

**VIRGINIA:**  
**IN THE CIRCUIT COURT OF RICHMOND CITY**

The Republican Party of Virginia,

**Plaintiff,**

v.

Christopher E. Piper, in his official capacity as the Commissioner of the Department of Elections; the Department of Elections; the Virginia State Board of Elections, Robert H. Brink, in his official capacity as the Chairman and member of the Virginia State Board of Elections, John O'Bannon, in his official capacity as Vice Chair and member of the Virginia State Board of Elections, Jamilah D. LeCruise, in her official capacity as Secretary and member of the Virginia State Board of Elections, Donald W. Merricks, in his official capacity as member of the Virginia State Board of Elections, and Angela Chiang, in her official capacity as member of the Virginia State Board of Elections,

**Defendants.**

**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND PETITION FOR WRIT  
OF MANDAMUS**

**At Law No.** \_\_\_\_\_

Plaintiff the Republican Party of Virginia (the "RPV"), by and through the undersigned attorneys, for its Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus, alleges as follows:

**INTRODUCTION**

1. The Constitution of Virginia provides that, in the Commonwealth, all people "have the right of suffrage." Va. Const. Art. 1, Sec. 6. The guarantee of the right to vote, however, is meaningless if a candidate can qualify for the ballot through misrepresentation, deceit, and without completing the necessary statutory procedures, while injured members of the electorate—

including the political parties that they form and with which they associate—are denied meaningful recourse. As the Supreme Court of Virginia has long recognized, the permanence of our institutions and the preservation of the liberty of the people depend upon honest and fair elections. To achieve that end, public policy requires the laws to be framed and administered so as to secure fair elections.

2. The RPV brings this action to ensure that the promise of honest and fair elections in Virginia is properly upheld, that the integrity of elections in the Commonwealth is maintained, and voter trust in the electoral system is preserved. The RPV seeks to protect its rights, and the fundamental rights of its members and the voters who associate with it, from the serious and irreparable harm that would occur if Defendants—the Commonwealth’s chief election authorities—do not immediately act to address a serious misrepresentation and deficiency in the candidate qualification process for the upcoming election for Governor of the Commonwealth of Virginia.

3. This case involves the qualification of Terence “Terry” R. McAuliffe as a candidate for Virginia Governor in the upcoming 2021 general election. Under Virginia’s ballot qualification laws, “[o]nly a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the election.” Va. Code § 24.2-504; *see also* Va. Code § 24.2-525.

4. An elementary requirement in Virginia is that candidates nominated by a primary election must file a written Declaration of Candidacy—signed by the candidate and attested before a notary or two witnesses—with the Virginia State Board of Elections (the “Board”). Va. Code §§ 24.2-520 and 522; Va. Dep’t of Elections, GRE Handbook at 16.2.1.2.<sup>1</sup>

---

<sup>1</sup> *See* Va. Dep’t of Elections, GRE Handbook, [https://www.elections.virginia.gov/media/grebhandbook/2020-individual-chapters/16\\_Candidate\\_Processing\\_\(2020\).pdf](https://www.elections.virginia.gov/media/grebhandbook/2020-individual-chapters/16_Candidate_Processing_(2020).pdf).

5. After a primary election is held in Virginia, the Board is required to tabulate the results and “declare the nominee.” Va. Code § 24.2-534.

6. The Board’s decision to declare McAuliffe as the Democratic nominee for Governor was based on a Declaration of Candidacy (the “Declaration”) that was infected with misrepresentations, false statements, and was materially incomplete.

7. Defendants are the gatekeepers of the Commonwealth’s democratic process and have an affirmative duty to ensure that the only candidates who appear on Virginia’s ballots are those who have met minimum ballot access qualifications under Virginia law. Because local jurisdictions are currently free to begin printing ballots for the general election at any time, and because the deadline for printing ballots on September 17 is fast approaching, immediate injunctive relief is appropriate and necessary to protect the RPV, its members, and the voters who associate with it from serious, irreparable harm.

