**VIRGINIA:**

**IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

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| REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, BEN CLINE, U.S. Representative for Virginia's Sixth Congressional District, and MORGAN GRIFFITH, U.S. Representative for Virginia's Ninth Congressional District, | ) | |
| Plaintiffs, | ) | Civil Action No.: |
| v. | ) | |
| STEVEN KOSKI, in his official capacity as Commissioner of the Virginia Department of Elections, VIRGINIA DEPARTMENT OF ELECTIONS, JOHN O'BANNON, in his official capacity as Chairman of the Virginia State Board of Elections, ROSALYN R. DANCE, in her official capacity as Vice-Chairman of the Virginia State Board of Elections, GEORGIA ALVIS-LONG, in her official capacity as Secretary of the Virginia State Board of Elections, CHRISTOPHER P. STOLLE, in his official capacity as Board Member of the Virginia State Board of Elections, J. CHAPMAN PETERSEN, in his official capacity as Board Member of the Virginia State Board of Elections, VIRGINIA STATE BOARD OF ELECTIONS, BRIAN EARLS, in his Official capacity as the General Registrar for Tazewell County, IRMA MITCHELL, in her Official capacity as Chairman of the Tazewell County Electoral Board, JANE SORENSEN, in her official capacity as Vice Chairman of the Tazewell County Electoral Board, and JAMES MCDONALD, Secretary of the Tazewell County Electoral Board, | ) | |
| Defendants. | ) | |

**VERIFIED COMPLAINT**
**FOR EMERGENCY INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT**



Received and filed in Tazewell County,
Virginia Circuit Court Clerk's Office.
This the 18 day of Feb 26
Time 12:19 P.M.
TESTE: Linda Pruett

Plaintiffs, the Republican National Committee, the National Republican Congressional Committee, U.S. Representative Ben Cline, and U.S. Representative Morgan Griffith bring this Complaint against the Defendants for Injunctive Relief and Declaratory Judgment. Plaintiffs allege as follows:

## INTRODUCTION

1. When the people of Virginia ratified the Commonwealth's Constitution, they established an amendatory process that "necessitate[s] compliance with the requirements of a deliberately lengthy, precise, and balanced procedure." *Coleman v. Pross*, 219 Va. 143, 153 (1978). Only the General Assembly can propose a constitutional amendment, and only the voters can approve or reject it—and the voters have a say on both the front end and the back end. Va. Const. art. XII, §1. Only after majorities in both legislative houses vote in favor of a proposed amendment twice—with an intervening election in between—can the General Assembly "submit such proposed amendment" to "the voters." *Id.*

2. This amendatory process has withstood the test of time "for more than one hundred years." *Coleman*, 219 Va. at 153.

3. Yet the General Assembly's rush to ram through a constitutional amendment to redistrict Virginia threatens to ruin it.

4. As this Court has already held, through HJR 6007, the General Assembly proposed a constitutional amendment to allow for mid-decade partisan redistricting in violation of the careful constitution-making process that the people of Virginia established. *See McDougle v. Nardo*, 2026 WL 243908, at **1-4 (Va. Cir. Ct. Jan. 27).

5. HJR 6007 is a "blatant abuse of power" trampling on the "procedural rights of the minority" of the General Assembly having been passed in violation of the rules of the House of Delegates. *Id.* at *2.

6. HJR 6007 cannot count as the "first passage of a proposed Constitutional Amendment" because it was passed after hundreds of thousands of Virginians had already voted in the 2025 general election. *Id.* at *3.

7. And HJR 6007 did "not" comply with the notice requirements of "Section 30-13 of the Code of Virginia." *Id.* at *4.

8. HJR 6007 is "VOID AB INITIO" and thus cannot be submitted to Virginia voters as a valid proposal for constitutional amendment. *Id.*

9. Nevertheless, Democrats in the General Assembly are still proceeding as if HJR 6007 is still valid. They have ordered Defendants "to conduct an election" on "April 21, 2026, for the purpose of taking the sense of the qualified voters" of Virginia on the constitutional amendment that HJR 6007 proposes. HB 1384, §14. They have ordered Defendants to include on the ballot the following question:

> "Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections, while ensuring Virginia's standard redistricting process resumes for all future redistricting after the 2030 census?" *Id.*

10. Early voting is set to begin on this question on March 6, 2026. Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568. But March 6 is not "ninety days after final passage by the General Assembly." Va. Const. art. XII, §1. The General Assembly passed the proposed constitutional amendment on

January 16, 2026. History, HJR 4, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/LTU5-PRD8. Because the election must be scheduled "not sooner than ninety days after final passage by the General Assembly," Va. Const. art. XII, §1, the *earliest* that voting can begin is April 16, 2026.

11. Even if the special election were beginning at the appropriate time, these actions by the General Assembly are unconstitutional and contravene an order of this Court. *See McDougle*, 2026 WL 243908, at **3-4.

12. No election can be held based on the proposed constitutional amendment contained in HJR 6007 because HJR 6007 is "VOID AB INITIO." *Id.* at *4.

13. Even if HJR 6007 did contain a valid proposed constitutional amendment, the ballot question does not "submit" that amendment to the voters. Va. Const. art. XII, §1.

14. It presents "an entirely different question" than the General Assembly's joint resolution proposing the amendment. *Cf. State v. Zimmerman*, 187 Wis. 180, 812 (1925).

15. It fails to inform Virginia voters that the "proposed constitutional revision results in the loss or restriction of an independent fundamental state right." *Cf. Armstrong v. Harris*, 773 So. 2d 7, 17-18 (Fla. 2000).

16. It does not tell Virginia voters that the proposed amendment that they are considering strips them of their constitutional right to a nonpartisan redistricting process. *See* Va. Const. art. II. §6-A.

17. The ballot question asserts a misleading statement—if not an obvious falsehood—that the proposed constitutional amendment contained in HJR 6007 "restore[s]

fairness." HB 1384, §14. If anything, it destroys fairness, is the product of unfairness and is intended to increase unfairness. *Contra McDougle*, 2026 WL 243908, at **3-4.

18. It does not "restore fairness" to allow for the creation of "[a] map of districts" that "unduly favor[s]" the Democratic "political party." *Contra* Va. Code §24.2-304.04.

19. It does not "restore fairness" to replace a nonpartisan redistricting process through an independent commission with a partisan one through a body that is made up of a majority of only one political party. *Contra* Va. Const. art. II. §6-A.

20. And it does not "restore fairness" to submit a proposed constitutional amendment to Virginia voters that is a "blatant abuse of power." *Contra McDougle*, 2026 WL 243908, at *3.

21. If submitted to Virginia voters, a citizen could vote "in favor of the proposed amendment thinking that he or she was protecting state constitutional rights when in fact the citizen was doing *the exact opposite.*" *Armstrong*, 773 So. 2d at 18.

22. HB 1384—the bill that provides for the upcoming special election—also violates Article XII of the Constitution because it purports to "submit" the amendment to the people less than 90 days after it cleared the legislature for the second time. The Constitution requires, at a minimum, 90 days between final passage and submission to the voters. Yet, under HB 1384, voting on the amendment will begin on March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568, less than two months after the mid-January passage, History, HJR 4, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/LTU5-PRD8.

23. Finally, HB 1384 violates Article IV of the Constitution because it combines multiple objects in a single piece of legislation. In addition to providing for the upcoming special election, the bill purports to change the rules for venue in constitutional cases and to abolish an important notice provision, Section 30-13. Because it unconstitutionally "embrace[s] more than one object," HB 1384 is null and void. Va. Const. art. IV, §12.

