

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

Republican National Committee, Rob Wittman, U.S. Representative for Virginia's First Congressional District, and Morgan Griffith, U.S. Representative for Virginia's Ninth Congressional District,

Plaintiffs,

v.

Fairfax County Electoral Board, Eric L. Spicer, in his official capacity as General Registrar for Fairfax County, Katherine K. Hanley, in her official capacity as Chairman of the Fairfax County Electoral Board, Megan Challenger, in her official capacity as Vice Chairman of the Fairfax County Electoral Board, and Kevin R. Pinkey, in his official capacity as Secretary of the Fairfax County Electoral Board,

Defendants.

Case No.

**COMPLAINT**

1. Virginia law requires officers of election to challenge the eligibility of any person "suspected" to be a non-citizen who tries to vote. A person challenged may still vote so long as he signs a sworn statement attesting to his eligibility. Fairfax County's Election Officer Training Notebook ("Notebook") ignores this Virginia law, rendering the state's elections vulnerable to non-citizen participation. The Notebook instructs officers of election to allow individuals presenting a Driver Privilege Card ("DPC"), which are issued only to non-citizens, to vote without challenge, so long as the person presents another form of identification. Plaintiffs Republican National Committee, Morgan Griffith, and Rob Wittman bring this action to force Fairfax County to comply with Virginia's common-

sense requirement that persons attempting to vote with a form of ID that is only issued to non-citizens be challenged by officers of election.

2. Plaintiffs Republican National Committee, Rob Wittman, U.S. Representative for Virginia's First Congressional District, and Morgan Griffith, U.S. Representative for Virginia's Ninth Congressional District, (collectively "Plaintiffs") bring this action seeking declaratory relief pursuant to Va. Code § 8.01-184 and injunctive relief pursuant to Va. Code § 8.01-620, *et seq.*, against Fairfax County Electoral Board, Eric L. Spicer in his official capacity as General Registrar for Fairfax County, Katherine K. Hanley, in her official capacity as Chairman of the Fairfax County Electoral Board, Megan Challenger, in her official capacity as Vice Chairman of the Fairfax County Electoral Board, and Kevin R. Pinkey, in his official capacity as Secretary of the Fairfax County Electoral Board (collectively, "Defendants") to prevent Defendants' continuing violation of Va. Code § 24.2-651.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to Va. Code §§ 8.01-620, 8.01-184, and 8.01-186. These statutory sections permit this Court to issue declaratory judgments and grant injunctive relief to effectuate its declaratory judgments, and general jurisdiction relief to effectuate its declaratory judgment, 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."
4. An actual controversy exists between the parties because Defendants are administering voting for a special election on a proposed amendment to the Virginia Constitution where early voted started on March 6, 2026, and will conclude on April 21, 2026, and there will be a general federal midterm election on November 3, 2026, that Defendants will administer.
5. Venue is proper in this Court pursuant to Va. Code § 8.01-261(2), because this is an action against one or more officers in their official capacities who maintain an official

office in the County of Fairfax, and under Va. Code § 8.01-261(15)(c), because this is a proceeding to award injunction for an act to be done in the County of Fairfax.

6. This complaint alleges a dispute over the rights, status, and legal relationship between the parties to this constitutional controversy stemming from the actions of the Defendants. Plaintiffs have a substantial present interest in the relief sought.

### **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 S.E., Washington, DC 20003.
8. The RNC represents 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. The RNC manages the Republican Party’s business at the national level, coordinates fundraising and election strategy, and develops and promotes the national Republican platform.
11. The RNC works to elect Republican candidates to state and federal office. In November 2026, and subsequent elections, its candidates will appear on the ballot in Virginia for numerous federal and state offices.
12. The RNC engages in various activities to help elect Republicans throughout the nation and Virginia.
13. The RNC works with and supports multiple candidates for state and federal office who are competing for votes in upcoming elections in Virginia.
14. The RNC has vital interests in protecting the security and fairness of elections in Virginia.
15. The RNC brings this suit to vindicate its own rights as an organization, and in an associational and representational capacity to vindicate the rights of its members, affiliated voters, and candidates.

