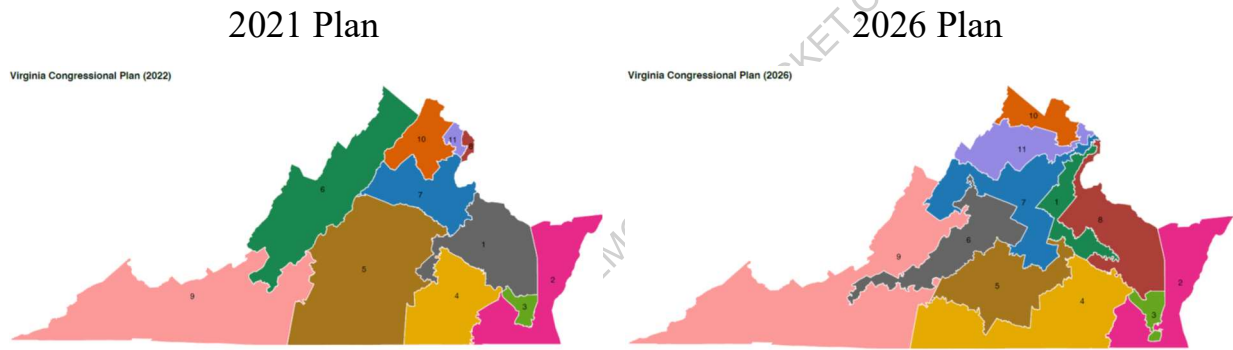
NATURE OF THE CASE AND MATERIAL PROCEEDINGS BELOW

This Court is considering “weighty assertions of invalidity against” a redistricting amendment (the Amendment) the General Assembly recently presented for a public vote. *Koski v. RNC*, 926 S.E.2d 289, 293 (Va. 2026). This case raises equally (or more) weighty assertions of invalidity against the redistricting plan promulgated under the authority supposedly conferred by that Amendment.

Unlike California’s legislature—which solicited a public vote on a specific redistricting plan in departing from that State’s independent redistricting process—the General Assembly put only an *authorization* to redistrict before the public. To sweeten the sales pitch in what would be—and was—a closely divided and geographically polarized vote, the General Assembly presented a modest Amendment. It asked the public for permission to “*modify* one or more congressional districts . . . , in the event that any State . . . conducts a redistricting of such state’s congressional districts” The General Assembly put forth no text that abrogated the Commonwealth’s venerable requirement that “[e]very electoral district shall be composed of contiguous and compact territory.” Va. Const. art. II, § 6. The public had no basis to expect that the General Assembly was seeking a blank check to redistrict the Commonwealth in an unlimited and bizarre manner.

This was a bait-and-switch. Separate from the amendment process, the General Assembly fashioned the “2026 Plan” and slipped it into a massive

appropriations bill. It is the least compact congressional plan in the United States today and the least compact congressional plan in the Commonwealth’s history as far back as 1952. The plan splits Northern Virginia five ways and bizarrely stretches these districts hundreds of miles into the Shenandoah Valley, central Virginia, and Tidewater. This ensures that voices of downstate Virginians are canceled by the DC suburbs—Washingtonians sending Washingtonians to Washington. The 2026 districts mark, even at a quick glance, a compactness plunge:



The point is partisan. The General Assembly announced it sought a 10–1 Democratic advantage and appears to have succeeded.

The circuit court, however, declined to provisionally enjoin the 2026 Plan to preserve the status quo. It agreed there “is no doubt” Petitioners “have shown a likelihood of irreparable harm.” R.0175. But it held that Petitioners have not shown likelihood of success, reasoning first that the term “modify” in the Amendment has “expansive” reach to authorize any redistricting without limits once its triggering conditions are satisfied. R.0181. It also held that the General Assembly is exempted

from the compactness requirement in the *first* paragraph of Article II, Section 6 because the *second* paragraph of that provision now contains the word “except.” R.0183–186.

