

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.
(CLERK'S OFFICE USE ONLY)

The City of Virginia Beach

Circuit Court

Elaine Luria

v./In re: Virginia Department of Elections; Steven Koski

PLAINTIFF(S)

DEFENDANT(S)

Elaine Luria for Congress

Virginia State Board of Elections; John O'Damon; Rosalyn Dance; Georgia Alvis-Long; Christopher P. Stolle; Sally Hadden

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL**Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption – Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment – Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect – Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint – Contested*
☐ Complaint – Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☒ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Birth/Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☒ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration – Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights – Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☒ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights – Restoration
☒ Other (please specify)

Temporary Restraining Order

☐ Damages in the amount of \$ are claimed.

September 3, 2026

DATE

Aria Branch

PRINT NAME

250 Massachusetts Ave NW, Ste. 400 Washington DC 20001

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(202) 948-1135

abbranch@elias.law

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 02/23

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☒ PLAINTIFF☐ DEFENDANT

***"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

ELAINE G. LURIA; and ELAINE LURIA
FOR CONGRESS,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF ELECTIONS;
STEVEN KOSKI, in his official capacity as
Commissioner of the Virginia Department of
Elections; VIRGINIA STATE BOARD OF
ELECTIONS; JOHN O'BANNON, in his
official capacity as Chairman of the Virginia
State Board of Elections; ROSALYN R.
DANCE, in her official capacity as Vice-
Chairman of the Virginia State Board of
Elections; GEORGIA ALVIS-LONG, in her
official capacity as the Secretary of the Virginia
State Board of Elections; CHRISTOPHER P.
STOLLE, in his official capacity as a Member
of the Virginia State Board of Elections; and
SALLY HUDSON, in her official capacity as a
Member of the Virginia State Board of
Elections,

Defendants.

Civil Action No.

EMERGENCY TEMPORARY
RESTRAINING ORDER AND
EMERGENCY PRELIMINARY
INJUNCTIVE RELIEF REQUESTED

**VERIFIED COMPLAINT FOR AN EMERGENCY TEMPORARY RESTRAINING
ORDER, DECLARATORY AND INJUNCTIVE RELIEF, AND PETITION FOR WRIT
OF MANDAMUS**

Plaintiffs Elaine G. Luria, the current Democratic Party’s nominee for and former U.S. House Representative from Virginia’s Second Congressional District (“VA-2”), and her principal campaign committee, Elaine Luria for Congress (the “Campaign”), by and through undersigned counsel, allege as follows:

INTRODUCTION

1. This case presents a straightforward, but extremely time-sensitive, question about who has qualified to appear on Virginia’s general-election ballot. Independent candidate Gerald “Bishop” Staten was required to collect 1,000 *valid* signatures to appear on the ballot as a candidate for VA-2. Va. Code § 24.2-506(A)(2). After he submitted 1,667 signatures, Defendants found just 1,014 to be valid—a nearly *forty percent* rejection rate that left Staten just a hair above the required threshold. But Defendants missed at least 18 other signatures that—as a matter of Virginia law—must be invalidated because they either: (1) lack the voter’s signature; (2) lack the voter’s address; or (3) have an address that does not match the voter’s registration file and is not otherwise within the voter’s voting precinct, based on the latest voter registration information available to Plaintiffs. Each of these deficiencies is, by law, a “material” defect that renders the signature “invalid” as a matter of law. 1 Va. Admin. Code § 20-50-20(C)(4)–(5), (E)(3); Va. Code § 24.2-506(A). Accordingly, the record shows Staten has submitted only 996 valid signatures—an insufficient number to qualify for the ballot.

2. Plaintiffs are Elaine G. Luria, current Democratic Party nominee for VA-2, and her Campaign. Plaintiffs bring this lawsuit to ensure that the promise and right of free and fair elections in the Commonwealth is fully recognized. *See* Va. Const. art. I, § 6 (“[A]ll elections ought to be free; and that all men . . . have the right of suffrage.”). Luria seeks to protect her own rights as a candidate for office, and the Campaign seeks to protect its competitive interests as well as the

rights of its supporters from the irreparable harm that will occur if Defendants do not immediately act to disqualify Staten in the upcoming VA-2 election.