24. Emergency injunctive and declaratory relief is needed to ensure that voting on the proposed constitutional amendment at least occurs no earlier than the ninety-day deadline set by the Constitution. Va. Const. art. XII, §1.

25. Emergency relief is needed to prevent the transmission of a defective proposal for constitutional amendment to Virginia voters that violates the Commonwealth's Constitution and an order of this Court.

## PARTIES

26. Plaintiff, the Republican National Committee, 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.

27. 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.

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

29. 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.

30. 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, including for election to the U.S. House of Representatives.

31. The RNC engages in various activities to help elect Republicans throughout the nation and in Virginia.

32. The RNC represents at least one registered Republican voter in each county in Virginia.

33. The RNC represents multiple candidates for state and federal office who are competing for votes in upcoming elections in Virginia.

34. Plaintiff the National Republican Congressional Committee is a qualified national party committee devoted to increasing the number of Republicans in the U.S. House of Representatives. The NRCC is organized under Section 527 of the Internal Revenue Code.

35. The NRCC supports the election of Republicans to the House through direct financial contributions to candidates and Republican Party organizations; technical and research assistance to Republican candidates and party organizations; voter registration, education, and turnout programs; and other party-building activities.

36. The NRCC supports several Republican candidates in elections for the U.S. House of Representatives across the country, including multiple Republican candidates in Virginia who are running for election in the upcoming November 2026 elections.

37. The RNC and NRCC have vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in elections in Virginia.

38. The RNC and NRCC also have vital interests in ensuring that the Republican candidates they represent are able to compete in competitive districts for election to the U.S. House of Representatives in Virginia.

39. The RNC and NRCC bring this suit to vindicate their own rights as organizations, and in an associational and representational capacity to vindicate the rights of their members, affiliated voters, and candidates.

40. Protecting the voting rights of the Republican voters who are RNC members and represented by the NRCC and lawfully registered to vote in Virginia is germane to the missions of both the RNC and NRCC. It also is well within the scope of the reasons why members join the RNC and NRCC and support the missions of those organizations.

41. Unless transmission of HB 1384's ballot question is enjoined, the RNC and NRCC will be forced to spend additional time and resources educating Republican voters in Virginia who may be confused by the ballot question. The RNC and NRCC must spend additional time and resources informing Republican voters in Virginia about what voting "Yes" or "No" on HB 1384's ballot question actually entails; that it will mean the dismantling of numerous Virginia electoral districts for the U.S. House of Representatives

currently represented by Republicans; and how, when, and where to submit ballots in the April 2026 special election mandated by HB 1384.

42. Plaintiff Ben Cline is the U.S. Representative for Virginia's Sixth Congressional District and plans to seek reelection to the U.S. House of Representatives. Plaintiff Cline is a Virginia voter who resides in an electoral district in Virginia.

43. If the proposed constitutional amendment contained in HJR 6007 is approved, the electoral district that Plaintiff Cline represents is at risk of being redrawn. *See* HB 29, Proposed 2026 Virginia Congressional Map, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/7NXK-VPZS.

44. Plaintiff Morgan Griffith is the U.S. Representative for Virginia's Ninth Congressional District and plans to seek reelection to the U.S. House of Representatives. Plaintiff Griffith is a Virginia voter who resides in an electoral district in Virginia.

45. If the proposed constitutional amendment contained in HJR 6007 is approved, the electoral district that Plaintiff Griffith represents is at risk of being redrawn. *See* HB 29, Proposed 2026 Virginia Congressional Map, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/7NXK-VPZS.

46. As incumbent U.S. Representatives of electoral districts in Virginia and as candidates for reelection, Plaintiffs Cline and Griffith "have an interest in a fair process." *Bost v. Ill. Bd. of Elections*, 146 S.Ct. 513, 519 (2026). They "are not common competitors in the economic marketplace. They seek to represent the people. And their interest in that prize cannot be severed from their interest in the electoral process—a process of the most fundamental significance under our constitutional structure. Win or lose, candidates suffer when the process departs from the law." *Id.* (cleaned up).

47. Defendant Steven Koski is the Commissioner of the Virginia Department of Elections. He is sued in his official capacity as Commissioner of the Virginia Department of Elections.

48. Defendant Virginia Department of Elections is the agency of the Commonwealth receiving funding through HB 1384 to conduct the special election on the proposed constitutional amendment. HB 1384, §1, Item 78.10. The Department is charged with allocating $5 million in funding for the "costs associated with the April 21, 2026, special election" on the proposed constitutional amendment. *Id.*

49. Defendant John O'Bannon is the Chairman of the Virginia State Board of Elections. He is sued in his official capacity as Chairman of the Virginia State Board of Elections.

50. Defendant Rosalyn R. Dance is the Vice-Chairman of the Virginia State Board of Elections. She is sued in her official capacity as the Vice-Chairman of the Virginia State Board of Elections.

51. Defendant Georgia Alvis-Long is the Secretary of the Virginia State Board of Elections. She is sued in her official capacity as the Secretary of the Virginia State Board of Elections.

52. Defendant Christopher P. Stolle is a Board Member of the Virginia State Board of Elections. He is sued in his official capacity as a Board Member of the Virginia State Board of Elections.

53. Defendant J. Chapman Petersen is a Board Member of the Virginia State Board of Elections. He is sued in his official capacity as a Board Member of the Virginia State Board of Elections.

54. Defendant Virginia State Board of Elections is the body tasked by HB 1384 with "caus[ing] to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments" and ballot "question" for "the officers of election to post in each polling place on April 21, 2026." HB 1384, §14.

55. Defendant Brian Earls is the General Registrar for Tazewell County. He is sued in his official capacity as the Director of Elections and General Registrar for Tazewell County.

56. Defendant Irma Mitchell is the Chairman of the Tazewell County Electoral Board. She is sued in her official capacity as Chairman of the Tazewell County Electoral Board.

57. Defendant Jane Sorensen is the Vice Chairman of the Tazewell County Electoral Board. She is sued in her official capacity as the Vice Chairman of the Tazewell County Electoral Board.

58. Defendant James McDonald is the Secretary of the Tazewell County Electoral Board. He is sued in his official capacity as the Secretary of the Tazewell County Electoral Board.

59. Defendants Earls, Mitchell, Sorenson, and McDonald are tasked by HB 1384 with receiving the ballot question from the State Board of Elections and "post[ing]" the ballot question "in each polling place on April 21, 2026." HB 1384, §14. They are also tasked by HB 1384 "after the day of the election" with "certify[ing]" and "forward[ing] an abstract of the votes cast for and against" the proposed constitutional amendment. *Id.*

## JURISDICTION AND VENUE

60. This Court has jurisdiction over the subject matter of this Complaint under Sections 8.01-184, 8.01-186, and 8.01-620 of Virginia's Code. 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."

61. An actual controversy exists between the parties because Defendants are preparing for the administration of a special election on the proposed amendment that will begin with early voting on March 6, 2026 and conclude on April 21, 2026—the culmination of an amendment process that contravenes Virginia's Constitution and Code, as well as an Order of this Court.

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

63. Venue is appropriate in Tazewell, even though HB 1384 purports to make Richmond the exclusive venue for any action related to a constitutional amendment.

64. The Virginia Constitution provides: "All laws enacted at a regular session, … but excluding a general appropriation law, shall take effect on the first day of July following the adjournment of the session of the General Assembly at which it has been enacted … unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths

of the members voting in each house." Va. Const. art. IV, §13. In other words, all legislation from the January 2026 regular session takes effect in July 2026 at the earliest. There are two exceptions: one for emergency legislation passed by supermajorities and another for general appropriations.