Alternatively, it found compactness to be satisfied. The circuit court either agreed with, or found no fault in, Petitioners’ contentions or evidence, finding it almost entirely un rebutted that the 2026 districts “are less compact than the 2021” districts, “less compact than other states’ congressional maps,” and “are the least compact districts in Virginia since the 1950’s.” R.0187. The expert opinion, it said, was “remarkably consistent regarding measurements and compactness scores.” R.0188. But the court found Petitioners unlikely to succeed because the scores of the 2026 districts “largely met or exceeded” the scores of districts upheld in *Vesilind v. Va. State Bd. of Elections*, 295 Va. 427 (2018); *Jamerson v. Womack*, 244 Va. 506 (1992), and *Wilkins v. West*, 264 Va. 447 (2002).

By this Petition for Review, filed pursuant to Virginia Code §8.01-626 and Rule 5:17A, Petitioners seek review and reversal of the circuit court’s order and an injunction prohibiting implementation of the 2026 Plan.

ASSIGNMENTS OF ERROR

1. The circuit court erred in concluding Petitioners are unlikely to succeed on the merits of their claims on the grounds that (A) the Amendment authorizes the 2026 Plan—when the Amendment is invalid—and (B) the Amendment’s

term “modify” expansively authorizes redistricting without limitation.
Preserved:

2. The circuit court erred in concluding Petitioners are unlikely to succeed on the merits of their claims on the ground that the Amendment superseded the Constitution’s compactness requirement. **Preserved:**
3. The circuit court erred in concluding Petitioners are unlikely to succeed on the merits of their claims on the ground that the 2026 districts satisfy the Constitution’s compactness requirement. **Preserved:**
4. The circuit court erred in concluding that the balance of harms impacts the parties equally and that the public interest weighs against an injunction. **Preserved:**
5. The circuit court erred in denying the motion for preliminary injunction.
Preserved:

STATEMENT OF FACTS

Partisan gerrymandering is “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) (*AIRC*). Because the federal constitution does not regulate this practice, *Rucho v. Common Cause*, 588 U.S. 684 (2019), the choice of remedies is left to “the States as laboratories for devising solutions to difficult legal problems.” *AIRC*, 576 U.S. at 817 (citation omitted).

The Commonwealth’s Constitution restricts gerrymandering in two ways. The first, and most recent, is by means of an independent redistricting process approved by a large majority of voters in 2020. Va. Const. art. II, § 6-A(a)–(e). Separately, the Constitution requires that “[e]very electoral district shall be composed of . . . compact territory.” *Id.* art. II, § 6. This dictate is meant “to preclude at least

the more obvious forms of gerrymandering.” A.E. Dick Howard, Commentaries on the Constitution, 415 (1974).

The Commonwealth adhered to these directives in the most recent decennial redistricting. This Court unanimously approved legislative and congressional plans proposed by a bipartisan team of two special masters. R.0195. The special masters built the congressional plan around “local needs,” *Vesilind*, 295 Va. at 445, grouping the Commonwealth communities into coherent districts. R.0208–212.

In 2026, the Democratic Party took control of the Virginia government and promptly inserted a new redistricting plan (“the 2026 Plan”) into a general appropriations bill (HB29), which was signed into law by the Governor on February 20. The General Assembly claimed an urgent need to join in with mid-decade redraws elsewhere (such as in New York, Texas, and California). R.0296–298. The plan’s defining feature is non-compactness. With thin strips of territory, the plan splits “communities with shared economic and political interests, or cultural, geographic, or historical ties” throughout the Commonwealth. R.0367. It splits Northern Virginia five ways and stretches each district over hundreds of miles into the Shenandoah Valley, Piedmont, and Tidewater to ensure that Virginians in those places have no meaningful voice in Congress and that the DC suburbs control the delegation. R.0367, R.0375. The plan takes a similar approach in Richmond, diluting

surrounding rural territory in Southside and central Virginia, as well as in Hampton Roads.

The singular 10–1 goal is brazen by any standard. Not since the Byrd era was the delegation so lopsided. R.0298; R.0698. The casualty was compactness and its democratic benefits, leaving a map that “distort[s] the political power of voters in Northern Virginia” and eliminates legislators’ “incentive to represent geographically remote communities of interest that are divided by district boundaries.” R.0375; *see* Va. Const. art. II, § 6. As shown below, the 2026 Plan is the least (or second least) compact district plan in the United States and the least compact in Virginia history at least back to 1952.

