

VIRGINIA: IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

REPUBLICAN PARTY OF VIRGINIA,

and

PRINCE WILLIAM COUNTY REPUBLICAN COMMITTEE,

Plaintiffs,

v.

CL. 22008769-00

PRINCE WILLIAM COUNTY ELECTORAL BOARD,

and

ERIC OLSEN, in his official capacity as General

Registrar for Prince William County,

Defendants

Order

This case came before the Court on the motion of the Plaintiffs for the entry of an order temporarily enjoining the Defendants from proceeding with the appointment of chief and/or assistant chief election officers in certain precincts located in Prince William County, pending the appointment of individuals nominated by the Plaintiffs as Republican representatives. Those precincts identified by the Plaintiffs are nos. 102, 210, 310, 315, 404, ~~414~~, 505, 511, 602, 613, ~~615~~⁶¹⁵, 616, 707, and 712.

They also seek to enjoin the Defendants from proceeding with the appointment of designated chief or assistant chief election officers in other precincts pending the appointment of individuals nominated by the Plaintiffs as Republican representatives. Those precincts identified by the Plaintiffs, and office for which an injunction is sought

are nos. 108 [assistant chief], 303 [chief], 507 [assistant chief], 516 [chief], 604 [assistant chief], 614 [chief], 706 [assistant chief], and 709 [chief]. Lastly, Plaintiffs seek to enjoin Defendants from proceeding with the appointment of those chief and assistant chief election officers pending the appointment of individuals nominated by the Plaintiffs as Republican representatives. Those precincts identified by the Plaintiffs and the office for which an injunction is sought are the following: 103 [assistant chief], 112 [assistant chief], 206 [assistant chief], 215 [assistant chief], 301 [assistant chief], 307 [assistant chief], 316 [assistant chief], 412 [assistant chief], 509 [assistant chief], 609 [assistant chief], 701 [assistant chief], 704 [assistant chief] and 711 [assistant chief].

Plaintiffs assert that the Defendant's failure to appoint election officials nominated by them, and the appointment of individuals either self-designated or designated as Republicans by the Defendant General Registrar of Defendant Electoral Board, is violative of Article 11 Section 8 of the Constitution of Virginia and Va. Code Ann. § 24.2-115.

Were it to grant the relief sought in the instant motion for temporary injunctive relief, the Court must be satisfied of the Plaintiff's equity. § 8.01-628, Va. Code Ann. To aid the Court in this determination the Federal Courts have identified factors to be considered in granting such relief. *Real Truth About Obama, Inc. v. FEC*, 575 F.3d 342 (4th Cir. 2009); *Winter v. NRDC, Inc.*, 129 S. Ct. 365 (2008). A consideration of those factors supports the relief sought by the Plaintiffs.

In considering the relevant factors articulated by the 4th Circuit, the Plaintiff must satisfy each of the factors to be entitled to relief. Based upon the Verified Complaint, papers filed, and arguments thereupon, the Court finds that the Plaintiffs have standing to proceed and that they have clearly shown that they are likely to succeed on the merits of case, are likely to suffer irreparable harm absent relief being accorded them by this Court, that the balance of equities tips in their favor, and that the relief sought is in the public interest. Training prescribed by Statute may still take place. Va. Code Ann. § 24.2-115. ["The electoral board shall ensure that each chief officer and assistant is instructed in his duties no less than three days nor more than 30 days prior to the election."].

The Court is persuaded by the arguments made by the Plaintiffs that they have satisfied the requisite showing as to the factors to be considered when determine the

equities of the parties and that they are entitled to temporary injunctive in this case. The General Assembly has identified the manner of selection of the officers of election. That selection method is predicated upon the participation of political parties in the process. The evidence does not support the conclusion that, were the Court to grant the relief sought, the dictates of the statute and training of officials cannot be effectuated. The integrity of the election process requires that the public policy of the Commonwealth enunciated by the General Assembly. If it to be otherwise, the Plaintiffs will suffer irreparable harm.

Accordingly, the Court will grant the temporary injunctive relief sought. Bond will be set at \$1,000.00. The injunction shall be reviewed at a time convenient to the parties but no longer than 30 days from this date.

Entered this 2nd day of November 2022



Judge

Seen:


Counsel for Plaintiffs

Seen: Objected to for the
REASONS STATED in the
PLEADINGS and in ARGUMENT
BEFORE the COURT on Nov 14/1/22

Counsel for Defendants

and 11/2/22