65. Neither exception applies here. HB 1384 was enacted during the January 2026 regular session, and by bare majorities of each chamber. So it does not qualify for the supermajority emergency exception. Nor does the general-appropriation exception apply: HB 1384 is at most a specific (or special) appropriation bill because it "makes special appropriations to fund a particular aspect of state government" (the special election), rather than the Commonwealth's government as a whole. 63C Am. Jur. 2d Public Funds §27. And "an appropriation bill cannot change or amend existing law on subjects other than appropriations." *Id.* But HB 1384 purports to modify the rules for venue in constitutional litigation and the posting of amendments. So it is not an appropriation law, and certainly not a general appropriation law. So under Article IV, §13, it cannot go into effect sooner than July 2026.

66. HB 1384 purports to be effective as of September 1, 2025. But because it does not comply with the Constitution, the venue provision of HB 1384 is null and void; at the very least, it cannot take effect until July 2026.

67. Moreover, HB 1384 is unconstitutional because it violates the constitutional prohibition on "special" laws. Va. Const. art. IV, §14. HB 1384 both submits a proposed constitutional amendment to Virginia voters and then specially provides that the venue for litigation concerning that amendment is in Richmond. This violates the "special" laws prohibition of Virginia's Constitution.

68. Venue is proper in Tazewell despite HB 1384's unconstitutional attempt to transfer venue to Richmond.

69. 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.

## FACTUAL ALLEGATIONS

### I. Virginia ratifies a constitutional amendment to end partisan redistricting.

70. In 2020, the people of Virginia amended their Constitution to establish an independent nonpartisan redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, to draw the congressional and state legislative districts that are voted on—but not changed by—the General Assembly. Va. Const. art. II. §6-A.

71. The Virginia Redistricting Commission must convene "every ten years" to "establish[] districts for the United States House of Representatives." *Id.*

72. The Commission must "submit to the General Assembly plans for districts for the United States House of Representatives" following "the receipt of census data" for the preceding decade. *Id.*

73. "If the General Assembly fails to adopt" the Commission's plans "the districts shall be established by the Supreme Court of Virginia." *Id.*

74. Since 2020, this nonpartisan redistricting process has helped ensure that "[a] map of districts" does not "unduly favor" any particular "political party." Va. Code §24.2-304.04.

75. In 2022, 52 percent of Virginia voters cast their ballots for the Democratic congressional candidate, while 47 percent voted for the Republican nominee. The electoral

districts drawn by the process set out in Va. Const. art. II. §6-A produced results closely mirroring these percentages. Out of Virginia's eleven seats, Virginians elected six Democratic representatives (54 percent) and five Republicans (45 percent).

76. In 2024, the results were almost the same as in 2022. That year, 52 percent of Virginia voters cast their ballots for the Democratic congressional candidate, while 46 percent voted for the Republican nominee. Again, Virginians elected six Democratic representatives (54 percent) and five Republicans (45 percent).

## II. Democrats commandeer a 2024 special legislative session to ram through a partisan redistricting amendment after the 2025 election had already begun.

77. In April 2024, supermajorities in both chambers of the General Assembly applied to the Governor for a special legislative session. *See* Va. Const. art. IV, §6. In its application, the General Assembly stipulated that the special session would consider only "such matters as are provided for in the procedural resolution" for "such Special Session." HJR 428, Gen. Assemb., Reg. Sess. (Va. 2024), perma.cc/9HSU-VAYA. When the special session convened, the General Assembly passed the procedural resolution by near-unanimous margins. *See* History, HJR 6001, Gen. Assemb., Spec. Sess. (Va. 2024), perma.cc/5VSC-NFQ4. It "limit[ed] legislation to be considered" to the budget, memorial resolutions, scheduling, judges, and other appointments. *See* HJR 6001, Gen. Assemb., Spec. Sess. (Va. 2024), perma.cc/GH94-PUQP. No other subject could be considered "except with unanimous consent." *Id.*

78. A year and a half after the Governor had convened the spring 2024 special session—and many months after the January 2025 regular session had come and gone—some members of the General Assembly sought to circumvent these limits.

79. The House of Delegates reconvened in October 2025 to propose a constitutional amendment to nullify Article II Section 6-A of the Virginia Constitution and strip the Virginia Redistricting Commission of its constitutional authority to establish proposed plans to redraw or reapportion districts for the United States House of Representatives.

80. In a letter to legislators, Speaker Scott purported to call the Virginia House of Delegates into a "Special Session" under the Virginia Governor's call to a Special Session to adopt a budget in 2024.

81. But the House of Delegates did not consider a budget bill (or a memorial resolution or a judicial appointment) when it reconvened.

82. On October 27, 2025, Speaker Scott and other Democratic members of the Virginia General Assembly introduced House Joint Resolution 6006 with the stated intent to expand the "scope of business" that "may come before the 2024 Special Session" allowing for a "joint resolution proposing an amendment to the Constitution of Virginia related to reapportionment or redistricting" to be "offered and considered during the 2024 Special Session." *See* HJR 6006, Gen. Assemb., Special Sess. (Va. 2025), perma.cc/D4NW-CDU8. Both chambers passed HJR 6006 by slim majorities. History, HJR 6006, Gen. Assemb., Special Sess. (Va. 2025), perma.cc/FEM8-VVN9.

83. HJR 6007 was introduced on October 28, 2025.

84. HJR 6007 purports to permit the General Assembly to "modify one or more congressional districts at any point following the adoption of a decennial reapportionment law," if any other State "conducts a redistricting" of their "congressional districts … for any other than (i) the completion of the state's decennial redistricting in response to a

federal census and reapportionment mandated by the Constitution of the United States and established in federal law or (ii) as ordered by any state or federal court to remedy an unlawful or unconstitutional district map."

85. HJR 6007 thus would divest the Virginia Redistricting Commission of its authority under Va. Const. art. II, §6-A, granting those powers instead to the General Assembly.

86. On October 29, the House of Delegates approved HJR 6007 in a 51-42 vote.

87. On October 31, the Senate approved HJR 6007 in a 21-16 vote.

88. Before both houses of the General Assembly had approved HJR 6007, hundreds of thousands of Virginians had already voted in the 2025 general election.

89. In January 2026, the new General Assembly convened for its annual regular session. One of its first items of business was to pass the redistricting amendment first proposed by HJR 6007. *See* HJR 4, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/FJG9-UH2A. It successfully passed both chambers. *See* History, HJR 4, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/LTU5-PRD8.

90. The amendment purports to authorize the Virginia General Assembly—not the Virginia Redistricting Commission—to propose a plan to redraw Virginia's electoral districts for the United States House of Representatives with no input or involvement from the Virginia Redistricting Commission.

91. The new constitutional amendment would allow for the redrawing of Virginia's districts for the United States House of Representatives from 6 seats that are currently held by Democrats and 5 seats that are currently held by Republicans—to 10 seats that are held by Democrats and only 1 seat that is held by a Republican.

92. Indeed, achieving that result is the intended partisan purpose of the amendment.

93. House Speaker Scott and Senate President L. Louise Lucas have already released their map to redistrict the Commonwealth under the proposed constitutional amendment. *See* HB 29, Proposed 2026 Virginia Congressional Map, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/7NXK-VPZS. As Senator Lucas put it, "We said 10-1 and we meant it." Brakkton Booker, *Virginia Democrats release proposed new congressional map*, POLITICO (Feb. 5, 2026), perma.cc/LN5S-KBJV.

94. This map gives Virginia "the most aggressive gerrymander of any other state" in the country. David M. Poole, *A 10-1 map would give Virginia the most aggressive gerrymander of any other state*, Cardinal News (Feb. 5, 2026), perma.cc/NHE3-DVPB.

95. Under Virginia Democrats' 10-1 map, the 46% of Virginians who voted for the previous Republican presidential candidate in 2024 will get just 9% of the seats in the U.S. House of Representatives.

96. Democratic Senate President Lucas has no qualms about diluting Republicans' votes. In her words, "You all started it and we f[***]ing finished it." X.com (Feb. 6, 2026), perma.cc/FM5E-VALN.

97. The map proposed by House Speaker Scott and Senate President Lucas would thus not restore fairness but would instead replace fair districts that closely mirror the statewide popular vote with an extreme partisan gerrymander designed to produce an unfair lopsided 10-to-1 delegation favoring the Democratic party.

## III. Democrats ignore this Court's ruling that the proposed redistricting constitutional amendment is void.

98. On January 27, 2026, this Court ruled that HJR 6007 was "VOID AB INITIO." *McDougle*, 2026 WL 243908, at *4.

99. Speaker Scott and the other Democratic leaders of the General Assembly responded with utter disregard for this Court's ruling. They publicly announced that they plan to continue pursuing their unconstitutional redistricting ploy in violation of this Court's order. Speaker Scott stated: "Today's ruling won't deter us." X.com (Jan. 27, 2026), perma.cc/X4Z8-4WYT.

100. House Speaker Scott and Senate President Lucas released a joint statement impugning this Court's integrity: "Nothing that happened today will dissuade us from continuing to move forward to put this matter directly to the voters… This was court-shopping, plain and simple." X.com (Jan. 27, 2026), perma.cc/F2DN-NGH8.

101. By January 29, 2026, both houses of the Virginia General Assembly had approved HB 1384 by bare partisan majorities.

102. On February 6, 2026, Virginia's Governor signed HB 1384 into law.

103. HB 1384 appropriates $5 million to the Department of Elections for "costs associated with an April 21, 2026, special election on the proposed constitutional amendment contained in HJR 6007."

104. HB 1384 provides that: "It shall be the duty of the officers responsible for conducting the election directed by law to be held on the Tuesday after the first Monday in November each year, to conduct an election, at the places appointed for holding the same, on Tuesday, April 21, 2026, for the purpose of taking the sense of the qualified voters upon the ratification or rejection of the proposed amendments" contained in HJR 6007.

105. Early voting will begin in this election on March 6, 2026. Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568.

106. Defendants are among the officers responsible for conducting the "election" ordered by HB 1384.

107. HB 1384 provides that "[t]he ballot" for the election on the proposed constitutional amendment contained in HJR 6007 shall ask the following question: "Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections, while ensuring Virginia's standard redistricting process resumes for all future redistricting after the 2030 census?"

108. HB 1384 also mandates that: "The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments and question contained herein for the officers of election to post in each polling place on April 21, 2026."

109. Section 24.2-684 of Virginia's Code provides that: "The ballot shall be prepared by the appropriate general registrar and distributed to the appropriate precincts."

110. HB 1384 orders that: "The State Board of Elections shall be deemed to be in compliance with the provisions of §30-19.9 of the Code if the information required by that section is sent to the electoral boards on or before Monday, March 2, 2026. The electoral board of each county and city shall, as soon as possible but no later than six days after the day of the election, make out, certify, and forward an abstract of the votes cast for

and against such proposed amendments in the manner now prescribed by law in relation to votes cast in general elections."

111. Unless this Court enjoins Defendants, the proposed constitutional amendment in HJR 6007 that this Court ruled is void ab initio will be submitted by Defendants to Virginia voters for approval with early voting starting March 6, 2026. Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568.

112. Unless this Court enjoins Defendants, the ballot question submitted by Defendants to Virginia voters concerning the proposed constitutional amendment contained in HJR 6007 will state that the proposed constitutional amendment contained in HJR 6007 "restore[s] fairness in the upcoming elections."

113. Unless this Court enjoins Defendants, the ballot question submitted to Virginia voters concerning the proposed constitutional amendment contained in HJR 6007 will not inform voters that the proposed constitutional amendment they are voting on deprives them of their constitutional right to a nonpartisan redistricting process through the independent commission they previously established in 2020. *See* Va. Const. art. II. §6-A.

114. Unless this Court enjoins Defendants, the electoral board of Tazewell County will "certify" and "forward an abstract of the votes cast for and against" the proposed constitutional amendment in HJR 6007 to the State Board of Elections after the April 21, 2026 election is concluded and the State Board of Elections will certify and report those votes to the Governor.

## CLAIMS

### Count 1 – Declaratory Judgment that HB 1384 Violates the Intervening Election Clause of Article XII, §1 of the Constitution Va. Code §8.01-184

115. Plaintiffs incorporate by reference all previous allegations.

116. Constitutional amendments must first "be proposed in the Senate or House of Delegates." Va. Const. art. XII, §1. If the amendment is "agreed to by a majority of the members elected to each of the two houses," it must "be entered on their journals," and "the name of each member and how he voted [must] be recorded." *Id.* The amendment must then be "referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates." *Id.*

117. The amendment process thus requires two different General Assemblies to adopt a proposed constitutional amendment. Those votes must be separated by an intervening "general election of members of the House of Delegates." Va. Const. art. XII, §1.

118. If the proposed amendment passes two different General Assemblies separated by an intervening "general election," then the General Assembly must "submit" the proposed amendment "to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly." Va. Const. art. XII, §1. "If a majority of those voting vote in favor of any amendment, it shall become part of the Constitution on the date prescribed by the General Assembly in submitting the amendment to the voters." *Id.*

119. Article XII requires an intervening election to ensure that voters and government officials receive notice of the proposed amendment and have an opportunity to hold their elected officials accountable at the ballot box for passing the amendment. *See,*

*e.g.*, *Fox v. Grayson*, 317 S.W.3d 1, 18-19 (Ky. 2010) ("the electorate has an inviolable right to be informed of all proposed constitutional amendments upon which it will pass judgment"); *Lincoln Party v. Gen. Assembly*, 682 A.2d 1326, 1332 n.6 (Pa. Commw. Ct. 1996) ("The reason for the publication of the initial approval of the General Assembly of the proposed Constitutional amendment three months before the general election is to permit the 'electorate abundant opportunity to be advised of proposed amendments and to let the public ascertain the attitude of the candidates for election to the General Assembly next afterwards chosen.'").

120. "[S]trict compliance with these mandatory provisions is required in order that all proposed constitutional amendments shall receive the deliberate consideration and careful scrutiny that they deserve." *Coleman*, 219 Va. at 154.

121. House Joint Resolution 6007 was introduced on October 28, 2025. The Virginia House of Delegates approved HJR 6007 in a 51–42 vote on October 29. The Senate approved HJR 6007 in a 21–16 vote on October 31.

122. This Court found that HJR 6007 could not constitute the first passage of the proposed amendment for three reasons.

123. First, HJR 6007 "violated House Joint Resolution 428 and House Joint Resolution 6001, and any action taken thereon is an invalid expansion of the General Assembly's own call to the Governor for the 2024 Special Session." *McDougle*, 2026 WL 243908, at *2.

124. Second, because the General Assembly passed HJR 6007 after voting in the November 4, 2025 election was already underway, "there HAS NOT BEEN an ensuing

general election of the House of Delegates, and such ensuing general election CANNOT occur until 2027." *Id.*

125. Third, because the posting provisions of "Section 30-13 of the Code of Virginia have not been complied with," the "votes on the proposed Constitutional Amendment taken during the 2026 Regular Session of the General Assembly are ineffective as being a "SECOND" VOTE OF THE General Assembly under Article XII, Section I of the Constitution." *Id.*

126. Each defect prohibits the General Assembly from submitting the proposed amendment to the voters in April, before an intervening general election.

127. Yet HB 1384 submits the proposed constitutional amendment in HJR 6007 to Virginia voters to vote on starting March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568, well over a year *before* the 2027 general election.

128. HB 1384 thus submits a proposed constitutional amendment to Virginia voters *before* "the next general election of members of the House of Delegates" in contravention of Article XII, Section 1 of Virginia's Constitution.

129. Plaintiffs seek to vote on a proposed constitutional amendment concerning redistricting without "[d]efects and errors." *Coleman*, 219 Va. at 158.

130. The legal rights and duties of Plaintiffs thus depend upon resolving whether HB 1384 submits a proposed constitutional amendment to Virginia voters *before* "the next general election of members of the House of Delegates" in contravention of Article XII, §1 of Virginia's Constitution.

131. This dispute is ripe for consideration. The date that Defendants must send the ballot question to electoral boards by is Monday, March 2, 2026, HB 1384, §14, early voting will begin on March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568, and the culmination of the election will occur on April 21, 2026, HB 1384, §14. The Court's resolution of the dispute will afford Plaintiffs "relief from the uncertainty and insecurity attendant upon controversies over legal rights." Va. Code §8.01-191; *see also id.* §8.01-184.

132. Accordingly, Plaintiffs request a declaratory judgment establishing that HB 1384's submission of the proposed constitutional amendment contained in HJR 6007 violates the intervening election requirement of Article XII, Section 1 of Virginia's Constitution.

**Count 2 – Declaratory Judgment that HB 1384 Violates the Submission Clause of Article XII, §1 of the Constitution**
**Va. Code §8.01-184**

133. Plaintiffs incorporate by reference all previous allegations.

134. Article XII, §1 of Virginia's Constitution describes the normal process for ratifying an amendment to the Commonwealth's Constitution.

135. Under that process, a proposed amendment must first pass the General Assembly two separate times.

136. Once "the proposed amendment" passes the General Assembly for the second time, the Constitution makes it the "duty of the General Assembly to submit such proposed amendment" to "the voters qualified to vote in elections by the people." Va. Const. art. XII, §1.

137. The word "submit" means "to present (something) to a person *for* criticism, consideration, approval, action, etc." *Oxford English Dictionary*, *submit*, sense II.7.a.

138. The word "such" means something "previously described or specified," "the (thing) before mentioned." *Id.*, *such*, sense I.5.

139. So Article XII requires the General Assembly to present people with the same amendment that has cleared the General Assembly, so that the people can consider that amendment and decide whether to approve it.

140. This means that "'the Legislature cannot propose one question and submit to the voters another.'" A.E. Dick Howard, 2 *Commentaries on the Constitution of Virginia* 1174 n.13 (quoting 1949-50 Ops. Va. Att'y Gen 66). "'[A]nd the question presented should not be such as would mislead the voters.'" *Id.*

141. "A palpably deceptive or misleading ballot" therefore "invite[s] challenge." *Id.*

142. The ballot language proposed in HB 1384 violates Article XII because it submits to the voters a different question than the one that passed the General Assembly. The ballot language is "misleading." *Id.*

143. The proposed text of the constitutional amendment "authorize[s] [the General Assembly] to modify one or more congressional districts at any point following the adoption of a decennial reapportionment law, but prior to the next decennial census, in the event that any State … conducts a redistricting of such state's congressional districts for any purpose" other than completing the decennial redistricting or as ordered by a court. HJR 4 (Jan. 14, 2026); HJR 6007 (Oct. 29, 2025).

144. Yet the ballot language asks, "Should the Constitution of Virginia be amended to allow the General Assembly to temporarily adopt new congressional districts to restore fairness in the upcoming elections[?]"

145. This ballot language asks a different question than the one proposed by the General Assembly in the redistricting amendment. The proposed amendment authorizes the modification of electoral districts in Virginia for the U.S. House of Representatives in response to actions by other states. It says nothing about fairness. Nor does claiming fairness as the goal help voters understand what the amendment proposes to do. It is also false to imply that the amendment would only affect the "upcoming elections" because the common understanding of that term is that it refers to the elections to be held this coming November (i.e., the 2026 mid-term elections), and the amendment would also empower the General Assembly to draw and even re-draw district lines for the elections to be held in 2028 and 2030.

146. At the very least, the ballot question's framing of the amendment is misleading. It is akin to calling an amendment to abolish the Commonwealth's Governor and courts an amendment to "restore the legitimate power of the General Assembly."

147. Here, the proposed amendment gives the General Assembly sweeping new powers—effectively neutering the Virginia Redistricting Commission. This is not about "fairness." It is about the opposite: aggrandizing power to the Democratic majority in the General Assembly in Richmond while diminishing the political power of Republican voters.

148. Describing the proposed amendment as "restor[ing] fairness," especially without more fulsome information about how it works, submits a different amendment to the voters than the one that passed the General Assembly.

149. The ballot question in HB 1384 is not only a false description of the proposed amendment—it also does not faithfully "submit" the proposed constitutional

amendment contained in HJR 60007 to Virginia voters because it does not place on the ballot the proposed amendment in such words and in such form that the voters are not confused thereby. To properly submit the proposed constitutional amendment, the ballot question, together with the immediately surrounding circumstances of the election, must at least be such that a reasonably intelligent voter knows what the question is. The question must be framed with such clarity as to enable the voters to express their will and ensure that no reasonably intelligent voter would be misled as to what he or she was voting for or against. Because the ballot question of HB 1384 confuses a reasonable voter as to what the voter is voting for or against, the proposed amendment has not been submitted to the voters as the Constitution requires.

150. The phrase "restore fairness" is confusing and misleading. It is an argumentative statement in favor of the amendment. And it presupposes that Virginia's current congressional districts are unfair, an assertion that is both legally and factually inaccurate.

151. Virginia's current congressional districts are fair as a matter of law because they were drawn by the Supreme Court of Virginia, and because they achieve fairness as defined by Virginia Code §24.2-304.04(8). Virginia's current congressional districts are fair as a matter of fact because they have repeatedly produced delegations that closely mirror the statewide popular vote. The phrase "restore fairness" is thus a misleading argument in favor of the amendment, not an accurate description of it.

152. The phrase "restore fairness" conceals the amendment's true purpose and effect. Far from restoring fairness, the proposed amendment is designed to empower the General Assembly to draw congressional districts that create a 10-to-1 partisan advantage

for the Democratic political party, replacing fair districts with a patently unfair partisan gerrymander. More than being merely biased, a ballot question that describes this outcome as "restor[ing] fairness" is objectively false and misleading.

153. The phrase "upcoming elections" is also misleading. The ballot question states that the amendment would "restore fairness in the upcoming elections," but it does not identify which elections would be affected. The proposed amendment would authorize the General Assembly to redraw—and, even redraw again—congressional districts that would govern the 2026, 2028, and 2030 elections, not merely the "upcoming" 2026 election. The use of the phrase "upcoming elections" misleads voters about the scope and duration of the amendment's impact.