STANDARDS OF REVIEW

This Court “review[s] a circuit court’s judgment regarding a temporary injunction for an abuse of discretion.” *Commonwealth v. Sadler Bros. Oil Co.*, No. 230610, 2023 WL 9693656, at *4 (Va. Oct. 13, 2023). However, it reviews “*de novo*” the decision insofar as it “rest[s] upon its interpretation of statutory or constitutional provisions.” *Id.* “A court abuses its discretion when it (1) does not consider a relevant factor that should have been given significant weight, (2) gives significant weight to an irrelevant or improper factor, or (3) considers proper factors but commits a clear error of judgment while weighing those factors.” *Id.*

AUTHORITIES AND ARGUMENT

I. The Amendment Does Not Authorize the 2026 Plan

The circuit court erred as a matter of law in holding that the Amendment authorizes the 2026 Plan.

A. The Amendment Is Invalid (AEO 1 – A)

The circuit court found that the Amendment authorizes the 2026 Plan and therefore found Petitioners unlikely to succeed on the merits. R.0176–180. However, this Court is currently considering “weighty assertions of invalidity against” the Amendment itself. *Koski*, 926 S.E.2d at 293. If the Court finds the Amendment invalid, it will necessarily follow that the 2026 Plan is unauthorized.

B. The 2026 Plan Exceeds the General Assembly’s Authority Under the Amendment (AOE 1 – B)

In all events, the circuit court erred in finding the 2026 Plan within the scope of the Amendment. The Amendment authorizes the General Assembly “to *modify* one or more congressional districts . . . , in the event that any State . . . conducts a *redistricting* of such state’s congressional districts” in certain circumstances. R.0395 (emphasis added). HB29 does not “modify” one or more existing districts. As the circuit court explained, “it repeals the 2021 maps and prohibits their further use.” R.0176. Petitioners presented un rebutted evidence that the General Assembly fundamentally transformed Virginia’s congressional districts, retaining low percentages of district cores nearly across the board. *See* R.0334; R.0684, R.0710-

0711. Defendants did not contest this point, and the circuit court did not find otherwise.

Instead, the circuit court afforded the term “modify” an “expansive meaning” embracing a wholesale redistricting without limit. R.0181. This was legal error. As this Court has recognized, the term “‘modify’ means ‘[t]o make somewhat different; to make small changes to (something) by way of improvement, suitability, or effectiveness,’” or “[t]o make more moderate or less sweeping; to reduce in degree or extent; to limit, qualify, or moderate[.]” *Westrick v. Dorcon Grp., LLC*, 303 Va. 204, 209 (2024) (quoting Black’s Law Dictionary at 1203 (11th ed. 2019)). The U.S. Supreme Court has agreed that “permission to ‘modify’ does not authorize ‘basic and fundamental changes.’” *Biden v. Nebraska*, 600 U.S. 477, 494 (2023) (citation omitted). Surveying dictionaries, that Court has found that the term “has a connotation of increment or limitation,” “like a number of other English words employing the root ‘mod-’ (deriving from the Latin word for ‘measure’), such as ‘moderate,’ ‘modulate,’ ‘modest,’ and ‘modicum.’” *MCI Telecommunications Corp. v. Am. Tel. & Tel. Co.*, 512 U.S. 218, 225 (1994).

The circuit court selected a different definition of “modify”—3.b in the Merriam-Webster Online Dictionary—as including “basic or fundamental changes in[,] often to give a new orientation or to serve a new end.” R.0180–181; *Modify*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/modify> (last

visited Apr. 29, 2026). But that dictionary, too, includes a definition—3.a—of “minor changes.” *Id.* “When words have several plausible definitions, context differentiates among them.” *United States v. Hansen*, 599 U.S. 762, 775 (2023). The Amendment distinctly uses the phrase “conducts a redistricting” to refer to the *condition* for its grant of authority to the General Assembly but not to the *scope* of the authority that arises. Where a legal text “has used specific language in one instance but . . . uses different language when addressing a similar subject elsewhere..., the Court must presume that the difference in the choice of language was intentional.” *Morgan v. Commonwealth*, 301 Va. 476, 482 (2022) (citation and alteration marks omitted). The General Assembly had the phrase “*conduct a redistricting*” available to it, and indeed used that precise phrase, but chose to limit its own authority “to *modify[ing]* one or more congressional districts.” R.0395.