8. To this end, the RPV seeks declaratory and injunctive relief and a writ of mandamus. Specifically, the RPV asks the Court to ensure the integrity of the democratic process and prevent serious and irreparable injury to the RPV and the fundamental rights of its membership and voters by: (i) declaring that McAuliffe’s missing signature as well as the false and invalid witness signatures on the Declaration fatally infect the Declaration with illegality and therefore make it invalid; (ii) declaring the Virginia State Board of Elections’ acceptance of McAuliffe’s Declaration invalid; (iii) declaring that the Virginia State Board of Elections’ certification and declaration of McAuliffe as the winner of the Democratic primary on June 22, 2021 is contrary to Virginia law, and is therefore invalid; (iv) protecting the RPV and its membership and voters who associate with it from further irreparable harm and requiring Defendants to fulfill their duty of safeguarding the integrity of Virginia elections by (a) ordering Defendants to strike McAuliffe’s Declaration; (b)

enjoining Defendants from certifying McAuliffe as the Democratic nominee for Governor on the basis of his missing signature from his Declaration and the false or otherwise invalid signatures of the witnesses; (c) enjoining the Board and their agents, officers, and employees, and any person who acts in concert therewith, from printing McAuliffe’s name on ballots for the November 2021 general election.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction to grant declaratory and injunctive relief under the Virginia Declaratory Judgment Act, Va. Code § 8.01-184, which authorizes the Court to declare rights, status, and other legal relations among the parties and to issue injunctive relief as necessary to effectuate the judgment. *See also* Va. Code § 8.01-186 (authorizing further relief based on a declaratory judgment “whenever necessary or proper”).

10. The Court has jurisdiction to hear the Petition for Writ of Mandamus under Va. Code § 17.1-513.

11. Venue is appropriate under Va. Code § 8.01-261(2) because this is an action “against one or more officers of the Commonwealth in an official capacity,” each of whom has official offices in Richmond, Virginia.

### **PARTIES**

12. Plaintiff the Republican Party of Virginia (the “RPV”) is a political party as defined by Va. Code § 24.2-101. Its mission is to elect Republican candidates in local, county, state, and federal elections. If McAuliffe—a punitive candidate whose place on the ballot has been obtained by misrepresentation, false statements, and incomplete certification procedures, and who cannot meet the minimum standards for ballot qualification under Virginia law—is listed on the ballot for Governor in November, the RPV and its candidate for Governor will suffer concrete injury because

it must divert funds and other resources to counter the candidacy of an illegitimate candidate in the contest who, as a matter of law, should not be on the ballot, where those resources could have been used for other mission-central purposes, the diversion of which in an election cycle constitutes an irreparable loss, that cannot, after the fact, be fairly remediated with money damages.

13. The RPV also stands in the shoes of its members and the voters who associate with it. McAuliffe's participation in the general election, despite his illegitimate and incomplete Declaration, has the purpose and effect of sowing confusion among Republican voters so as to diminish the prospect of the success of the RPV's candidate in the general election. Absent judicial action, the weight and impact of these voters' meaningfully and thoughtfully cast votes for the Republican candidate in the 2021 general election will be diluted by votes accruing to McAuliffe due to his ill-gotten placement on the ballot. The consequential and irreparable injury of voter confusion and vote dilution that will impact voters who support the Republican candidate in the 2021 general election cannot be remedied after the fact with money damages.

14. Defendant Christopher E. Piper is named in his official capacity as the Commissioner of the Department of Elections. The Commissioner is appointed by the Governor and is responsible for employing and overseeing "the personnel required to carry out the duties required by law and imposed by the [State Board of Elections]," Va. Code § 24.2-102. The Office of the Commissioner is located in Richmond, Virginia.

15. Defendant Department of Elections is responsible for processing Declarations of Candidacy. *See* Va. Dep't of Elections, GRE Handbook at 16.2.1.2, 16.2.2, and 16.4.2. The Department of Elections is located in Richmond, Virginia.

16. Defendant Virginia State Board of Elections (the "Board"), is responsible for, among other things, "supervis[ing] and coordinat[ing] the work of the county and city electoral boards and of

the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections” and making “rules and regulations and issu[ing] instructions and provid[ing] information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws.” Va. Code § 24.2-103. The Board’s duties include, *inter alia*, prescribing the form of the Declaration of Candidacy, accepting the filing of Declarations of Candidacy filed by gubernatorial candidates nominated by primary, “transmit[ing] the material so filed to the state chairman of the party of the candidate” before the primary,” and tabulating the returns following a primary election and “declar[ing] the nominee.” Va. Code §§ 24.2-520, 522, and 534. The Board’s principal offices are in Richmond, Virginia.

17. Defendants Robert H. Brink, John O’Bannon, Jamilah D. LeCruise, Donald W. Merricks, and Angela Chang are named in their official capacities as members of the Virginia State Board of Elections.

## **FACTUAL BACKGROUND**

### **A. McAuliffe’s political background.**

18. McAuliffe is a politician with a long history around campaigns for elected office. He served as co-chair of President Bill Clinton’s 1996 re-election campaign, chair of the Democratic National Committee from 2001 to 2005, and chair of Hillary Clinton’s 2008 presidential campaign. Before that, he worked for President Jimmy Carter’s reelection campaign, eventually becoming the national finance director at age 22.

19. McAuliffe also has extensive history as a Virginia candidate for elective office. McAuliffe first ran for Governor of Virginia in 2009, losing in the primary election to Democrat Creigh Deeds

20. McAuliffe ran again for Governor of Virginia in 2013, winning both the Democratic primary and the general election and becoming the 72<sup>nd</sup> Governor of the Commonwealth of Virginia.

21. On December 8, 2020, McAuliffe announced his intention to campaign yet again for Virginia Governor in the 2021 election.

**B. McAuliffe's Declaration of Candidacy is invalid; it lacks a candidate signature and contains materially false statements.**

22. Despite McAuliffe's extensive experience as a politician, including multiple gubernatorial campaigns in Virginia, his 2021 Declaration was filed with the Board without his required signature.

23. The only signatures appearing on the face of McAuliffe's Declaration are those of two "witnesses" attesting that they witnessed McAuliffe sign his Declaration.

24. Attached hereto as Exhibit A is a true and accurate copy of McAuliffe's Declaration, which was filed with the Board on or about March 8, 2021.

25. It is undeniably clear from the face of McAuliffe's Declaration that it does not contain his signature, contrary to state law. Ex. A; Va. Code § 24.2-520; Va. Dep't of Elections, GRE Handbook at 16.2.1.2.

26. Moreover, the Declaration includes signatures from two witnesses purporting to attest that they witnessed McAuliffe sign the Declaration, despite his signature appearing nowhere on the face of the document.

27. The witnesses are identified as Renzo Olivari of Fairfax and Christian Radden of Midlothian.

28. Mr. Olivari is a Communications staff member for McAuliffe's gubernatorial campaign.

29. Both Mr. Olivari and Mr. Radden appear to have extensive political history with Democratic politicians, including both being on payroll for President Joseph R. Biden Jr.'s 2020 presidential campaign, Biden for America.

30. By affixing their signatures to the Declaration, Mr. Olivari and Mr. Radden were attesting that “[t]he foregoing instrument was subscribed and sworn before me this 8th day of March, 2021, by Terry McAuliffe.” Ex. A.

31. No signature purporting to belong to McAuliffe appears on the face of the document. Ex. A.

32. Under Virginia law, “[a]ny willfully false statement or entry made by any person in any statement, *form*, or report required by [Title 24.2] shall constitute the crime of election fraud and be punishable as a Class 5 felony.” Va. Code § 24.2-1016 (emphasis added).

33. McAuliffe’s Declaration, lacking his signature and falsely signed by two purported witnesses, is plainly in violation of Virginia law and should have been rejected by the Board and Department of Elections. It was not.

34. The omission of McAuliffe’s signature from his Declaration, compounded by false witness attestations, is fatal to his candidacy under Virginia law.

**C. In Virginia, a valid Declaration of Candidacy is required for candidates nominated by a party primary.**

35. Whatever else one might call themselves, under Virginia law they are not a legal candidate for elective office until all of the requirements for candidacy, including Virginia Code §§ 24.520-24.2-523, are fulfilled.

36. “Only a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the election.” Va. Code § 24.2-504.

37. In Virginia, state political parties “have the right to determine the method by which a party nomination for ... any statewide office shall be made.” Va. Code § 24.2-509.

38. One option available to a political party is to request the assistance of the Commonwealth in holding a state-run primary election. However, requesting that assistance subjects the party and its candidates to Virginia’s election laws regarding primaries.

39. “A primary when held shall be conducted in *all respects* under the provisions of” Virginia law that dictate how primary elections are to be run. Va. Code § 24.2-512 (emphasis added).

40. This requirement makes sense because when a party notifies the Board that they have adopted a primary election as their method for nominating candidates, they invoke the power of the Commonwealth, and the Board is required to order such an election. Va. Code §§ 24.2-516 and 517.

41. Candidates wishing to participate in the primary election then become subject to Virginia’s ballot access requirements for primary elections.

42. “A candidate for nomination by primary for any office *shall be required* to file a written declaration of candidacy on a form prescribed by the State Board.” Va. Code § 24.2-520 (emphasis added).

43. This Declaration “shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election.” Va. Code § 24.2-520.

44. And the Declaration “*shall be ... attested by two witnesses* who are qualified voters of the election district,” and must be signed by the candidate. Va. Code § 24.2-520 (emphasis added); Va. Dep’t of Elections, GRE Handbook at 16.2.1.2.

45. Candidates are required to file their Declarations of Candidacy “not later than 5:00 p.m. of the seventy-fifth day before the primary.” Va. Code § 24.2-522(A). For the June 8, 2021, Democratic primary, the deadline for filing the Declaration of Candidacy was March 25, 2021.

46. Any candidate for nomination for Governor must file his Declaration of Candidacy with the Board. Va. Code § 24.2-522(C).

47. On or about March 8, 2021, McAuliffe filed his Declaration with the Board, without his required signature yet it was “attested to” by two witnesses.

48. McAuliffe’s unsigned and falsely witnessed Declaration should have been rejected by the Board and the Department of Elections. It was not.

49. This wrongful acceptance is compounded by the fact that the Declaration is a prerequisite to filing other ballot access forms, including the required petition for a primary candidate’s name to be printed on the official primary ballot. Va. Code § 24.2-521; Va. Dep’t of Elections, GRE Handbook at 16.2.2.1.

50. After a Declaration of Candidacy and other required forms for ballot access are filed with the Board, the Board must subsequently “transmit the material so filed to the state chairman of the party of the candidate within 72 hours and not later than the seventy-fourth day before the primary.” Va. Code § 24.2-522(C).

51. It is the duty of the chairman of the state party to certify the candidate’s ballot access paperwork and “furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large ... to the State Board.” Va. Code § 24.2-527.

52. The chairman of the state party certifies the qualified candidates to the Board on Form ELECT-527, which includes the certification “that the listed candidates have filed their required

Declaration of Candidacy.”<sup>2</sup> McAuliffe’s unsigned and falsely witnessed Declaration should have once again been rejected. It was not.

53. “Only a person meeting all the qualifications and *fulfilling all the requirements of a candidate*, and who has complied with the rules and regulations of his party, shall have his name printed on the ballot provided for the primary election.” Va. Code § 24.2-525(A) (emphasis added).

54. McAuliffe’s failure to file a signed Declaration rendered him ineligible for ballot access in the June 8, 2021, Democratic primary election for its gubernatorial nominee. Under Virginia law, he was not a candidate in the primary election.

55. Following a primary election, the Board is required to “tabulate the returns ... [and] declare the nominee;” whichever “*candidate* for party nomination ... receives a plurality of the votes ... shall be the nominee of his party for that office.” Va. Code §§ 24.2-534 and 535.

56. On June 22, 2021, the Board unanimously certified the results of the June 8, 2021 Democratic primary election, and declared McAuliffe the winner of the primary and the party’s nominee for the November 2, 2021 general election.

57. However, McAuliffe’s unsigned and falsely witnessed Declaration renders him ineligible to be declared the Democratic nominee for Governor.

58. Immediately upon learning about potential omissions from McAuliffe’s Declaration, the RPV independently investigated the filing and received a true and accurate copy of McAuliffe’s unsigned and falsely witnessed Declaration on August 23, 2021, attached hereto as Exhibit A.

---

<sup>2</sup> See Va. Dep’t of Elections, Form ELECT-527, <https://www.elections.virginia.gov/media/formwarehouse/campaign-finance/2018/candidates/ELECT-527-Party-Certification-of-Primary-Candidates-rev-12-22-17.pdf>.

**D. If this Court does not act, McAuliffe’s name will illegally appear on general election ballots.**

59. McAuliffe’s unsigned Declaration is rife with error and contains false witness signatures attesting to witnessing a signature that does not exist.

60. Because McAuliffe has failed to meet Virginia’s mandatory requirement of filing a valid Declaration of Candidacy by the statutory deadline, he is not eligible to appear on the general election ballot as the Democratic nominee for Governor.

61. His unsigned and falsely witnessed Declaration cannot be allowed to infect the general election.

62. Local jurisdictions are currently free to begin printing ballots for the November election and, unless McAuliffe’s certification and declaration by the Board as the Democratic nominee is reversed or enjoined, those ballots will include McAuliffe among the candidates for election for Governor, in clear violation of Virginia law.

63. Moreover, the final deadline for printing ballots, September 17, 2021 is fast approaching. Va. Code § 24.2-612 (requiring general registrars to “make printed ballots available for absentee voting not later than 45 days prior to any election”); *see also* Va. Code § 24.2-541 (providing for the printing of ballots when a candidate’s nomination is set aside at least 60 days before election day—September 3, 2021).

64. Therefore, immediate relief, whether in the form of a temporary injunction or a writ of mandamus or both, is necessary and appropriate.

**COUNT ONE**  
**Violation of the Right to Vote under**  
**Article I, Section 6 of the Virginia Constitution**

65. Plaintiff incorporates by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

66. The Virginia Constitution states that “all elections ought to be free; and that all men ... have the right of suffrage.” Va. Const. art. I, § 6. The right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.

67. Indeed, as the Virginia Supreme Court has explained, no matter how fair the general election may be, if voters are left with the choice to vote for a candidate nominated by improper practices at the primary, the effect of the election will be the consummation of those improper acts and can only be described as a defeat of the will of the people.

68. Here, the Declaration of Candidacy purporting to declare McAuliffe a candidate in the Democratic primary for its nominee for Governor of the Commonwealth is pervaded with error, omission, false statements, and likely illegality. Defendants’ acceptance of that Declaration, and certification and declaration of McAuliffe as the Democratic nominee, thereby allowing McAuliffe’s name to appear on the general election ballot, is in direct violation of the right of suffrage affirmatively set forth in Article I, Section 6 of the Virginia Constitution.

69. By allowing McAuliffe—a candidate whose place on the ballot has been obtained through false statements, and who otherwise cannot meet the minimum standards for ballot qualification under Virginia law—to be listed on the general election ballot, Defendants will burden the right to vote of the RPV’s members and the voters who associate with it in support of the Republican candidate for Governor, by diluting their votes, because the wrongful inclusion of McAuliffe on the ballot will divert votes to an unqualified candidate.

70. Indeed, because McAuliffe previously ran for governor, voters who would otherwise support the Republican nominee are likely to be deceived into casting their ballot for McAuliffe, despite him being unqualified to appear on the ballot because he has failed to properly declare his candidacy.

71. Defendants' continued acceptance of McAuliffe's Declaration of Candidacy, certification and declaration of McAuliffe as the Democratic nominee for Governor, and imminent inclusion of his name on the general election ballot, in violation of Virginia law, furthers no compelling, or even legitimate, state interest that could justify the infringement on the fundamental right to vote.

**COUNT TWO**  
**Violation of the Rights to Freedom of Speech and Association under**  
**Article I, Section 12 of the Virginia Constitution**

72. Plaintiff incorporates by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

73. Article I, Section 12 of the Virginia Constitution guarantees the freedom of speech and freedom of association. The Virginia Supreme Court has repeatedly explained that Article I, Section 12 of the Virginia Constitution is coextensive with the free speech provisions of the First Amendment of the United States Constitution.

74. Forcing voters to associate with an illegitimate and unqualified candidate in the 2021 general election is undeniably a violation of the right to freely associate as enshrined under the Virginia Constitution. Requiring voters to select among candidates that include McAuliffe, who having failed to comply with Virginia's most elementary ballot access requirements is ineligible to appear on the 2021 general election ballot, would result in a clear violation of voters' right to free association and free speech under the Virginia Constitution.

75. Defendants' acceptance of McAuliffe's Declaration, and subsequent certification and determination of McAuliffe as the Democratic nominee for Governor in the 2021 general election, despite obvious material omissions and false witness attestations, thereby infringes on the free speech rights of the RPV's members and the voters who associate with it, because they are forced

to expend resource to oppose a candidate who was never properly qualified to appear on the general election ballot.

76. Defendants' continued acceptance of McAuliffe's Declaration of Candidacy, certification and declaration of McAuliffe as the Democratic nominee for Governor, and imminent inclusion of his name on the general election ballot, in violation of Virginia law, furthers no compelling, or even legitimate, state interest that could justify the infringement on the fundamental right to free speech.

**COUNT THREE**  
**Violation of Virginia Election Law:**  
**Va. Code §§ 24.2-504, 24.2-512 - 538**

77. Plaintiff incorporates by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

78. Virginia law clearly provides that for a "candidate" nominated in a primary election to appear on the ballot for a general election as his party's nominee in a gubernatorial election, he must receive "a plurality of the votes cast" during his party's primary. Va. Code. § 24.2-535.

79. However, only persons "meeting all the qualifications and fulfilling all the requirements of a candidate" are entitled to have their name printed on the primary election ballot. Va. Code § 24.2-525(A).

80. Virginia law clearly provides that one such requirement is the filing of a valid and signed Declaration of Candidacy, "acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district." Va. Code § 24.2-520 – 522; *see also* Va. Dep't of Elections, GRE Handbook at 16.2.1.2.

81. This requirement cannot be cured by the Board improperly certifying a winner of the party primary who was never entitled to appear on the primary ballot. The defect remains for the general

election, where Virginia law again makes clear that “[o]nly a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the [general] election.” Va. Code § 24.2-504.

82. Here, however, despite having been accepted by the Board, McAuliffe’s Declaration is clearly invalid. Specifically, the Declaration lacks McAuliffe’s signature, as required by law, and contains materially false statements from two witnesses that attested to witnessing McAuliffe sign an unsigned Declaration. These failings make it clear that the Declaration is invalid both because it lacks a necessary signature and because of materially false (and unlawful) witness attestations. Exhibit A.

83. Because McAuliffe’s Declaration does not meet the statutory requirements to qualify him for the general election ballot, or the primary ballot before, the Board’s acceptance of McAuliffe’s Declaration, and its subsequent certification of McAuliffe as the Democratic nominee for the November 2, 2021 general election, is contrary to Virginia law.

84. The Declaration must be declared legally insufficient, and McAuliffe must be disqualified from appearing on any general election ballot.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court hear this action pursuant to Va. Code §§ 8.01-186 and 17.1-513, and issue preliminary and permanent declaratory and injunctive relief:

- i. declaring that McAuliffe’s missing signature as well as the false and invalid witness signatures on the Declaration fatally infect the Declaration with illegality and therefore make it invalid;
- ii. declaring the Virginia State Board of Elections’ acceptance of McAuliffe’s Declaration invalid;

- iii. declaring that the Virginia State Board of Elections' certification of McAuliffe as the winner of the Democratic primary on June 22, 2021 is contrary to Virginia law, and is therefore, invalid;
- iv. declaring that McAuliffe not appear on any ballot for office of Governor on the ballot for the November 2021 general election;
- v. protecting the RPV and its membership and voters from further irreparable harm and requiring Defendants to fulfill their duty of safeguarding the integrity of Virginia elections by:
  - a. ordering Defendants to strike McAuliffe's Declaration;
  - b. enjoining Defendants from qualifying McAuliffe's Declaration on the basis of his missing signature and the false or otherwise invalid signatures of the witnesses;
  - c. enjoining the Board and their agents, officers, and employees, and any person who acts in concert therewith, from printing McAuliffe's name on ballots for the November 2021 general election.

### **PETITION FOR WRIT OF MANDAMUS**

In addition, the RPV, by and through the undersigned attorneys, and pursuant to the authority detailed at ¶¶ 9-11, hereby petition this Court for the issuance of a writ of mandamus directed to Defendants, and in support thereof state:

85. Plaintiff incorporates by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

86. Plaintiff has a clear right to the relief it seeks.

87. Defendants have a legal duty to ensure that only the names of candidates who meet the requirements under Virginia law are placed on ballots in the state of Virginia. This duty flows both generally from their oath as officers of the Commonwealth of Virginia to obey the Constitution of the United States and the Constitution of the Commonwealth of Virginia, Va. Code. § 49-1, and from their position as the state elections officials who "shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and

proceedings and legality and purity in all elections,” Va. Code § 24.2-103, and who “shall ... promote the proper administration of election laws.” *Id.*

88. Among those election laws which Defendants are charged with enforcing are Va. Code § 24.2-504, which states that “[o]nly a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the election,” *see also* Va. Code § 24.2-525, and Va. Code § 24.2-520, which states that the name of a candidate for nomination by primary for Governor, such as McAuliffe “*shall* be required to file a written declaration of candidacy on a form prescribed by the State Board.” *Id.* (emphasis added).

89. Plaintiff has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court hear this action pursuant to Va. Code §17.1-513 and grant a writ of mandamus ordering Defendants to, in compliance with their duties under Va. Code § 24.2-103 and Va. Code § 24.2-504, 525, not permit McAuliffe’s name to appear on the ballot until he has been properly determined to “fulfill all the requirements of a candidate.” *Id.*

**VERIFICATION**

Pursuant to Va. Code § 8.01-4.3, I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 26, 2021

A handwritten signature in black ink, appearing to read "Rick Anderson", written in a cursive style.

---

Richard L. Anderson  
Chairman, RPV

Dated: August 26, 2021



By:

---

Christopher M. Marston (VSB No. 65703)  
General Counsel  
Republican Party of Virginia  
115 E Grace St  
Richmond VA 23219  
Phone: (571) 482-7690  
Fax: (703) 997-2549  
E-mail: [chris@2652group.com](mailto:chris@2652group.com)