

IN THE CIRCUIT COURT FOR THE COUNTY OF GOOCHLAND

ROBERT G. "BOB" GOOD,

Petitioner,

v.

JOHN J. MCGUIRE III,

Respondent.

Serve:

John J. McGuire III

1077 Shallow Well Road

Manakin-Sabot, Virginia 23103

Case No. CL24-500

PETITION FOR RECOUNT

Pursuant to Va. Code §§ 24.2-800.B, 24.2-801, 24.2-802, and 1 VAC20-80-20, petitioner Robert G. "Bob" Good ("Representative Good"), by counsel, petitions this Court for a recount of the ballots cast in the June 18, 2024 primary election for the Republican nomination for the office of United States Representative for the Fifth Congressional District of Virginia (the "Primary Election"). In support of his petition, Representative Good states as follows:

INTRODUCTION

1. This is a recount proceeding brought pursuant to Virginia law in order to ascertain the true result of the Primary Election. In the Primary Election, out of a reported 62,792 votes cast across the Fifth Congressional District, an apparent difference of only 374 votes separates Representative Good and his challenger, Respondent John J. McGuire III ("State Senator

McGuire”). Virginia law provides, and the need for accuracy and public confidence in the outcome of the Primary Election requires, that a recount be held.

JURISDICTION AND VENUE

2. Inasmuch as State Senator McGuire is a resident of Goochland County, jurisdiction and venue for this recount proceeding lie in this Court, as provided by Va. Code § 24.2-801.A.

PARTIES

3. Petitioner, Representative Good, is the incumbent United States Representative for the Fifth Congressional District of Virginia, and a candidate in the Primary Election.

4. Respondent, State Senator McGuire, is also a candidate in the Primary Election.

CERTIFICATION BY STATE BOARD OF ELECTIONS

5. Pursuant to Va. Code § 24.2-534, on July 2, 2024, the Virginia State Board of Elections (the “State Board”) reviewed the reported results of the Primary Election, certified the number of votes reportedly cast for each candidate, and certified State Senator McGuire as the apparent winner of the Primary Election, as follows:

Robert G. “Bob” Good	31,209 votes
John J. McGuire III	31,583 votes
Total Votes	62,792 votes

6. The State Board’s certification indicates a difference of 374 votes between the number of votes cast for Representative Good and the number of votes cast for State Senator McGuire. This difference is 0.596% of the total votes cast for the candidates.

AUTHORIZATION FOR RECOUNT

7. Va. Code § 24.2-800(B) provides, in relevant part, that:

When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates as determined by the State Board or the electoral board, the defeated candidate may appeal from the determination of the State Board or the electoral board for a recount of the vote as set forth in this article.

8. Furthermore, Va. Code § 24.2-802.3(A) provides, in relevant part, that a petitioner shall be responsible for paying certain costs of the recount when the difference between the total votes cast for each candidate is greater than one-half of one percent.

REQUEST FOR RECOUNT

9. Representative Good appeals the State Board's July 2, 2024 certification and petitions for a recount of the votes and redetermination of the Primary Election as provided by Va. Code §§ 24.2-800.B, 24.2-801, and 24.2-802, and 1 VAC20-80-20.

10. Because the difference in votes cast for Representative Good and State Senator McGuire is greater than one-half of one percent, pursuant to Va. Code § 24.2-802.3(A), Representative Good acknowledges and agrees that, as the petitioner, he shall bear the costs of the recount.

PRAYER FOR RELIEF

Wherefore, Representative Good respectfully requests the following:

- A. That the Chief Judge of this Court act promptly, as required by Va. Code § 24.2-801.D, to notify the Chief Justice of the Supreme Court of Virginia of the filing of this Petition for

Recount, so that the Chief Justice of the Supreme Court of Virginia may appoint two other judges to preside, along with the Chief Judge of this Court, over the recount proceedings to be undertaken pursuant to this Petition.

B. That the Chief Judge of this Court call a preliminary hearing, to be conducted not later than July 18, 2024, pursuant to Va. Code § 24.2-802.1, at which:

1. The Court may dispose of motions and fix procedural rules, subject to review by the Recount Court;
2. The Court shall review all security measures taken for all ballots and voting devices and direct, as it deems necessary, all appropriate measures to ensure proper security to conduct the recount;
3. The Court, subject to review by the Recount Court, may set the places for the recount and order the delivery of election materials and the transportation of voting devices to a central location in each county or city under appropriate safeguards; and
4. The Court may enter such other and further orders as it deems appropriate.

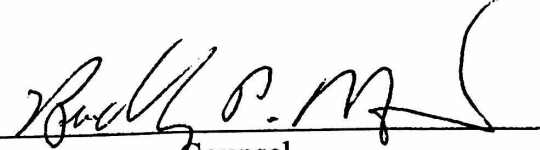
C. That the Court hold such other hearings and address such other matters as provided by Va. Code § 24.2-802.1.

D. That the Court determine and certify to the Board the vote given to each candidate and declare the person who received the higher number of votes to be certified as the Republican candidate for United States Representative for the Fifth District of Virginia pursuant to Va. Code § 24.2-802.2(F).

D. That the Court grant such other and further relief as it may deem appropriate and just.

ROBERT G. "BOB" GOOD

By


Counsel

Bradley P. Marrs, Esq., VSB 25281
Marrs & Henry
7202 Glen Forest Drive, Suite 307
Richmond, Virginia 23226
Tel: (804) 662-5716
Fax: (804) 662-5712
Email: bmarrs@marrs-henry.com