The circuit court erred in departing from text and guessing at “the legislature’s intentions.” R.0181. This “intention is initially found in the words of the” law “itself.” *Commonwealth v. Fairfax Cnty. Sch. Bd. & P.L.*, 49 Va. App. 797, 802 (2007) (citation omitted); *Botkin v. Commonwealth*, 296 Va. 309, 314 (2018).

II. The Circuit Court Erred in Finding the Compactness Mandate Inapplicable (AOE 2)

The circuit court erred in concluding that the 2026 Plan is exempt from the mandatory requirement that “[e]very electoral district shall be composed of contiguous and compact territory.” Va. Const. art. II, § 6. The circuit court found

that the Amendment superseded this requirement. R.0183–186. But the Amendment altered the *second* paragraph of Article II, Section 6. The compactness requirement is contained in the *first* paragraph of that provision. That first paragraph applies the mandate of “compact territory” to “[e]very district”—with or without the proposed amendment. R.0394 (emphasis added). The term “every” means “without exception.” Webster’s Third New International Dictionary Unabridged 788 (1993).

The circuit court erred in taking words “myopically” without “context.” *Erie Ins. Exch. v. EPC MD 15, LLC*, 297 Va. 21, 28 (2019). The clause beginning “except” was added to the second paragraph of Section 6, which requires that districts be “reapportioned . . . in the year 2021 and every ten years thereafter.” R.0395. The word “except” cannot be matched with—and swallow—just any constitutional mandate appearing in an entirely separate paragraph of the Constitution. Read in the context of the *second* paragraph where it appears, the language permits a mid-decade legislative redistricting as an exception to the mandatory redistricting by the commission next scheduled for 2031. This is a timing-based exception to the decennial redistricting model. *See Georgia v. Ashcroft*, 539 U.S. 461, 489 n.2 (2003) (“When the decennial census numbers are released, States must redistrict to account for any changes or shifts in population.”). That point finds support in the exception’s triggering text, which applies under certain circumstances arising “at any *point following* the adoption of the *decennial* reapportionment law.”

R.0395 (emphases added). These “neighboring words” oriented to the concept of timing give “precise content” to the scope of what the term “except” covers. *See Fischer v. United States*, 603 U.S. 480, 481 (2024) (citation omitted).

The circuit court believed that, because the second paragraph of Section 6 references “this section and Section 6–A,” the term “except” marked a wholesale departure from anything contained in either provision. This view misses that the requirements of the first paragraph of Section 6 stand on their own terms, with or without that cross-reference. This meaning is confirmed by “the rule of the last antecedent,” *i.e.*, that “qualifying words or phrases modify the words or phrases immediately preceding them and not words or phrases more remote[.]” *Coffman v. Commonwealth*, 67 Va. App. 163, 168 (2017) (citation omitted); *Alger v. Commonwealth*, 267 Va. 255, 260 (2004).

The circuit court ultimately believed plain text could not control because of the absurd-results canon. R.0185–186. It theorized that, if the exception did not reach the second of the three verbal units, the amendment would not supersede the requirement of commission-based redistricting imposed in Section 6-A. R.0185. This was a mistake. The word “except” did not need to reach back to the reference to Section 6-A further up in the sentence to override the independent-commission requirement because the exception itself vested in “the General Assembly,” not in the commission. Because “the specific controls the general,” *Crawford v. Haddock*,

270 Va. 524, 530 (2005), the plain authorization was amply sufficient to authorize a legislative—not a commission—redistricting. But there is no specific authorization in the second paragraph of Section 6 to configure non-compact, non-contiguous, or unequally populated districts that could override Section 6’s first paragraph.

In short, the Amendment affects the “when” and “who” of redistricting, but not the “how.” Compactness remains a requirement.

