

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

**LEAGUE OF WOMEN VOTERS OF  
VIRGINIA; KATHERINE D.  
CROWLEY; SEIJRA TOOGOOD;  
GAYLE HARDY; CAROL D.  
PETERSEN; and TRACY SAFRAN,**

**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,**

**REPUBLICAN PARTY OF VIRGINIA,**

**Intervenor-Defendant.**

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

**JOINT MOTION FOR ENTRY OF PARTIAL CONSENT JUDGMENT AND DECREE**

Plaintiffs and Defendants (collectively, the “Consent 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 the November 3, 2020 General Election 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 Consent 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 which will benefit all parties while serving the public interest. The Consent Parties therefore request that the Court enter this agreement, which will provide certainty well in advance of the November 3, 2020 General Election while allowing all qualified Virginians to vote and protect their health.

Dated: August 5, 2020

/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

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

Respectfully submitted,

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)  
CALVIN C. BROWN (VSB #93192)  
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*

*Attorneys for Plaintiffs*

\*Admitted *pro hac vice*

**CERTIFICATE OF SERVICE**

I certify that on August 5, 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*