3. Defendants have an express duty to ensure that the only candidates who appear on the ballot are those who have met minimum ballot-access qualifications under Virginia law. *See* Va. Code §§ 24.2-504 to -506, -546, -612 to -612.1. Because Staten fails to meet those qualifications, Defendants have a clear duty to revisit and reverse their decision to qualify his candidacy, and to take all appropriate action to ensure that Staten's name is removed, or excluded from printing on, the November 2026 general-election ballot.

4. Sufficient time remains to grant effective relief, as other circuit courts have in similar circumstances and on similar timeframes. *See Democratic Party of Va. v. Piper*, No. CL18-4061, 102 Va. Cir. 478, 2018 WL 11299342, at *7–8 (Richmond City Sep. 6, 2018) (granting similar relief requiring that Defendants disqualify an unqualified candidate and remove her name from any already-printed ballots before the start of early absentee voting). Indeed, this case is substantially similar to *Piper*, which confirms the availability of the relief Plaintiffs seek.

5. But time is of the essence. Local jurisdictions may begin printing ballots at any time. Absentee ballots must be mailed no later than September 18, 2026. H.D. Bill 29, pt. 16(2), § 15, 2026 Assemb., Reg. Sess. (Va. 2026) (enacted) (“H.B. 29”). Under Virginia law, this challenge therefore must be resolved by **Tuesday, September 8**. *See* Va. Code. § 24.2-546(B) (requiring candidate challenges to be resolved “no later than 10 days before the date on which ballots for that election are made available for absentee voting”). Thus, this Court should promptly enter a temporary restraining order, followed by prompt injunctive relief. Such relief is appropriate and necessary to protect Luria and the Campaign's supporters, from the serious, irreparable harm that will ensue from placing an unqualified candidate on Virginia's general-election ballot. In

contrast, little harm will accrue to Defendants, since this suit merely seeks to correct straightforward errors in the review of Staten's Petition and to ensure proper application of Virginia law.

6. To avoid the irreparable harm that will occur as a result of placing an invalid candidate on the ballot, Plaintiffs seek an emergency temporary restraining order as well as preliminary and permanent injunctive relief requiring Defendants to fulfill their duties of safeguarding the integrity of the Commonwealth's elections by:

- i. Immediately restraining, and preliminarily and permanently enjoining, Defendants from certifying the general-election ballot for VA-2 with Staten's name thereon on the basis of any invalid signatures submitted by him to Defendants;
- ii. Immediately restraining, and preliminarily and permanently enjoining, Defendants from printing the general-election ballots for VA-2 with Staten's name thereon and until such time as his name has been removed from those ballots;
- iii. Ordering Defendants to strike the invalid signatures from Staten's Petition;
- iv. Ordering Defendants to disqualify Staten's Petition and candidacy;
- v. Ordering Defendant Virginia Department of Elections ("ELECT") to instruct all agents, officers, and employees, and any person who acts in concert therewith, to correct any already-printed ballots for the November 2026 general election that include Staten's name by removing his name from the ballot and reprinting those ballots without his name thereon.¹

7. In due course, Plaintiffs also request relief: (1) declaring that the notice of qualification issued by ELECT to Staten on or about August 3, 2026, is contrary to Virginia law and therefore, invalid; (2) declaring that the invalid signatures on Staten's Petition do not count towards the statutorily required 1,000-signature minimum to qualify the Petition; and (3) declaring that Staten has not garnered the 1,000 valid signatures necessary to qualify as an independent

¹ Plaintiffs also request that the Court require Defendants to inform the electorate of the late disqualification of Staten due to the timing of this matter pursuant to Va. Code § 24.2-612.1.

candidate on the November 2026 general-election ballot for the U.S. House of Representatives from VA-2.

