

ATTACHMENT 1

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

\_\_\_\_\_  
PAUL GOLDMAN,

Plaintiff,

v.

ROBERT H. BRINK, *et al.*,

Defendants.

Case No. 3:21-cv-420

**AFFIDAVIT OF PLAINTIFF PAUL GOLDMAN**

1. My legal name is Paul Goldman, such records demonstrating as much upon information and belief are in the possession of state government.
2. I am an American citizen, such records demonstrating as much upon information and belief are in the possession of state government.
3. I am a registered voter at the address stipulated by Commissioner Beals.
4. I am a regular voter at this address in the official voting records uniquely created and possessed by the Department of Elections and the Virginia State Board of Elections.
5. I meet the requirements relative to a voter as found in Article II, Section 1 of the Constitution of Virginia.
6. I meet the requirements relative to the office of Delegate as found in Article II, Section 4 of the Constitution of Virginia.
7. I meet the requirements relative to the office of Delegate as found in Article II, Section 5 of the Constitution of Virginia.
8. I voted in my assigned precinct in the old House District 68 in the November 2, 2021 general election as the official voting records uniquely created and possessed by Department of Elections would be presumed to have shown, such documents presumed to be readily accessible to all the Defendants and their lawyers.
9. At all times, Defendants could have challenged my assertion to the Court on March 21, 2022, on my having voted, but they choose to continue to suggest otherwise despite their own unique files, if correctly complied, showing that Plaintiff did in fact vote as he told the Court.
10. As the records of the Office of the Attorney General will show, plaintiff filed and settled a lawsuit with the Office of the Attorney General that enabled, for the first time, or led to the enabling for the first time, the use of electronic signatures to qualify for the ballot in a Democratic Party primary which in turn qualifies the winner for a place on

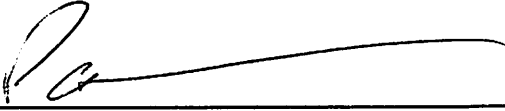
the general election ballot, such offices affected last year being statewide offices and legislative office.

11. A lawyer for the Office of the Attorney General, including at least one initially assigned to *Goldman v. Brink et. al*, negotiated the settlement reached between the parties in the electronic signature litigation.
12. Among the parties to that litigation were, upon information and belief, the same members of the State Board of Elections who are parties in this earlier litigation.
13. Last year, as the official state records show, Plaintiff completed the process of qualifying for the ballot for Lt. Governor in the June 2021 Democratic primary.
14. As Defendants know, the requirements to get on the ballot for Lt. Governor are immeasurably more difficult than qualifying for the ballot for a House of Delegates seat.
15. Pursuant to the First Amendment of the Constitution of the United States, along with Article 1 of the Constitution of Virginia, Plaintiff has a federal protected right to choose to qualify for the ballot as the nominee of a major political party as opposed to running as an independent.
16. At the current time, there are no independents who consider themselves Democrats in the House of Delegates.
17. Upon information and belief, it has been decades since such an individual won a race for the House of Delegates.
18. Accordingly, contrary to the views of Defendants, any Democrat serious about running for the House of Delegates would have tried to run in a Democratic Party primary for nomination to the House of Delegates as opposed to filing as an independent to run in the November 2, 2021, general election against the Democratic and Republican nominees.
19. There did come a time when Plaintiff, while still collecting signatures to run for Lt. Governor, also decided to collect signatures to run in the Democratic Party primary for the House of Delegates in the old House District 68.
20. A website seeking electronic signatures to qualify for the ballot was set up for Plaintiff.
21. At the same time, Plaintiff had an individual collecting paper petition forms with signatures of qualified voters.
22. However, Plaintiff, using his knowledge of politics as discussed in his book *Remaking Virginia Politics*, decided he could not win a three-way primary contest against the incumbent.
23. Thus he stopped any further effort to try and qualify for the primary ballot for the office of Delegate and instead focused on qualifying for the ballot for Lt. Governor.
24. The State Board of Elections eventually qualified Plaintiff to run in the primary of Lt. Governor, placing his name on the primary ballot.
25. However, based on Plaintiff's knowledge of Democratic Party politics, and his role in helping former Lt. Governor Doug Wilder win a Democratic Party nomination for Lt. Governor as documented in the book *When Hell Froze Over*, he soon came to believe 2021 might not to be the right time to try run for the position.
26. Plaintiff therefore asked the State Board of Elections to withdraw his name from the primary ballot, and it did.
27. Upon information and believe, and prior to November 2, 2021, the public record will show the Virginia Redistricting Commission said the Constitution of Virginia required

that the House of Delegate seats to be contested at that time be newly drawn districts according to 2020 U.S. Census data, not then existing districts drawn using 2010 Census data.

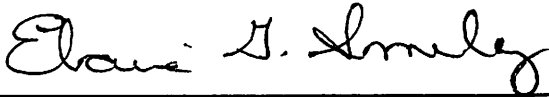
28. At all times beginning in the reapportionment year, the Virginia State Board of Elections had specific statutory power to bring the action specified in state law that would have allowed the Virginia Supreme Court to assess the potential constitutional ramifications of defying the plain wording of Article II, Section 6 of the Constitution of Virginia: but upon information and belief, they never brought such action.
29. There is, at the time of this Affidavit, no Democratic Party primary for the party nomination for the House of Delegates in House District 78 nor any scheduled party primary or any of the alternative processes for winning such a nomination permitted to be used by the Democratic Party in state law.
30. If there were such a nomination process being conducted, Plaintiff would meet all the qualifications under the Constitution of Virginia and state to contest such a nomination and the same for all other qualifications the party might be allowed to set under this Constitution or state law.
31. According to the official website of the General Assembly of Virginia, when accessed on April 18, 2022, Mr. Jay Leftwich is listed as the Delegate representing House District 78.
32. To the best of my knowledge, Mr. Leftwich doesn't live in House District 78 as that district is legally defined for purposes of state law as most recently opined by the Supreme Court of Virginia.
33. To the best of my knowledge, I never had the opportunity to vote for Mr. Leftwich, nor has anyone similarly situated in House District 78 as legally contoured by the Supreme Court of Virginia.
34. According to the official website of the General Assembly of Virginia, when accessed on April 18, 2022, Delegate Dawn Adams is listed as representing House District 68.
35. To the best of my knowledge, Delegate Adams has been listed as representing House District 68 since the House of Delegates convened earlier this year.
36. In terms of this Affidavit, as relative to the requirements herein listed for purposes of standing, those such requirements were met at the time the initial complaint had been filed, and they have continued to have been met during the pendency of this matter over the last months.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

  
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Paul Goldman  
Pro se Plaintiff

SWORN before me, this 18<sup>th</sup> day of April, 2022 in Richmond, Virginia:

  
\_\_\_\_\_  
NOTARY PUBLIC

Notary Registration No.: 7516087

My Commission Expires: Jan. 31, 2024

SEAL:

