

VIRGINIA :

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

OMARI FAULKNER FOR VIRGINIA, )

-and- )

OMARI FAULKNER )

Plaintiffs, )

v. )

Civil Action No.:

VIRGINIA DEPARTMENT OF ELECTIONS )

-and- )

VIRGINIA STATE BOARD OF ELECTIONS )

ROBERT H. BRINK, Chairman of )

The State Board of Elections, in his )

official capacity, JOHN O'BANNON, )

Vice-Chairman of the State Board of Elections, )

in his official capacity, )

JAMILAH D. LECRUISE, )

Secretary of the State Board of Elections, )

In her official capacity, )

CHRISTOPHER E. "CHRIS" PIPER, )

Commissioner Of the State Board of Elections, )

in his official capacity )

JESSICA BOWMAN, Deputy Commissioner )

Of the State Board of Elections, in her )

official capacity. )

- and - )

THE REPUBLICAN PARTY OF VIRGINIA )

-and- )

Chairman Jack R. Wilson, in his capacity )

As Chairman of the Republican Party of )

Virginia )

Defendants. )

## **VERIFIED COMPLAINT**

Plaintiffs, Omari Faulkner and his United States Senate campaign committee, Omari Faulkner For Virginia, a political committee registered with the Federal Election Commission, by counsel and pursuant to the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, Section 8.01-620 of the Code of Virginia (the “Code”), and Rule 3:2 of the Rules of Supreme Court of Virginia, state the following verified complaint for declaratory judgment and permanent, preliminary, and emergency injunctive relief against the Virginia Department of Elections, the Virginia State Board of Elections, its Chairman, Vice-Chairman, Secretary, Commissioner, and Deputy Commissioner, the Republican Party of Virginia, and Chairman of the Republican Party of Virginia, Jack R. Wilson, in his official capacity, (together, “Defendants”) to restrain defendants, in this election only, from enforcing in full the candidate signature requirement for U.S. Senate candidates codified at Va. Code § 24.2-521(1).

### **PARTIES**

1. Plaintiff Omari Faulkner resides in Bluemont, Virginia and is a member of the United States Navy Reserve. Mr. Faulkner is also a candidate for the Republican nomination for U.S. Senate. Mr. Faulkner filed his Statement of Candidacy with the Federal Election Commission on November 11, 2019. (Ex. A, Statement of Candidacy).

2. Plaintiff Omari Faulkner For Virginia is the official candidate committee for Mr. Faulkner’s bid for United States Senate. The campaign committee filed its Statement of Organization with the Federal Election Commission on November 11, 2019 and has the campaign ID number as C00726570. (Ex. B, Statement of Organization).

3. Defendant State Board of Elections, through the Virginia Department of Elections oversees “voter registration, absentee voting, *ballot access for candidates*, campaign finance disclosure and voting equipment certification in coordination with Virginia’s 133 local election offices.”<sup>1</sup> *See also* Va. Code § 24.2-103(A) (vesting the State Board of Elections, through the Department of Elections, with supervisory authority to obtain uniformity in election laws).

4. The State Board has the duty to receive both Declarations of Candidacy from candidates for United States Senate, as well as a Petition containing at least 10,000 signatures statewide, with at least 400 signatures from each congressional district. Va. Code §§ 24.2-522(C) 24.2-521(1). The State Board is then required to “transmit the material so filed to the state chairman of the party of the candidate.” Va. Code § 24.2-522.

5. The State Board of Elections also has the duty to prescribe various forms for the registration of voters and the conduct of elections. *See* Va. Code § 24.2-105. The State Board of Elections has prescribed Form SBE 506/521, the form that contains the signatures of voters to get a candidate’s name on the ballot.

6. Defendant Robert H. Brink is the Chairman of the State Board of Elections. He is sued in his official capacity.

7. Defendant John O’Bannon is the Vice-Chairman of the State Board of Elections. He is sued in his official capacity.

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<sup>1</sup> *See* Department of Elections, *About the Agency available at <https://www.virginia.gov/agencies/department-of-elections/>* (last visited March 19, 2020) (emphasis added).

8. Defendant Jamilah D. LeCruise is the Secretary of the State Board of Elections. She is sued in her official capacity.

9. Defendant Christopher E. "Chris" Piper is the Commissioner of the State Board of Elections. He is sued in his official capacity.

10. Defendant Jessica Bowman is the Deputy Commissioner of the State Board of Elections. She is sued in her official capacity.

11. Defendant Republican Party of Virginia ("RPV") is the State Party affiliate of the Republican National Committee.<sup>2</sup>

12. Defendant Jack Wilson is the Chairman of the Republican Party of Virginia and he is sued in that capacity only. As Chairman, Mr. Wilson is responsible for verifying the number of signatures and certifying to the State Board that the candidate had a sufficient number of signatures to obtain a position on the ballot. *See* Va. Code § 24.2-527(A).

### **JURISDICTION**

13. This Court has jurisdiction over the subject matter of this Complaint pursuant to Sections 8.01-184 and 8.01-186 of the Code. This statute permits this Court to issue both declaratory judgments as well as grant injunctive relief to effectuate its declaratory judgment.

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<sup>2</sup> *See, e.g.*, RPV Party Plan at 6, §A ¶ 5 (membership on the Republican Party of Virginia's State Central Committee includes the two Virginia representatives to the Republican National Committee. *See also id.* at 7, §C ¶ 3 (stating that the Republican Party of Virginia's State Central Committee has the authority to fill vacancies for Virginia's National Committee representative in the event a vacancy occurs before the next Republican National Convention) *available at* <https://virginia.gop/wp-content/uploads/2020/01/Party-Plan-Amended-December-2019.pdf> (last visited March 19, 2020).

14. Venue is appropriate in the City of Richmond Circuit Court because several officers of the Commonwealth are sued in their official capacity and those officers have offices within the City of Richmond. Va. Code § 8.01-261(2).

### **FACTS**

15. Mr. Faulkner began his bid for the Republican nomination to represent Virginia in the United States Senate back in November of 2019.

16. Within weeks, Omari Faulkner for Virginia, contracted with an individual to run the campaign's signature gathering operation to obtain the necessary signatures pursuant to Va. Code § 24.2-521(1).

17. Beginning in approximately early January of 2020, the campaign committee assiduously and diligently began circulating petitions to obtain these signatures. These efforts were done so that Mr. Faulkner's name would appear on the Virginia's Republican Primary Ballot.

18. Just as the sun was rising on 2020 and heating the campaign trails, the menace that is COVID-19, also known as the Coronavirus, landed on the shores of the Commonwealth. Within the past week alone, there has been a steady and persistent cascade of emergency actions taken to combat COVID-19.

19. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. (attached as Ex. H).

20. In response to the conflagration of cases and to combat COVID-19, on March 12, 2020 Governor Northam declared a State of Emergency. In his "Declaration Of A State Of Emergency Due To Novel Coronavirus (Covid-19)" (attached as Exhibit

C), Governor Northam declared that COVID-19 is public health threat because it is a communicable disease. (Ex. C at 1).

21. The following day, President Trump declared a national emergency.

22. Three days later on Monday, March 16, 2020, Governor Northam issued a directive stating that restaurants, fitness centers, and theatres either had to reduce capacity to 10 people or close. (attached as Ex. E). Governor Northam also banned all events with 100 or more persons.

23. Later, on Monday March 16, 2020, the Supreme Court of Virginia declared a judicial emergency. (attached as Ex. F). This order declared that a judicial emergency exists from March 16 to Monday April 6, 2020. (Ex. F at 1). The order further ordered that all non-emergency and non-essential court proceedings be suspended and that all deadlines are tolled for 21 days. Ex. F. at 2.

24. Then, on March 17, President Trump declared that for a period of 15 days, there should be no gatherings of 10 or more people.<sup>3</sup>

25. The White House in collaboration with the Center for Disease Control published guidelines for how people should conduct themselves through these next 15 days. Included within these guidelines is the recommendation that in areas where community spread of COVID-19 is present, “bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.” (attached as Ex. D). Additionally, people should avoid discretionary travel, including shopping trips and social visits. *Id.*

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<sup>3</sup> See The President’s Coronavirus Guidelines for America: 15 Days To Slow The Spread available at [https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf) (last visited March 19, 2020).

26. Finally, of specific importance, the Center for Disease Control has recommended that people maintain a safe social distance of *at least six feet*. (attached as Exhibit G). This is because contact with a person within six feet can cause transmission of COVID-19. Ex. G.

27. States have addressed COVID-19 and its impact on elections in various ways.

28. The State Defendants themselves have in fact started taking measures to limit human interaction in relation to the upcoming election. In recognizing the danger of coming into close contact with others, the Virginia Department of Elections “to protect [Voters’] health during COVID-19 outbreak” is strongly encouraging voters to vote absentee in the upcoming May elections. The Department is advising voters to choose reason "2A My disability or illness" for Absentee voting in the June 2020 elections due to COVID-19.”<sup>4</sup>

29. Seven states, Georgia, Louisiana, Alabama, Kentucky, Ohio, Maryland, and Connecticut, have all moved their election dates to later in the calendar. For example, Alabama’s primary runoff election was moved from March 31, 2020 to July 14, 2020.<sup>5</sup> Additionally, Louisiana has moved their primary election from April 4, 2020 to June 20, 2020,<sup>6</sup> while Georgia has moved its primary election from March 24, to May 19, 2020.<sup>7</sup>

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<sup>4</sup> See Va. Department of Elections, *Absentee Voting* available at <https://www.elections.virginia.gov/casting-a-ballot/absentee-voting/> last visited (March 19, 2020).

<sup>5</sup> See *Supplemental State of Emergency: Coronavirus COVID-19* available at <https://governor.alabama.gov/newsroom/2020/03/supplemental-state-of-emergency-coronavirus-covid-19/> (last visited March 19, 2020).

<sup>6</sup> See *Covid-19 And Elections Update* available at <https://www.sos.la.gov/Pages/NewsAndEvents.aspx#faq258> (last visited March 16, 2020).

Kentucky has moved its primary election from May 19 to June 23, 2020,<sup>8</sup> while Maryland moved its primary election from April 28, 2020 to June 2, 2020.<sup>9</sup> Connecticut moved its election from April 28 to June 2, 2020.<sup>10</sup> Finally, the Ohio Department of Health canceled its March 17, 2020 primary election.<sup>11</sup>

30. Then, prior to President Trump’s declaration of a national emergency, and before Governor Northam’s declaration of a state emergency, Governor Cuomo of New York took emergency action. On March 7, 2020, Governor Cuomo of New York issued Executive Order 202.2 which modified New York’s petition signature requirement. New York reduced the number of signatures a candidate is required to obtain by 70%. *See* Ex. I at 1. Furthermore, Governor Cuomo suspended all signature gathering activity on March 17, 2020. *See id.*

31. Despite the steady drumbeat of warnings to maintain a safe social distance by the Governor, the President, the State Board of Elections, and the CDC, Mr. Faulkner

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<sup>7</sup> *See Secretary Of State Raffensperger Postpones The Presidential Preference Primary available at [https://sos.ga.gov/index.php/elections/secretary\\_of\\_state\\_raffensperger\\_postpones\\_the\\_presidential\\_preference\\_primary](https://sos.ga.gov/index.php/elections/secretary_of_state_raffensperger_postpones_the_presidential_preference_primary) (last visited March 16, 2020).*

<sup>8</sup> *See Secretary Of State Moves To Delay May 19 Elections available at <https://kentucky.gov/Pages/Activity-stream.aspx?n=SOS&prId=300> (last visited March 19, 2020).*

<sup>9</sup> *See Renewal Declaration of State Of Emergency and Existence of Catastrophic Health Emergency –COVID-19, available at <https://governor.maryland.gov/wp-content/uploads/2020/03/Renewal-of-State-of-Emergency.pdf> (last visited March 19, 2020).*

<sup>10</sup> *See Executive Order No. 7G available at <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7G.pdf> (last visited March 19, 2020).*

<sup>11</sup> *See In re: Closure of Poling Locations in the State of Ohio on Tuesday March 17, 2020 available at [https://content.govdelivery.com/attachments/OHOOD/2020/03/17/file\\_attachments/1402754/Director%27s%20Order%20Closure%20of%20the%20Polling%20Locations.pdf](https://content.govdelivery.com/attachments/OHOOD/2020/03/17/file_attachments/1402754/Director%27s%20Order%20Closure%20of%20the%20Polling%20Locations.pdf) (last visited March 19, 2020).*



has obtained 3,769 signatures statewide. Mr. Faulkner's campaign has also obtained the following amounts of signatures in each congressional district:

- a. CD 1: 242
- b. CD 2: 319
- c. CD 3: 690
- d. CD 4: 109
- e. CD 5: 262
- f. CD 6: 391
- g. CD 7: 374
- h. CD 8: 201
- i. CD 9: 168
- j. CD 10: 747
- k. CD 11: 267

32. Despite their diligence, Mr. Faulkner and his campaign are still 6,231 signatures shy of the statewide requirement and have at least 200 signatures in 9 congressional districts.

33. Because of the current health crisis in Virginia, particularly because COVID-19 is a communicable disease, Mr. Faulkner and his campaign are unlikely to be able to obtain the necessary signatures prior to the deadline absent relief sought in this lawsuit.

34. At best, continued attempts to obtain signatures is challenging, and at worst is in direct conflict with directives from everyone in the public health community,

which only risks making a very serious situation worse and specifically exposes campaign staff to additional dangers.

35. Mr. Faulkner and his campaign must submit the requisite signatures by Thursday, March 26, 2020. Va. Code § 24.2-522(A). This is because Virginia's primary is scheduled for June 9, 2020 and the statute requires candidates to file their declaration of candidacies and petition signatures 75 days prior to the election. Va. Code § 24.2-522(A).<sup>12</sup>

36. When the State Board receives Mr. Faulkner's petition papers, the State Board is then required to "transmit the material so filed to the state chairman of the party of the candidate" within 72 hours of receipt. Va. Code § 24.2-522. In this case, the State Board must transmit this material to Jack Wilson, chairman of the Republican Party of Virginia.

37. Only the State Chairman is permitted to open the sealed containers containing the signed petitions. Va. Code § 24.2-522.

38. Then, the State Chairman of the Republican Party of Virginia must certify to the State Board that the Party reviewed the petitions and found that the requisite number of petitions was satisfied. Va. Code § 24.2-527. The State Chairman must provide the State Board with this certification by March 31, 2020, or seventy days before June 9, 2020. Va. Code § 24.2-527.

39. Mr. Faulkner would have been able to satisfy the signature requirement but for the unanticipated and unprecedented pandemic of COVID-19.

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<sup>12</sup> See Upcoming Elections, Virginia Department of Elections *available at* <https://www.elections.virginia.gov/casting-a-ballot/calendars-schedules/upcoming-elections.html> (last visited March 19, 2020).

40. Absent an injunction, Mr. Faulkner’s name will not appear on the ballot. This will violate his constitutional right to free speech and free association.

41. Defendants at all times are acting under the color of state law.

### U.S. CONSTITUTIONAL LAW

42. The First Amendment declares in no uncertain terms that Congress shall make no law abridging the freedom of speech. U.S. Const. amend. I. *See also Citizens United v. FEC*, 558 U.S. 310, 336 (2010). This restriction against governmental power is applied to the states through the Fourteenth Amendment. *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015).

43. “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.” *NAACP v. Alabama*, 357 U.S. 449, 460 (1958).

44. The Supreme Court has made clear, “whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters ... state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny” *Id.* at 460-61.

45. The right to “voluntary political association ... is an important aspect of the First Amendment freedom” that the Supreme Court “has consistently found entitled to constitutional protection.” *Lefkowitz v. Cunningham*, 431 U.S. 801, 808 (1977).

46. A person’s ability to exercise their rights guaranteed under the First Amendment is “[u]ndeniably enhanced by group association.” *Buckley v. Valeo* 424 U.S. 1, 15 (1976) (quoting *NAACP v. Alabama*, 357 U.S. at 460).

47. Both the First and the Fourteenth Amendments therefore, guarantee the “freedom to associate with others for the common advancement of political beliefs and ideas...” *Id.*; see also *Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983) (“[T]he right of individuals to associate for the advancement of political beliefs . . . rank[s] among our most precious freedoms.”).

48. Further, because the freedom of association enhances the effectiveness of the freedom of speech, the government cannot limit or dictate who an association chooses to associate with for the common advancement of the association’s beliefs. *Tashjian v. Republican Party*, 479 U.S. 208, 224 (1986) (emphasis added).

49. Although states are entrusted with administering their elections and imposing reasonable restrictions “in exercising their powers of supervision over elections . . . the States may not infringe upon basic constitutional protections.” *Kusper v. Pontikes*, 414 U.S. 51, 57 (1973).

50. “[Ballot] Access restrictions also implicate the right to vote because, absent recourse to referendums, voters can assert their preferences only through candidates or parties or both.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979).

51. In constitutional analysis, the primary concern of courts is “with the tendency of ballot access restrictions to limit the field of candidates from which voters might choose.” *Anderson v. Celebrezze*, 460 U.S. 780, 786 (1983).

52. “By limiting the choices available to voters, the State impairs the voters’ ability to express their political preferences.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979).

## VIRGINIA LAW

53. Under Virginia law, Mr. Faulkner and his campaign are required to obtain 10,000 signatures statewide. Included within that 10,000 signatures is a requirement to obtain 400 signatures within each congressional district. Va. Code § 24.2-521(1).

54. Mr. Faulkner and his campaign are required to submit these signatures to the State Board of Elections on March 26, 2020. Va. Code § 24.2-522(A).

55. Then, within 72 hours of receipt, the State Board is required to “transmit the material so filed to the state chairman of the party of the candidate” who is Jack Wilson of the RPV. Va. Code § 24.2-522.

56. Only the State Chairman, Mr. Wilson, is permitted to open the sealed containers containing the signed petitions. Va. Code § 24.2-522.

57. Then, by March 31, 2020, the State Chairman of the Republican Party of Virginia must certify to the State Board that the Party reviewed the petitions and found that the requisite number of petitions was satisfied. Va. Code § 24.2-527.

## CLAIMS

### COUNT I

#### *Violation of The First Amendment’s Free Speech And Association Clauses 1983 Action*

58. Plaintiffs incorporate by reference paragraphs 1-57 as if fully restated herein.

59. It is impracticable for Mr. Faulkner and his campaign to complete their task of obtaining 10,000 signatures statewide and 400 signatures in each of Virginia’s eleven congressional districts given recent events. Given the impracticability of Mr.

Faulkner and his campaign to obtain signatures since the declaration of a State emergency, Mr. Faulkner seeks redress.

60. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17, 84 S. Ct. 526, 11 L. Ed. 2d 481 (1964).

61. Ballot restrictions that severely burden the right to vote and associate violate the First Amendment to the U.S. Constitution. *See Storer v. Brown*, 415 U.S. 724, 728-29 (1974).

62. Accordingly, “[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms. If the State has open to it a less drastic way of satisfying its legitimate interests, it may not choose a legislative scheme that broadly stifles the exercise of fundamental personal liberties.” *Kusper v. Pontikes*, 414 U.S. 51, 59 (1973) (internal quotation marks and citations omitted).

63. Therefore, in recognizing that States must enact election codes for orderly, fair, and honest elections, courts reviewing challenges to ballot access cases impose a flexible standard. *Burdick v. Takushi*, 504 U.S. 428, 433-34 (1992). If the election regulation imposes a severe burden, then the regulation must survive strict scrutiny. *Id.* at 434. By contrast, if the election regulation imposes a light burden, rational basis or intermediate scrutiny applies. *Id.*

64. Under the current conditions created by COVID-19, including a declared state of emergency in our Commonwealth as well as a declared National emergency, Virginia’s signature requirement imposes a severe burden on Plaintiffs.

65. This burden is compounded because of the various government recommendations that individuals maintain at least six feet distance between them.

66. Virginia does not have a compelling justification to require Plaintiffs to continue circulating large numbers of petitions between now and March 26 when there are guidelines from the U.S. Government, Virginia government, and the Center for Disease Control recommending people to maintain a safe distance of six feet or more.

67. Furthermore, Virginia cannot claim a compelling justification when Virginia, recognizing the danger imposed by the communicable disease COVID-19, is encouraging voters to cast absentee ballots rather than go to the polls and vote. The fact that State Defendants are encouraging voters to vote absentee and not travel to the polls insinuates that it is contrary to the health of Virginians to come into close contact with others. Virginia cannot say that for the health of voters, do not vote in person but still demand that Plaintiffs still send volunteers out to neighborhoods and business and collect signatures in person.

68. In analogous situations, courts have extended voter registration deadlines in light of natural disasters, like hurricanes. *See Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250 (N.D. Fla. 2016). In that court's analysis of the burden, the court noted that in the final week before voter registration closed, an estimated 100,000 people were expected to register. *Id.* at 1257. But because of Hurricane Matthew, these potential voters were forced to flee the State. *Id.* Thus, these potential voters could not vote because they were unregistered. *Id.* Florida's voter registration statute imposed a severe burden that it could not justify. *Id.*

69. Because the inability to register to vote meant these 100,000 people could not vote, the court ruled that was a severe burden. *Id.*

70. Florida could not justify its severe burden because, similar to here, several other states impacted by Hurricane Matthew either extended their voter registration deadlines or permitted voter registration on Election Day. *Id.* Accordingly, under the flexible approach explained in *Burdick*, the court ruled that under any standard, Florida could not justify its decision not to extend voter registration in light of Hurricane Matthew. *Id.* at 1257-58; *see also Ga. Coalition for the Peoples' Agenda, Inc. v. Deal*, 214 F. Supp. 3d 1344 (S.D. Ga. 2016) (ordering an extension of voter registration deadline due to Hurricane Matthew because the loss of the right to vote would be an irreparable harm and when balanced to administrative burden of extending registration deadline, the harm to voting rights outweighed the administrative burden).

71. Accordingly, Virginia does not have a compelling or even sufficiently important interest to justify maintaining its 10,000-signature requirement and 400-signature per congressional district requirement in light of the current public health emergency.

72. Absent an injunction, Mr. Faulkner will not appear on the ballot, a severe burden to his First Amendment rights. *See Fla. Democratic Party*, 215 F. Supp. 3d at 1257.

73. Additionally, because Mr. Faulkner and his campaign have obtained 3,769 signatures, he has demonstrated a sufficient modicum of support in the context of this election. *See Bowe v. Board of Election Comm'rs*, 614 F.2d 1147, 1152 (7th Cir. 1980) (“The ultimate question was said to be whether in the context of California politics, a



reasonably diligent candidate could be expected to be able to meet the requirements and gain a place on the ballot.”) (citing *Storer*, 415 U.S. at 742). Given the global pandemic that has seized our Commonwealth and our Nation, Mr. Faulkner and his campaign have demonstrated a modicum of support to merit a place on the ballot.

74. At all times, State Defendants were acting under the color of state law.

**PRAYER FOR RELIEF**

A. Declare Va. Code § 24.2-521(1) unconstitutional as applied to Senate candidates in this particular pending election.

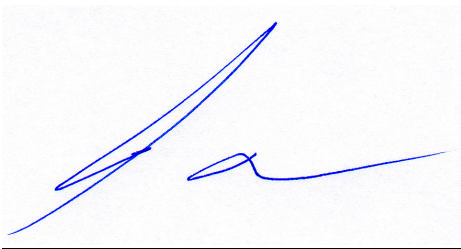
B. Enjoin all Defendants from enforcing Va. Code § 24.2-521(1) in full against United States Senate candidates in this primary election.

C. Order that, to obtain a position on the partisan primary election ballot for U.S. Senate, candidates for the U.S. Senate must obtain 3,500 signatures statewide and 100 signatures in each of Virginia’s eleven congressional districts.

D. DEMAND FOR ATTORNEYS’ FEES: Pursuant to Rule 3:25 of the Rules of the Supreme Court of Virginia, Plaintiffs seek reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988.

E. Award all other relief that this Court deems just and necessary.

Respectfully submitted, March 23, 2020

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

Jason Torchinsky (VA Bar# 47481)  
Jonathan P. Lienhard (VA Bar# 41648)  
Shawn Sheehy (VA Bar# 82630)

Holtzman Vogel Josefiak Torchinsky  
45 N. Hill Drive  
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[ssheehy@hvjt.law](mailto:ssheehy@hvjt.law)  
*Counsel to Plaintiffs*

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

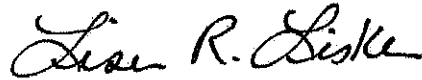
I, Omari Faulkner have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Omari Faulkner", written in a cursive style with a long horizontal stroke extending to the right.

Omari Faulkner

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

I, Lisa Lisker, serve as the treasurer for Omari Faulkner for Virginia, Inc. I have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.



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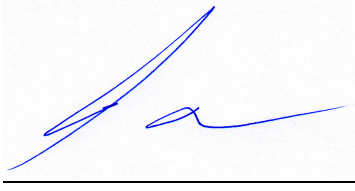
Lisa Lisker

Treasurer, Omari Faulkner for Virginia

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was this 23rd day of March 2020 served, by email and FedEx, postage pre-paid, upon the following:

<p>Carol Lewis &amp; Heather Hays Lockerman Assistant Attorneys General 202 North 9th Street Richmond, VA 23219 (804) 692-0558 CLewis@oag.state.va.us HLockerman@oag.state.va.us</p> <p><i>On behalf of:</i></p> <p>VIRGINIA DEPARTMENT OF ELECTIONS</p> <p>-and-</p> <p>VIRGINIA STATE BOARD OF ELECTIONS ROBERT H. BRINK, Chairman of The State Board of Elections, in his official capacity, JOHN O'BANNON, Vice-Chairman of the State Board of Elections, in his official capacity, JAMILAH D. LECRUISE, Secretary of the State Board of Elections, In her official capacity, CHRISTOPHER E. "CHRIS" PIPER, Commissioner Of the State Board of Elections, in his official capacity JESSICA BOWMAN, Deputy Commissioner Of the State Board of Elections, in her official capacity.</p>	<p>Chris Marston 110 Shooters Ct. Alexandria, VA 22314 (571) 482-7690 chris@electioncfo.com</p> <p><i>Counsel to:</i></p> <p>THE REPUBLICAN PARTY OF VIRGINIA )</p> <p>-and-</p> <p>Chairman Jack R. Wilson, in his capacity As Chairman of the Republican Party of Virginia.</p>
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By: 

Jason B. Torchinsky