154. HB 1384's ballot question violates the Submission Clause in another important way. It fails to inform Virginia voters that the "proposed constitutional revision results in the loss or restriction of an independent fundamental state right." *Cf. Armstrong*, 773 So. 2d at 17-18. It does not tell Virginia voters that the proposed amendment that they are considering strips them of their constitutional right to a nonpartisan redistricting process. *See* Va. Const. art. II. §6-A.

155. By omitting information about how the proposed constitutional amendment restricts Virginians' constitutional rights and by inaccurately describing the reforms accomplished by the proposed amendment the ballot question of HB 1384 fails to properly "submit" the proposed constitutional amendment to Virginia voters.

156. Other state supreme courts have taken identical constitutional language to require accuracy in ballot language. For example, Florida provides that "[a] proposed amendment … shall be *submitted* to the electors." Fla. Const. art. IX, §5 (emphasis added).

*Compare with* Va. Const. art. XII §1 ("[I]t shall be the duty of the General Assembly to *submit* such proposed amendment .... to the voters.") (emphasis added). "Implicit in this provision is the requirement that the proposed amendment be accurately represented on the ballot; otherwise, voter approval would be a nullity." *Armstrong*, 773 So. 2d at 12. And Minnesota provides that "[p]roposed amendments shall be ... *submitted* to the people for their approval or rejection." Minn. Const. art. IX, §1 (emphasis added). This means the language on the ballot "must not be so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit the law to a popular vote." *Breza v. Kiffmeyer*, 723 N.W.2d 633, 636 (Minn. 2006). In Utah, "the said amendment ... shall be *submitted* to the electors of the state for their approval or rejection." Utah Const. art. XXIII, §1 (emphasis added). This has not occurred "unless the proposed amendment is placed on the ballot in such words and in such form that the voters are not confused thereby." *League of Women Voters v. Utah State Legislature*, 559 P.3d 11, 29 (Utah 2024) (cleaned up). "The proposition must be framed with such clarity as to enable the voters to express their will and ensure that no reasonably intelligent voter would be misled as to what he was voting for or against." *Id.* (cleaned up).

157. Plaintiffs seek to vote on a proposed constitutional amendment concerning redistricting without "[d]efects and errors." *Coleman*, 219 Va. at 158.

158. The legal rights and duties of Plaintiffs thus depend upon resolving whether HB 1384 properly "submit[s]" the proposed constitutional amendment contained in HB 6007 to Virginia voters. Va. Const. art. XII, §1.

159. This dispute is ripe for consideration. The date that Defendants must send the ballot question to electoral boards by is Monday, March 2, 2026, HB 1384, §14, early

voting will begin on March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568, and the culmination of the election will occur on April 21, 2026, HB 1384, §14. The Court's resolution of the dispute will afford Plaintiffs "relief from the uncertainty and insecurity attendant upon controversies over legal rights." Va. Code §8.01-191; *see also id.* §8.01-184.

160. Accordingly, Plaintiffs request a declaratory judgment establishing that HB 1384's ballot question concerning the proposed constitutional amendment contained in HJR 6007 violates the Submission Clause of Article XII, Section 1 of Virginia's Constitution.

**Count 3 – Declaratory Judgment that HB 1384 Violates the Timing Requirement of Article XII, §1 of the Constitution**
**Va. Code §8.01-184**

161. Plaintiffs incorporate by reference all previous allegations.

162. Article XII, §1 of Virginia's Constitution describes the normal process for ratifying an amendment to the Constitution. Under that process, a proposed amendment must first pass the General Assembly two separate times.

163. Once "the proposed amendment" passes the General Assembly for the second (and final) time, the Constitution makes it the "duty of the General Assembly to submit such proposed amendment" to "the voters qualified to vote in elections by the people" "not sooner than ninety days after final passage by the General Assembly." Va. Const. art. XII, §1.

164. Even assuming the November 2025 passage of HJR 6007 was the valid first passage of the proposed constitutional amendment and the January 2026 passage of HJR 4 was the valid second (and final) passage of the proposed amendment, the General

Assembly submitted the proposed amendment "sooner than ninety days after final passage by the General Assembly." Va. Const., art. XII, §1.

165. This is because HR 1384 sets election day for the special election on April 21, 2026. Virginia law requires in-person early voting for 45 days before election day. Va. Code §24.2-701.1. Voting on the amendment thus begins on March 6, 2026. *Id.*; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568. And, as this Court explained in its January 27 Order, an election begins when voting on it begins. In other words, the amendment will be submitted for the popular vote under Article XII when voting starts on March 6, 2026.

166. Even assuming HJR 6007 were valid, the amendment passed the General Assembly for the second time on January 16, 2026. *See* History, HJR 4, Gen. Assemb., Reg. Sess. (Va. 2026), perma.cc/LTU5-PRD8. So it will still be submitted to the people for their vote less than two months after it passed the General Assembly for the second time.

167. The Constitution requires that the amendment be "submit[ted] … to the voters qualified to vote in elections by the people … not sooner than ninety days after final passage by the General Assembly." Va. Const., art. XII, §1. By submitting the amendment for a popular vote less than two months after its final passage, the General Assembly is violating the Constitution.

168. Because the amendment passed on January 16, and 90 days must pass before early voting begins, the earliest possible date that voting may begin on the proposed amendment is April 16, 2026—not March 6, 2026.

169. This Court should enter a declaratory judgment that voting on the amendment can take place, at the earliest, 90 days after January 16, 2026—which is April 16, 2026—not March 6, 2026.

**Count 4 – Declaratory Judgment that HB 1384 Violates the Form of Laws Clause of the Constitution, Va. Const. Art. IV, §12**
**Va. Code §8.01-184**

170. Plaintiffs incorporate by reference all previous allegations.

171. Article IV, §12 of Virginia's Constitution restricts the Legislature from passing laws that "embrace more than one object, which shall be expressed in its title."

172. Courts are required to consider both a law's title and its body when determining its objects.

173. Where a law embraces more than one object, even if those objects are expressed in the title, the entire act must be declared void. *Whitlock v. Hawkins*, 105 Va. 242, 247 (1906).

174. HB 1384 violates Art. IV, §12 in three ways: It addresses multiple objects in its title; it addresses both appropriations and other substantive objects; and its provisions address an object not expressed in its title.

175. HB 1384's title expresses at least three objects, and its provisions contain another, unexpressed object.

176. The title of HB 1384 reads: "An Act to amend and reenact Items 5 and 6 and Enactments 14, 15, and 16 of Chapter 725 of the Acts of Assembly of 2025, which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and June 30, 2026, and to amend Chapter 725 of the Acts of Assembly of 2025, which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and

June 30, 2026, by adding an item numbered 78.10 and by adding enactments numbered 17, 18, 19, and 20 which appropriates the public revenues for two years ending, respectively, on June 30, 2025, and June 30, 2026; *and* to provide for the submission to the voters of proposed amendments to the Constitution of Virginia by amending Section 6 of Article II and by adding in the Schedule a section numbered 6; *and* to repeal § 30-13 of the Code of Virginia, relating to the general appropriation act; Department of Elections." (emphasis added).

177. HB 1384's first object is special appropriations of public revenues.

178. Other state supreme courts have construed identical constitutional provisions to mean that appropriations bills must not include unrelated general or substantive laws. *See Planned Parenthood of St. Louis Region v. Dep't of Soc. Servs.*, 602 S.W.3d 201, 207 (Mo. 2020) ("[A]ny bill that purports to combine appropriations with the enactment or amendment of general or substantive law necessarily contains more than one subject."); *Brown v. Firestone*, 382 So. 2d 654, 664 (Fla. 1980) ("[A]n appropriations bill must not change or amend existing law on subjects other than appropriations.").

