

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

LEAGUE OF WOMEN VOTERS OF
VIRGINIA; KATHERINE D.
CROWLEY; ERIKKA GOFF; and
SELJRA TOOGOOD,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF
ELECTIONS; ROBERT H. BRINK,
JOHN O'BANNON, and JAMILAH D.
LECRUISE, in their official capacities as
Chairman, Vice-Chair, and Secretary of
the Virginia State Board of Elections,
respectively; and CHRISTOPHER E.
PIPER, in his official capacity as
Commissioner of the Virginia Department
of Elections,

Defendants.

Case No. 6:20-cv-00024-NKM

JOINT MOTION FOR ENTRY OF PARTIAL CONSENT JUDGMENT AND DECREE

Plaintiffs and Defendants (collectively, the "Parties") seek approval of a partial consent judgment and decree that would vindicate the public interests of ensuring access to the ballot, protecting election integrity, and promoting public health during the COVID-19 pandemic. Specifically, the agreement would stop enforcement for Virginia's June 23 primary of the requirement that Virginia absentee voters have another individual observe them removing their absentee ballot from the envelope and then have that individual sign as a witness (the "witness requirement") for voters who believe they may not safely have a witness present while completing their ballot. In support of their motion, the Parties rely upon the attached proposed

Partial Consent Judgment and Decree and accompanying Brief in Support of Joint Motion for Entry of a Partial Consent Judgment and Decree.

This agreement represents a fair, adequate, and reasonable arrangement, negotiated through fast-paced but thorough conversations that have produced an agreement that will benefit all parties while serving the public interest. The Parties therefore request that the Court enter this agreement, which will provide certainty well in advance of the June 23 primary while allowing all qualified Virginians to vote and protect their health.

Dated: April 27, 2020

Respectfully submitted,

/s/ Davin M. Rosborough
Davin M. Rosborough (VSB # 85935)
Dale E. Ho*
Sophia Lin Lakin*
Theresa J. Lee*
Adriel I. Cepeda-Derieux*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
drosborough@aclu.org
dho@aclu.org
slakin@aclu.org
tlee@aclu.org
acepedaderieux@aclu.org

MARK R. HERRING
Attorney General of Virginia
By: /s/ Carol L. Lewis
CAROL L. LEWIS (VSB #92362)
MICHELLE S. KALLEN (VSB #93286)
HEATHER HAYS LOCKERMAN (VSB #65535)
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
804-692-0558 (telephone)
804-692-1647 (facsimile)
clewis@oag.state.va.us

Attorneys for Robert H. Brink, John O'Bannon, Jamilah D. LeCruise and Christopher E. Piper in their official capacities, and the Virginia State Board of Elections

Vishal Agraharkar (VSB #93265)
Eden Heilman (VSB #93554)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF AMERICA, INC.
701 E. Franklin Street, Suite 1412
Richmond, Virginia 23219
Phone: (804) 644-8080
Fax: (804) 649-2733
vagraharkar@acluva.org
eheilman@acluva.org

Attorneys for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I certify that on April 27, 2020, I served a copy of the foregoing Joint Motion for Entry of Partial Consent Judgment and Decree via filing with the Court's CMECF system, which sent copies of this document to Counsel of Record.

/s/ Davin M. Rosborough
Davin M. Rosborough (VSB # 85935)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
drosborough@aclu.org

Counsel for Plaintiffs