III. The Circuit Court Erred in Finding the 2026 Plan Compact (AOE 3)

The circuit court also erred in finding the compactness mandate satisfied.

The compactness requirement sets a “duty,” not an option. *Wilkins v. Davis*, 205 Va. 803, 813 (1965). Accordingly, the question “whether a voting district is ‘compact’ is justiciable.” *Vesilind*, 295 Va. at 445. But it “does not admit to a bright line approach.” *Id.* at 444. Precedent acknowledges “different methods of measuring compactness” both in the social sciences and from the standpoint of “geographic size, ease of travel and representation, and communities of interest.” *Id.* at 445. Precedent also recognizes the legislative need to implement “traditional discretionary redistricting elements.” *Id.* at 448 (alteration marks omitted). Accordingly, the compactness inquiry presents “a question of ‘fact’ triggering the ‘fairly debatable’ standard.” *Id.* at 445. The General Assembly will receive “deference . . . in its value judgment as to the relative degree of compactness required,” but only if it “considered the constitutional requirement of compactness

in reconciling the different demands upon it.” *Id.* This standard does not tolerate failings that are “obvious, indisputable and excessive.” *Brown v. Saunders*, 159 Va. 28, 45 (1932).

Petitioners’ showing on this fact question was overwhelming and not genuinely contested. The circuit court found that the 2026 districts are “undoubtedly less compact than the ones they replace,” “are certainly partisan gerrymanders,” and “displace both representatives and voters into new, oddly shaped districts.” R.0191. The circuit court also determined that the opinions of Petitioners’ principal expert, Dr. Barber, “are not unreliable or unsound.” R.0190. The evidence showed:

- The 2026 districts are bizarrely shaped on visual inspection. R.0269–290.
- Under leading mathematically derived compactness scores, the 2026 plan is the least compact Virginia congressional plan as far back as 1952. R.0312–313; R.0695–698.
- Under those scores, the 2026 Plan is significantly less compact than the 2022 plan. R.0308; R.0691.
- Under these scores, the 2026 Plan is the least compact plan in the United States today. R.0315; R.0698–700.
- The 2026 Plan is not compact under a “spatial and political assessment of compactness, which” can “include[] consideration of geographic size, ease of travel and representation, and communities of interest,” as well as “the

number of localities split between districts.” *Vesilind*, 295 Va. at 445. The 2026 Plan fragments counties to a far greater degree than the 2021 Plan. R.0317–318; R.0708–710. It does not track “communities of interest.” *Vesilind*, 295 Va. at 445; R.0367, R.0375; R.0767–768. Residents must drive hours—often in heavy traffic—to coordinate events with fellow district residents. R.0412–416; R.0367–373; R.0759, R.0763–767. Representatives will have no incentive to visit far-flung rural communities that cannot hold them accountable. R.0367–375; R.0757, R.0759–760, R.0763–768.

- Defendants’ own expert testified that, by numerous measurements, the 2026 Plan’s districts are less compact than districts previously reviewed by this Court in *Vesilind*, *Wilkins*, and *Jamerson*. R.0869–875.
- There is no “evidence that the General Assembly considered the constitutional requirement of compactness in reconciling the different demands upon it.” *Vesilind*, 295 Va. at 448. The circuit court identified one—and only one—goal behind the bizarre shapes: 10–1 partisan advantage. R.0191.

The circuit court committed several interlacing errors in finding the compactness mandate satisfied in spite of those undisputed facts.

First, it began from the wrong starting point in affording deference to “the General Assembly’s primacy in considerations of compactness.” R.0188. This Court’s precedent is clear that, “[w]here there is evidence that the General Assembly

considered the constitutional requirement of compactness *in reconciling the different demands upon it* in drawing legislative districts, deference is given.” *Vesilind*, 295 Va. at 448 (emphasis added). There is no such evidence here. The record contains *no* evidence that the General Assembly considered anything other than obtaining a 10-1 partisan gerrymander. Unlike in precedent, no “floor speeches . . . mentioned compactness,” *Vesilind*, 295 Va. at 450, the General Assembly included no compactness measurements in the spreadsheet of data supporting the bill, and it expressly rejected application of a statute that requires, among other traditional districting principles, compact districts, R.0176; R.0418–421.¹