179. But HB 1384 embraces multiple objects other than appropriations.

180. HB 1384's second object is submitting proposed constitutional amendments to the voters.

181. HB 1384's third object is the repeal of Va. Code §30-13.

182. HB 1384's fourth object, which is not expressed in its title, is a venue-transfer provision for certain civil actions.

183. The venue-transfer provision suffers from another constitutional defect: it is unconstitutional special legislation because it is not "germane" to the other objects of the

title, does not have "a legitimate and natural association therewith," and is not "congruous therewith." *Marshall v. N. Va. Transp. Auth.*, 275 Va. 419, 429-30 (2008) (quoting *Town of Narrows v. Bd. of Sup'rs of Giles Cnty.*, 128 Va. 582-83 (1920)).

184. Article IV, §12 limits laws to a single object to prevent "log-rolling," and a "lack of notice to the public of what measures are being considered by the Legislature." *State Board of Health v. Chippenham Hospital*, 45 S.E.2d 430, 436 (Va. 1978).

185. The title of HB 1384 misleads members of the legislature and the people by log-rolling its venue-setting provision with other objects. No one reading the law's title—if they can decipher its title at all—could discern or would have notice that the law determines where venue is proper in certain cases.

186. Plaintiffs seek to vote on a proposed constitutional amendment concerning redistricting without "[d]efects and errors." *Coleman*, 219 Va. at 158.

187. The legal rights and duties of Plaintiffs thus depend upon resolving whether HB 1384 is unconstitutional legislation in contravention of Article IV, §12 of Virginia's Constitution.

188. This dispute is ripe for consideration. Under HB 1384, the date that Defendants must send the ballot question to electoral boards is Monday, March 2, 2026, HB 1384, §14; early voting will begin on March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568; and the culmination of the election will occur on April 21, 2026, HB 1384, §14. The Court's resolution of the dispute will "afford relief from the uncertainty and insecurity attendant upon controversies over legal rights." Va. Code §8.01-191; *see also id.* §8.01-184.

189. Accordingly, Plaintiffs request a declaratory judgment establishing that HB 1384 violates Article IV, §12 of Virginia's Constitution.

**Count 5 – Injunction Requiring Defendants to Hold the Special Election According to the Time Set in the Constitution**
**Va. Code §§8.01-186, -620**

190. Plaintiffs incorporate by reference all previous allegations.

191. The Virginia Constitution requires that once "the proposed amendment" passes the General Assembly for the second (and final) time, the Constitution makes it the "duty of the General Assembly to submit such proposed amendment" to "the voters qualified to vote in elections by the people" "*not sooner than ninety days after final passage* by the General Assembly." Va. Const. art. XII, §1 (emphasis added).

192. Even assuming the November 2025 passage of HJR 6007 were the valid first passage of the proposed constitutional amendment and the January 2026 passage of HJR 4 were the valid second (and final) passage of the proposed amendment, the General Assembly submitted the proposed amendment "sooner than ninety days after final passage by the General Assembly." *Contra* Va. Const., art. XII, §1. This is because HB 1384 sets election day for the special election on April 21, 2026.

193. But Virginia law requires early voting for 45 days before election day. Va. Code §24.2-701.1. So voting on the amendment begins on March 6, 2026. *Id.*; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568.

194. As this Court explained in its January 27 Order, an election begins when voting on it begins. *McDougle*, 2026 WL 243908, at *3. "It is legal, acceptable and even encouraged for voters to take advantage of the earlier voting statute." *Id.* In other words, the election on the proposed constitutional amendment will begin on March 6, 2026 when early voting begins.

195. Because the amendment passed on January 16, 2026, and 90 days must pass before voting begins, the earliest possible date that voting may occur on the amendment is April 16, 2026.

196. But under HB 1384, early voting will begin on March 6, 2026. *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568.

197. March 6, 2026 is not 90 days after January 16, 2026.

198. Defendants are therefore violating Va. Const., art. XII, §1 by causing voting to begin on the proposed constitutional amendment "sooner than ninety days after final passage by the General Assembly."

199. "To secure an injunction, a party must show irreparable harm and the lack of an adequate remedy at law." *Black & White Cars, Inc. v. Groome Transp.*, 247 Va. 426, 431 (1994).

200. Plaintiffs will suffer irreparable harm absent injunctive relief. A "presumption of irreparable injury" flows "from a violation of constitutional rights." *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996). And the loss of constitutional rights "for even minimal periods of time, rises to the level of irreparable injury." *Young v. Northam*, 107 Va. Cir. 281, *6 (2021) (unpublished op.) (citing *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020)).

201. Plaintiffs are injured by having to vote on a proposal for constitutional amendment *earlier* than Article XII of Virginia's Constitution requires.

202. Plaintiffs have no adequate remedy at law.

203. The public interest strongly favors ensuring that the proposed constitutional amendment is referred to the voters in a manner that is free of all "[d]efects and errors" and strictly complies with Va. Const., art. XII, §1. *Coleman*, 219 Va. at 158.

204. Injunctive relief vindicates Virginians' constitutional right to "act on proposed constitutional amendments with confidence, secure in the knowledge that the proposals have been put to them for final action only after careful analysis." *Id.* at 152-54.

205. Defendants have a non-discretionary duty to transmit the amendment to Virginia voters no sooner than 90 days after its final passage by the General Assembly. Va. Const. art. XII, §1. Plaintiffs simply ask them to perform this duty in accordance with the Constitution.

206. The public's interest is best served by holding the vote on the proposed constitutional amendment in the manner authorized by the Constitution no sooner than 90 days after an amendment's final passage by the General Assembly. Va. Const. art. XII, §1.

207. An injunction is an appropriate form of relief here. "[I]njunctive relief is available in Virginia … [to] prevent a future constitutional violation." *Highlander v. Va. Dep't of Wildlife Res.*, 84 Va. App. 404, 431 (2025). Such a prohibitory injunction is the proper remedy where, as here, a legal wrong threatens to cause an irreparable injury. *See Large v. Clinchfield Coal Co.*, 239 Va. 144, 148 (1990).

208. This Court should enter an injunction requiring Defendants to only cause voting to begin in the special election mandated by HB 1384 at the earliest on April 16, 2026—not March 6, 2026.

**Count 6 – Injunction Prohibiting Defendants from Transmitting and Posting HB 1384's Defective Ballot Question and Proposed Constitutional Amendment**
**Va. Code §§8.01-186, -620**

209. Plaintiffs incorporate by reference all previous allegations.

210. Article XII of Virginia's Constitution requires two different General Assemblies to adopt a proposed constitutional amendment. Those votes must be separated by an intervening "general election of members of the House of Delegates."

211. "[S]trict compliance with these mandatory provisions is required in order that all proposed constitutional amendments shall receive the deliberate consideration and careful scrutiny that they deserve." *Coleman*, 219 Va. at 154.

212. Because of the three constitutional defects already identified by this Court, the election that culminated on November 4, 2025, does not qualify as the "next general election of members of the House of Delegates" for purposes of amending the Constitution. Va. Const. art. XII, §1.

213. This Court has already ruled that "there HAS NOT BEEN an ensuing general election of the House of Delegates" after HJR 6007's passage and that "such ensuing general election CANNOT occur until 2027."

214. Yet HB 1384 submits the proposed constitutional amendment in HJR 6007 to Virginia voters to vote on starting March 6, 2026, Va. Code §24.2-701.1; *Upcoming Elections*, Va. Dep't of Elections (2026), perma.cc/4MUN-B568, well over a year *before* the 2027 general election.