8. The foregoing relief may not lawfully be denied on the basis that, under ordinary circumstances, Virginia law requires any challenge to an independent candidate's Petition to be filed at least ninety days before the date of the general election, which, this year, is August 5. Va. Code § 24.2-546(A). In an ordinary election year, the filing deadline for candidate petitions is in June, giving potential challengers approximately two months to bring a challenge. *Compare id.*, *with id.* § 24.2-507. This year, however, the Legislature amended the petition-filing deadline in view of Virginia's April 2026 special election regarding congressional districts. H.B 29, pt. 16(2), § 14. Accordingly, the deadline for independent candidates to file their petitions this year was August 4, 2026, which is only *one day* before the August 5, 2026, challenge deadline. And Staten was certified for the ballot on or about August 3, 2026, meaning any challenger had just 48 hours to (1) obtain Staten's Petition through a public records request; (2) review the Petition; and (3) seek judicial relief as afforded to them under Virginia law.

9. That is plainly impossible, as the facts of this case illustrate. Indeed, once a public records request was made to Defendants to produce Staten's petition sheets, it took them over *two weeks* to produce his petitions, and even then they failed to produce five petition pages containing 62 accepted signatures. Accordingly, application of the August 5 deadline here would be tantamount to erasing the right to sue, even though Virginia courts have explicitly recognized that right. *See generally Piper*, 2018 WL 11299342 (granting relief pursuant to a cause of action brought under Va. Code §§ 24.2-504 to -506). Accordingly, to the extent Defendants seek to enforce it here, Plaintiffs challenge the enforcement of the August 5, 2026, deadline as a violation of their constitutional rights to procedural due process, as applied under these circumstances, under

the Fourteenth Amendment to the U.S. Constitution and Article I, § 11 of the Constitution of Virginia.

JURISDICTION & VENUE

10. This Court has jurisdiction to grant declaratory and injunctive relief under the Virginia Declaratory Judgment Act, Va. Code §§ 8.01-184 to -191, which authorizes the Court to declare rights, status, and other legal relations among the parties and to issue injunctive relief as necessary to effectuate the judgment. *Id.* §§ 8.01-184, -186.

11. This Court has jurisdiction to grant injunctive relief under Va. Code § 8.01-620, which authorizes the Court to award injunctions.

12. This Court has jurisdiction to hear the Petition for Writ of Mandamus and to issue the Writ under Va. Code § 17.1-513.

13. This Court also has jurisdiction to hear this challenge to candidate qualifications pursuant to Va. Code § 24.2-546, which provides that, for challenges brought against the qualifications of independent candidates for federal district-wide office, the legal action “shall be filed in the jurisdiction that makes up the largest portion of the district by registered voters.” *Id.* § 24.2-546(B). The City of Virginia Beach is the jurisdiction in VA-2 with the largest portion of the district’s registered voters.

14. Venue is mandatory in this Court pursuant to Va. Code § 24.2-546(A), which provides that any legal action that challenges a candidate’s qualifications “shall be filed in [the] circuit court” representing the jurisdiction described in Va. Code § 24.2-546(B). *Id.* § 24.2-546(A)–(B). The Circuit Court of the City of Virginia Beach is the circuit court in the Commonwealth that represents the jurisdiction of the City of Virginia Beach.

15. Venue is also proper and preferred in this Court pursuant to Va. Code § 8.01-261(5) because the proceedings to which the requested Writ of Mandamus relates will occur in the City of Virginia Beach and this is a proceeding for an act to be done in the City of Virginia Beach.

PARTIES

16. Plaintiff Elaine G. Luria is the Democratic nominee for VA-2 in the 2026 general election and is running against Staten and two other candidates in that election. Luria previously represented VA-2 in the U.S. House of Representatives from January 2019 through January 2023. As a candidate, Luria “has a personal stake” in the proper administration of the “rules that govern the counting of votes in h[er] election.” *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 76 (2026). Defendants’ failure to remove Staten from the ballot, thus permitting unlawful votes to be cast for him in the upcoming election, undermines Luria’s unique “interest” as a candidate “in a fair [electoral] process.” *Id.* at 77. “Rules that undermine the ‘integrity of the electoral process’ also undermine the winner’s political legitimacy. The counting of unlawful votes—or discarding of lawful ones—erodes public confidence that the election results reflect the people’s will. And when public confidence in the election results falters, public confidence in the elected representative follows. To the representative, that loss of legitimacy—or its diminution—is a concrete harm.” *Id.* at 78 (citation omitted). Any reduced vote total or electoral loss that Candidate Luria may suffer as a result of Staten’s presence on the general-election ballot cannot be remedied after the election; such harm is irreparable. Absent relief, Luria will also suffer a competitive injury because she will be required to run against a candidate who has unlawfully qualified for the ballot. *See Schulz v. Williams*, 44 F.3d 48, 53 (2d Cir. 1994).