16. Protecting the voting rights and preventing the disenfranchisement of the Republican voters who are RNC members and lawfully registered to vote in Virginia is germane to the mission of the RNC. It also is well within the scope of the reasons why members join the RNC and support the mission of the organization.
17. Allowing unqualified, non-citizen individuals to vote in the upcoming special, general, and any subsequent elections diminishes the voting rights of RNC's members.
18. Plaintiff Rob Wittman is the U.S. Representative for Virginia's First Congressional District and is a current candidate for Virginia's First Congressional District. The Virginia constitutional amendment that involves redistricting is being voted on in the upcoming April 21, 2026 special election. If the amendment passes, it will have impacts on Virginia's First Congressional District.
19. Plaintiff Morgan Griffith is the U.S. Representative for Virginia's Ninth Congressional District. The upcoming special election may have impacts on that district.
20. Defendant Fairfax County Election Board is the entity appointed with the responsibility for administering the upcoming elections in Fairfax County and in connection with that duty, developing the Chiefs Notebook, which is intended "to guide both new and experienced Chiefs and Assistant Chiefs through what you need to know to prepare for the election, manage all operations of your polling place, and work with your election officers," including outlining guidance in Section 7 of the Notebooks on the acceptable IDs for voting. Va. Const. Art. 2, § 8 (Electoral boards; registrars and officers of election); Va. Code § 24.2-101 (defining general registrar).
21. Defendant Eric L. Spicer is the General Registrar for Fairfax County. He is sued in his official capacity as General Registrar for Fairfax County.
22. Defendant Katherine K. Hanley is the Chairman of the Fairfax County Electoral Board. She is sued in her official capacity as Chairman for the Fairfax County Electoral Board.

23. Defendant Megan Challender is the Vice Chairman of the Fairfax County Electoral Board. She is sued in her official capacity as Vice Chairman for the Fairfax County Electoral Board.
24. Defendant Kevin R. Pinkey is the Secretary of the Fairfax County Electoral Board. He is sued in his official capacity as Secretary for the Fairfax County Electoral Board.

### FACTUAL ALLEGATIONS

**I. The Notebook conflicts with Virginia Code § 24.2-651’s requirement for officers of election to challenge the vote of any person suspected not to be a qualified voter**

25. Virginia Code § 24.2-651 provides that “the officers of election shall[] challenge the vote of any person who is listed on the pollbook but is known or *suspected not to be* a qualified voter.” (Emphasis added.)
26. A person who is challenged may still vote if he or she signs a sworn statement attesting to his or her eligibility. Va. Code § 24.2-651.
27. Pursuant to Va. Code § 46.2-328.3, a person who does not meet the requirements for a driver’s license or permit under subsection A or B of Va. Code § 46.2-328.1 may be issued a “driver privilege card” or permit (“DPC”).
28. To receive an original license, permit, or special identification card, an applicant must present evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, (iii) a conditional resident alien of the United States, (iv) an approved applicant for asylum in the United States, (v) an entrant into the United States in refugee status, or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States. Va. Code § 46.2-328.1(A).
29. Virginia Code § 46.2-328.1(B) governs the criteria for limited-duration licenses, permits, and special identification cards in connection with persons “who present valid documentary evidence that a federal court or federal agency having jurisdiction over

immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States ... .”

30. Virginia issues DPCs exclusively to non-citizens. Virginia Department of Motor Vehicles, *Who Can Get a Driver Privilege Card?*, <https://www.dmv.virginia.gov/licenses-ids/license/driver-privilege-card#who%20is%20eligible> (last accessed Apr. 1, 2026).
31. The Fairfax Notebook is the guiding document for officers of election in Fairfax County during this special election and the upcoming general election, because DPCs are only issued to non-citizens.
32. Section 7 (“Acceptable IDs”) of the Fairfax Notebook states that “a driver privilege card is not” an acceptable form of ID for voting. (Ex. A .)
33. An individual’s possession of a DPC is strong evidence that he or she is not a citizen eligible to vote in state and federal elections.
34. An individual’s possession of a DPC is sufficient for an election officer to “suspect” that he is a non-citizen, triggering their affirmative obligation under state statute to “challenge the vote” of any such person. Va. Code § 24.2-651.
35. The Notebook nevertheless allows an individual with a DPC to vote as long as the person provides another form of ID or completes an ID Confirmation Statement. (*Id.*)

## Driver privilege cards

Driver privilege cards are identical in appearance to some driver's licenses, but they are issued to Virginia residents who are not U.S. citizens and are not an acceptable form of ID for voting.

If an ID that looks like a driver's license does not scan on the e-pollbook, check if it is a driver privilege card.

**1. Review the ID for three elements:**

- Does it say "Federal Limits Apply" in top right?
- Does it say "9" under Restrictions at the bottom?
- Does it say "Limited duration" on the back?

**2. If yes to all three, this is either a limited-duration driver's license or a driver privilege card.**

**Ask the voter:**

"The Virginia DMV issues two IDs that are identical in appearance. One is a limited-duration driver's license, which is an acceptable ID for voting. The other is a driver privilege card, which is not an acceptable ID for voting. Is this a driver's license or a driver privilege card?"

**3. Evaluate voter's response:**

- If voter says it is a **driver's license** → Accept the ID.
- **If voter says it is a driver privilege card → Ask voter for another form of ID or to complete an ID Confirmation Statement.**
- If voter says they **don't know** → Ask voter for another form of ID or to complete an ID Confirmation Statement.