215. HB 1384 thus submits a proposed constitutional amendment to Virginia voters *before* "the next general election of members of the House of Delegates" in contravention of Article XII, Section 1 of Virginia's Constitution.

216. Plaintiffs are injured by having to vote on a defective proposal for constitutional amendment between March 6, 2026 and April 21, 2026 under the provisions of HB 1384 because the proposed constitutional amendment that they will be required to

vote on flunks the intervening election requirement of Article XII of Virginia's Constitution.

217. Plaintiffs are also harmed by Virginia voters unwittingly surrendering their constitutional right to a nonpartisan redistricting process because the proposed constitutional amendment was not submitted to them as the Constitution requires.

218. These harms are constitutional wrongs that damages cannot right.

219. The submission requirement of Article XII of Virginia's Constitution is not a mere box to be checked before votes can be tallied; it is a constitutional safeguard designed to ensure that voters have the information necessary to cast an informed vote on a matter as weighty as a constitutional amendment. If those requirements are unfulfilled, it would be unconstitutional to allow a proposed amendment to go into effect.

220. "To secure an injunction, a party must show irreparable harm and the lack of an adequate remedy at law." *Black & White Cars, Inc. v. Groome Transp.*, 247 Va. 426, 431 (1994).

221. Plaintiffs have no adequate remedy at law.

222. Plaintiffs will suffer irreparable harm absent injunctive relief. A "presumption of irreparable injury" flows "from a violation of constitutional rights." *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996). And the loss of constitutional rights "for even minimal periods of time, rises to the level of irreparable injury." *Young v. Northam*, 107 Va. Cir. 281, *6 (2021) (unpublished op.) (citing *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020)).

223. The public interest strongly favors ensuring that the proposed constitutional amendment is referred to the voters in a manner that is free of all "[d]efects and errors" and strictly complies with Va. Const., art. XII, §1. *Coleman*, 219 Va. at 158.

224. Granting an injunction here does not bar the General Assembly from ever placing the proposed constitutional amendment before the voters; it only prevents the General Assembly from doing so this year. The General Assembly may submit the proposed constitutional amendment to the voters in 2027 if it follows the steps mandated by the constitution.

225. The public has a strong interest in voting on proposed constitutional amendments that are properly presented to them. Virginians hold a fundamental right to alter or reform their government in a manner consistent with the Constitution. The Constitution does not give the people a right to amend the constitution unless the proposal originates with the General Assembly. By the same token, the Constitution requires the General Assembly to take certain steps to submit their proposal to the voters, so the people have the opportunity to vote out the legislators who proposed the amendment and so the people know what changes to the Commonwealth's founding document they are being asked to accept or reject.

226. Because HB 1384 violates both the intervening election requirement and submission requirement of Article XII of Virginia's Constitution, no election can be held under HB 1384's mandate.

227. The public's interest is best served by delaying the vote on the proposed constitutional amendment until the proposed amendment is presented to voters in the manner authorized by the Constitution.

228. This is one of the "few" instances in which injunctive relief is necessary to delay an election that is being held in violation of law. *Compare Scott v. James*, 114 Va. 297, 307 (1912), *with League of Women Voters v. Utah State Legislature*, 559 P.3d 11, 29 (Utah 2024) (upholding preliminary injunction that "remove[s]" defective proposed constitutional amendment "from the printed ballots" and voids "any votes for or against the amendment").

229. An injunction is an appropriate form of relief here. "[I]njunctive relief is available in Virginia … [to] prevent a future constitutional violation." *Highlander v. Va. Dep't of Wildlife Res.*, 84 Va. App. 404, 431 (2025). Such a prohibitory injunction is the proper remedy where, as here, a legal wrong threatens to cause an irreparable injury. *See Large v. Clinchfield Coal Co.*, 239 Va. 144, 148 (1990).

230. Moreover, a court may "compel a public official to perform a purely ministerial duty imposed upon him by law." *Goldman v. State Bd. of Elections*, 2020 WL 5498497, at *2 (Va. Sept. 9, 2020). The election officials here have a non-discretionary duty to publish the amendment no sooner than 90 days after its final passage by the General Assembly. Va. Const. art. XII, §1. Plaintiffs simply ask them to perform this duty in accordance with the Constitution.

231. *Goldman* doesn't bar relief. It was a fight over the proposed ballot language at the margin. The petitioner there argued that the ballot language did "not describe the amendment in a neutral manner, makes several omissions, and is 'misleadingly and materially flawed.'" 2020 WL 5498497, at *1. Here, however, the proposed language doesn't describe the proposed amendment *at all*. Instead, it submits vague aphorisms about "fairness." That language does not "submit such proposed amendment" to the voters, Va.

Const. art. XII, §1, any more than language saying, "Check this box if you're a Democrat," or language describing the polar opposite of what the amendment accomplishes.

232. The Constitution requires "deliberate consideration and careful scrutiny" of any proposed amendment to the Commonwealth's "fundamental law." *Coleman*, 219 Va. at 152-54. It requires compliance with the intervening election and submission requirements of Article XII. These constitutional limits matter. And they are enforceable, as numerous other states have recognized of their own constitutions. *E.g.*, *League of Women Voters*, 559 P.3d at 29. *Goldman* does not say otherwise.

233. Injunctive relief vindicates Virginians' constitutional right to "act on proposed constitutional amendments with confidence, secure in the knowledge that the proposals have been put to them for final action only after careful analysis." *Coleman*, 219 Va. at 153.

234. This Court should enjoin Defendants from transmitting the proposed constitutional amendment to Virginia voters unless and until it has been reapproved by the General Assembly in the General Assembly's 2027 regular session.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendants and provide the following relief:

A. Declare that HB 1384 violates the Intervening Election Clause, Timing Clause, and Submission Clause of Article XII, §1 of Virginia's Constitution;

B. Declare that HB 1384 embraces more than one object in violation of Article IV, §12 of Virginia's Constitution;

C. Enjoin Defendants and their agents, officers, and employees from administering, preparing for, or moving forward with the "election" called for by HB 1384, including by transmitting or placing on any ballot HB 1384's defective ballot question;

D. Alternatively, enjoin Defendants and their agents, officers, and employees from administering, preparing for, or moving forward with voting for the "election" called for by HB 1384 sooner than 90 days after the January 2026 passage of the proposed constitutional amendment contained in HJR 6007;

E. Retain jurisdiction of this action to render any further orders that this Court may deem appropriate, including determining the constitutionality of any new congressional redistricting plans adopted by the General Assembly in violation of this Court's orders;

F. Award reasonable attorneys' fees to Plaintiffs' counsel under Rule 3:25 of the Rules of the Supreme Court of Virginia;

G. Award all other relief that the Court deems just and necessary.

Respectfully submitted February 18, 2026,


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*Counsel for Plaintiffs*

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I have reviewed the factual averments in the Verified Complaint and I declare under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

/s/ _____

*Michael Ambrosini*
*Chief of Staff*
*Republican National Committee*

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I have reviewed the factual averments in the Verified Complaint and I declare under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

/s/_____

*Ryan Dollar*
*General Counsel*
*National Republican Congressional Committee*

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I have reviewed the factual averments in the Verified Complaint and I declare under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

/s/ Ben Cline

*U.S. Representative Ben Cline*

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I have reviewed the factual averments in the Verified Complaint and I declare under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/*_____

*U.S. Representative Morgan Griffith*