Second, the circuit court erred in effectively deeming districts of certain mathematical scores immune from challenge in Virginia. Defendants’ expert, Dr. Palmer, examined the scores of districts upheld in *Vesilind*, *Wilkins*, and *Jamerson* “and compared them to the 2026 maps.” R.0189. That was the *sole* point of comparison Defendants offered and the *sole* material evidence they put forward. The court interpreted this evidence to establish a showing of compliance with “the standards laid down by” this Court “in *Vesilind*.” *Id.* *Vesilind* laid down no such

¹ While Defendants submitted a skeletal declaration from a member of the House of Delegates, the circuit court correctly excluded it. R.0837–838. Neither Defendants nor the circuit court cited any evidence from the legislative record (of which the court took judicial notice, R.0788–789; R.0465–470) that compactness or communities of interest were considered.

standard. *Vesilind* anticipated this complacency and made clear that there is no “bright-line standard.” 295 Va. at 449. The Court emphasized that its compactness opinions (*Wilkins* and *Jamerson*) “do not even recount the compactness scores of the districts upheld therein.” *Vesilind*, 295 Va. at 449. It therefore held that the Commonwealth’s comparison of compactness scores to those in districts upheld was “not dispositive.” *Id.* at 452. Mathematical scores below those upheld are not necessarily infirm; and scores equal to or above those upheld are not necessarily sufficient.

Third, the circuit court erred in missing critical facts that differentiate this case from *Vesilind*, *Wilkins*, and *Jamerson*. One is that those cases concerned State House and Senate legislative districts, but congressional districts are significantly larger. Contrary to the circuit court’s contention that “not a scintilla of evidence” differentiated congressional and legislative districts, Petitioners showed that the 2026 congressional districts are massive, take hours to traverse, and combine communities with no arguably shared interests on opposite sides of the Commonwealth. R.0367–375; R.0758–769; R.0412–415. Dr. Barber explained why comparisons between congressional and legislative districts do not work, including the differences in geographic size and treatment of counties, cities, and other political subdivisions. R.0712–713. Defendants’ expert, Dr. Palmer, did not analyze geographic size, ease of travel and representation, or communities of interest.

R.0863–864. He also admitted he has never submitted an expert report in any case that compared a state’s congressional and legislative districts as he did here. R.0863.

Turning to the very factors this Court has deemed important—“ease of travel, communities of interest, incumbency, or political boundaries”—the circuit court found them irrelevant because they were “discarded by the vote of the people’s duly elected representatives and the people themselves.” R.0190. This simply repeated its error in construing the Amendment, shown above. That point aside, the circuit court misunderstood the role of traditional districting factors. They were *not* mandatory in *Vesilind*, *Wilkins*, or *Jamerson* any more than they are here. Virginia precedents have always allowed compactness to be offset or balanced against “traditional redistricting elements” like “preservation of existing districts, incumbency, voting behavior, and communities of interest.” *Wilkins*, 264 Va. at 464; *see also Jamerson*, 244 Va. at 512 (citing favorably goals of avoiding “splitting counties, cities, and towns,” “preserving communities of interest,” honoring “[p]recincts” and preserving “existing districts and incumbency”). Precedents have upheld irregularly shaped districts *only* because they satisfied such legitimate goals. *Wilkins*, 264 Va. at 466; *Jamerson*, 244 Va. at 516. Accordingly, implementation of these factors presents the type of “reasonableness” that can “make the issue fairly debatable.” *Vesilind*, 295 Va. at 446–47. Simply put, these factors permit a *lesser* degree of compactness than would otherwise be required. But none of those factors were used in designing the