36. The presentation of some other form of identification does not give officers of election any reason to "suspect" otherwise, unless the identification is a valid United States passport. Va. Code § 24.2-643(B).
37. The forms of identification that the individual may present include student identification cards, a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter. *Id.*
38. Other than a United States passport, the other forms of identification, including student identification cards, a copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter, do not distinguish between citizens and non-citizens. (*See Ex. A* (listing acceptable IDs, including voter confirmation documents, Virginia driver's license, Virginia identification card, U.S. passports, student ID cards, employer ID, tribal ID, other IDs issued by federal government or Virginia, or copy of current utility bill, bank statement, government check,

paycheck, or any other government document containing the name and address of the voter).)

### List of Acceptable IDs from Virginia Department of Elections

INSTRUCTIONS: All voters casting a ballot in-person will be asked to show one form of identification. Any voter who does not present acceptable identification may instead sign a statement, subject to felony penalties, that they are the named registered voter who they claim to be. Any voter who does not present acceptable identification or sign this statement must vote a provisional ballot.

Identification	Is Accepted?
Virginia driver's license	Yes, may be current or expired.
Virginia DMV-issued ID card	Yes, may be current or expired. Acceptable in electronic form only if it is through official DMV "Virginia mID" app.
Valid employee ID card, containing a photograph, issued by voter's employer in ordinary course of business (public or private employer)	Yes
U.S. Military ID	Yes
Valid student ID issued by a public or private high school or institution of higher education located in Virginia	Yes. Acceptable in electronic form only if it is an officially adopted method of issuing a student ID by the institution.
Valid student ID, containing a photograph, issued by a public or private institution of higher education located in the U.S.	Yes. Acceptable in electronic form only if it is an officially adopted method of issuing a student ID by the institution.
Valid U.S. passport or passport card	Yes
Government-issued ID card from a federal, Virginia, or local political subdivision	Yes
Voter ID card issued by the Department of Elections	Yes
Voter confirmation documents	Yes
Valid tribal enrollment or other tribal ID	Yes, if issued by one of the 11 tribes recognized by Virginia.**
Nursing home resident ID	Yes, if issued by a government facility.
Current utility bill, bank statement, government check, or paycheck containing the name and address of the voter	Yes. The document cannot be more than 12 months old. Acceptable in physical or electronic form.
Any other current government document containing the name and address of the voter	Yes. Acceptable in physical or electronic form.
Signed ID Confirmation Statement	Yes

39. Officers of election are required to challenge the eligibility of any person who presents a DPC unless he also presents a valid United States passport. Va. Code § 24.2-651.

40. Because the Notebook allows an individual with a DPC, which is strong evidence that the individual is a non-citizen, an avenue to vote with no challenge, it conflicts with Virginia Code § 24.2-651.

### II. Using DPCs, unqualified individuals will vote in upcoming elections

41. Plaintiffs believe that the Notebook loophole is being used in Fairfax County to allow unqualified, non-citizen individuals to vote in elections.

42. According to Senator Scott Surovell, over 44,000 individuals obtained DPCs as of January 4, 2022—one year after the DPC law went into effect. @ssurovell, X (Jan. 4, 2022 at 11:39 am), [https://x.com/ssurovell/status/1478435885658034185/media\\_tags](https://x.com/ssurovell/status/1478435885658034185/media_tags).

43. The total number of DPCs issued by the date of this complaint in 2026 is likely much higher.
44. During the last midterm election cycle, 3,021,956 Virginians voted. Virginia Department of Elections, *Registration/Turnout Reports, Summary of Virginia Registration & Turnout Statistics*, <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/>.
45. Because Virginia has issued over 44,000 DPCs, and approximately 3,021,956 Virginians vote, Plaintiffs expect that at least some voters will present DPCs on Tuesday, April 21, 2026 for the special election.
46. Defendants put the DPC guidance in the Notebook because of the frequency with which the situation arises that an individual presents a DPC.
47. Defendants expect that individuals will present DPCs in the upcoming special and general elections.
48. There are upcoming elections that will be impacted by the erroneous guidance in the Notebook.
49. Virginia has a special election with voting beginning on March 6, 2026 and ending on April 21, 2026, to vote on a proposed amendment to the Virginia Constitution.
50. The federal midterm elections will take place on November 3, 2026.

#### **REQUESTED RELIEF**

Plaintiffs respectfully request this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendants comply with the requirements of Va. Code § 24.2-651.
- (2) Preliminary and permanently enjoin Defendants from continuing to violate Va. Code § 24.2-651, with respect to the Notebook's allowance of unchallenged voting for individuals with DPCs.
- (3) Affording any other relief this Court deems just and proper.

Dated: April 17, 2026

Respectfully submitted,

REPUBLICAN NATIONAL COMMITTEE

*s/ Jared Butcher*

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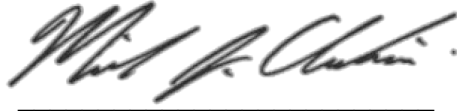
*Counsel for Plaintiffs*

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**VERIFICATION OF COMPLAINT**

Pursuant to Virginia Code section 8.01-4.3, I declare under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Date: April 17, 2026



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Republican National Committee

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