IN THE COURT OF APPEALS OF VIRGINIA

G. PAUL NARDO, in his official capacity as Clerk of the Virginia House of Delegates, et al.	)	
Appellants,	)	Record No.: 0190-26-3
v.	)	
RYAN T. MCDOUGLE, et al.	)	
Appellee.	)	

MOTION TO INTERVENE UNDER RULE 3:14A

The Attorney General, on behalf of the Commonwealth of Virginia, moves to intervene of right in this matter pursuant to Rule 3:14A of the Rules of the Supreme Court of Virginia, and in support thereof, states as follows:

1. On October 28, 2025[1], the Plaintiffs filed a Complaint in the Circuit Court of Tazewell County challenging the constitutionality of the General Assembly's actions toward a constitutional amendment relating to the redistricting of congressional voting maps.

[1] Upon information and belief, Plaintiffs later filed an Amended Complaint asserting the same challenges to the General Assembly's actions concerning a constitutional amendment.

2. At the time of filing, the Commonwealth of Virginia was not designated a party-defendant by the Plaintiffs, and the undersigned is unaware of any notice given to the Office of the Attorney General pursuant to Rule 3:14A(b).

3. The Attorney General is the chief legal officer of the Commonwealth and is statutorily charged with representing the Commonwealth of Virginia's interests in constitutional litigation and defends the legality of the actions taken by the General Assembly. *See* Code § 2.2-507.

4. Plaintiffs' claims directly implicate the Virginia Constitution, the structure of state government, and the legitimacy of the constitutional amendment and redistricting processes, thereby triggering the Commonwealth's sovereign interests.

5. Moreover, the Attorney General of Virginia defends and interprets laws of the Commonwealth, which includes the laws governing how constitutional amendments make their way to referendum and that govern how districts are drawn. *See* Code § 2.2-507(B); *See also Marshall v. Northern Virginia Transportation*

Authority, 275 Va. 419, 435 (2008).

6. The Attorney General is entitled to intervene by right on behalf of the Commonwealth in matters involving a provision of the Constitution of Virginia. Rule 3:14A(a).

7. At the time Plaintiffs initiated this litigation, the Commonwealth was represented by the former Attorney General. On January 17, 2026, Jay Jones assumed office as Attorney General. By statute, the Attorney General controls the litigation strategy of the Commonwealth, *See* Code § 2.2-510, and the transition in constitutional office independently establishes the Commonwealth's right and necessity to intervene to assert and preserve its institutional legal position.

8. On January 27, 2026, the circuit court entered a final Order in this matter, granting the Plaintiffs' requests for a temporary and permanent injunction and making certain other rulings.

9. On January 28, 2026, Defendants G. Paul Nardo, Susan Clark Schaar and Tara Ferguson, as well as Intervenor-Defendant Don Scott timely filed a notice of appeal.

10. The Commonwealth seeks to protect its interests and represent those interests on appeal.

11. Because the circuit court's order has taken immediate effect, and because the Commonwealth has the absolute right, pursuant to Rule 3:14A, to intervene in this matter, the Commonwealth requests that this motion and notice be granted on the pleading on an emergency basis without the need for a hearing.

12. No party will be prejudiced by the Commonwealth's intervention.

WHEREFORE, for the foregoing reasons, the Attorney General respectfully requests that the Court enter an order granting the Attorney General's motion to intervene of right on behalf of the Commonwealth and requiring the Attorney General to file with this Court a brief addressing the constitutional question within 30 days of this Court's order granting the motion to intervene.

THE COMMONWEALTH OF VIRGINIA

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CERTIFICATE OF SERVICE

On February 2, 2026 this document was electronically filed with the Court via VACES and transmitted by email to:

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