2026 Plan. Indeed, those factors fare worse in the 2026 Plan than in the plan it replaces.

In its mistaken reliance on *Vesilind*, *Wilkins*, and *Jamerson*, the circuit court also failed to address uncontested evidence that every district in the 2026 Plan is irregular or outright bizarre, which marks another material point of distinction. By contrast, the challengers in *Jamerson*, *Wilkins*, and *Vesilind* picked off just a few districts from plans with 40 (Senate) or 100 (House) districts. In *Vesilind*, only five House districts (5% of the plan) and six Senate districts (15% of the plan) were even alleged to contravene the compactness requirement. See R.0486. Indeed, Dr. Palmer conceded that he only reviewed the compactness of 3% of the total seats across the plans at issue in *Jamerson*, *Wilkins*, and *Vesilind* (14 districts out of three years of plans that included a total of 420 districts). R.0866–867. A challenge like that is unfair. There will always be least compact districts in a plan, and abstract scores may be degraded to account for needs in neighboring districts. This occurred even in the plan approved by this Court, where the Special Masters felt compelled to configure a few districts that “score relatively poorly” under mathematical measures to achieve other goals. R.0213. But here, the General Assembly made non-compactness the defining feature of the 2026 Plan and every district within it.

Finally, the circuit erred in its acquiescence to “partisan gerrymanders.” R.0191. This Court’s precedent has never deemed partisanship the type of factor that

can be “evidence of reasonableness” to justify irregular districts. *Vesilind*, 295 Va. at 447 (citation omitted). Precedent implicitly forecloses that assertion by demanding a “showing” that the General Assembly’s “actions were reasonable.” *Id.* at 446. The standard looks to “traditional redistricting elements.” *Wilkins*, 264 Va. at 464. But “gerrymandering is ‘incompatible with democratic principles.’” *Rucho*, 588 U.S. at 718 (citation omitted). While partisan motives cannot form the basis of a constitutional attack on electoral districts, neither can such motives justify districts that are not compact.

IV. The Circuit Court Erred in Failing to Find All Equitable Factors Favor an Injunction (AOE 4 and 5)

The equities favor an immediate injunction. The circuit court correctly held that there is “no doubt that the Plaintiffs have shown a likelihood of irreparable harm.” R.0175. It erred, however, in finding the balance of harms “neutral” and that the public interest cut against an injunction. R.0191–192. The court reasoned that Defendants must “prepare for a federal election.” R.0191 This wrongly conflates the vote on the *Amendment* with the *2026 Plan* itself. Voters did not address the 2026 Plan in casting their ballots (though they could have been allowed to). They adopted a modest amendment that did not abrogate the independent compactness requirement. Because Petitioners showed a likelihood of two constitutional violations, the circuit court’s reasoning falls away. It would *vindicate* the public vote

to enjoin a map that goes beyond the authority the people granted or that contravenes independent, mandatory requirements.

Because Petitioners demonstrated irreparable harm as well as likelihood of success and the remaining equitable factors, the circuit court should have issued a preliminary injunction. Its failure to do so reflected legal and clear factual error.

CONCLUSION

The Court should grant the petition, vacate the circuit court's order, and issue the requested preliminary injunction or direct the circuit court to do so.

Respectfully Submitted,

May 1, 2026

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CERTIFICATE

Pursuant to Rule 5:17A(c), I certify that:

1. The petitioners are Republican National Committee; Republican Party of Virginia; 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; Creal French; U.S. Representative Ben Cline; U.S. Representative H. Morgan Griffith; U.S. Representative Jennifer A. Kiggans; U.S. Representative John J. McGuire; and U.S. Representative Robert J. Wittman.

2. Counsel for petitioners are:

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3. The respondents are the Virginia State Board of Elections; the Virginia Department of Elections; Steven Koski, Commissioner of the Department of Elections; John O'Bannon, member of the Virginia State Board of Elections; Rosalyn R. Dance, member of the Virginia State Board of Elections; Georgia Alvis-Long, member of the Virginia State Board of Elections; Christopher P.

Stolle, member of the Virginia State Board of Elections; and Democratic Congressional Campaign Committee (“DCCC”).

4. Counsel for the respondents are:

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5. On May 1, 2026, this petition was filed via VACES, and copies were delivered to counsel for the respondents via email at the addresses listed above.
6. This petition complies with Rule 5:17(c)(i) because it does not exceed 20 pages.
7. The copy of the record being filed with this petition is an accurate copy of the record of the circuit court and contains everything necessary for a review of the petition.

/s/ Richard B. Raile

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