17. Plaintiff Elaine Luria for Congress is Luria’s principal campaign committee. The Campaign’s primary purpose is to encourage Virginia voters to support Candidate Luria in the

upcoming election. If Staten is allowed to remain listed as a candidate on the general-election ballot, the Campaign will suffer concrete injury because it will be forced to divert money and other resources from other mission critical activities to run against and oppose a candidate who has not met the necessary legal requirements. This diversion of resources during a competitive election constitutes irreparable harm that cannot be remedied after the election. *See Piper*, 2018 WL 11299342, at *8. Absent relief, the Campaign will also suffer a competitive injury because its candidate will face unlawful competition in the VA-2 election. *See Schulz*, 44 F.3d at 53.

18. Defendant ELECT is responsible for, among other things, reviewing and processing petitions of candidacy for independent candidates for federal office. Va. Dep't of Elections, *GREB Handbook* § 16.4.6 (2025), available at https://www.elections.virginia.gov/media/grebhandbook/2025-updates/16_Candidate200b_Processing_2025_en.pdf. ELECT is also responsible for approving and verifying the accuracy of the list of candidates that will appear on the general-election ballot, Va. Code § 24.2-612. ELECT has the authority to direct local election officials to print ballots without candidates' names or correct already-printed ballots in the event of the death, withdrawal, or other "disqualification of any candidate." *Id.* § 24.2-612.1.

19. Defendant Steven Koski is the Commissioner of ELECT and is sued in his official capacity. Commissioner Koski acts as ELECT's "principal administrative officer," and "employ[s] the personnel required to carry out the duties required by law and imposed by the Board" of Elections. *Id.* § 24.2-102(B).

20. Defendant Virginia State Board of Elections ("the State Board") is responsible for, among other things, the general supervision of elections and statewide election administration as provided by Virginia law. *Id.* § 24.2-103. Those duties include, *inter alia*, "approv[ing] uniform standards by which petitions filed by a candidate for office, other than a party nominee, are

reviewed to determine if the petitions contain sufficient signatures of qualified voters,” accepting declarations of candidacy filed by independent candidates for “any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district,” qualifying candidates, and “notify[ing] the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.” *Id.* §§ 24.2-505(A), -506(B). The State Board acts through its members.

21. Defendants John O’Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Christpher P. Stolle, and Sally Hudson are named in their official capacities as members of the Board.

FACTUAL BACKGROUND

A. Legal Requirements to Qualify for the Ballot as an Independent Candidate.

22. An independent candidate for the U.S. House of Representatives must submit a petition “signed by” at least 1,000 qualified voters in support of their candidacy to qualify to appear on the ballot. *See* Va. Code §§ 24.2-505, -506(A)(2). In addition to being “signed by” voters, the petition must also “list[] the residence address of each such voter.” *Id.* § 24.2-506(A).

23. Only the petition signatures of “qualified voters” are considered valid in meeting the 1,000-signature threshold. A “qualified voter” includes “only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.” Va. Code § 24.2-101.

24. Only a candidate who has received at least 1,000 signatures from qualified voters has “fulfill[ed] all the requirements of a candidate [and] shall have his name printed on the ballot for the election.” Va. Code § 24.2-504. If a candidate does not timely submit those 1,000 signatures from qualified voters, then his name “shall *not* be printed upon any official ballots provided for the election.” *Id.* § 24.2-506(A) (emphasis added).

25. Virginia law provides that certain “material” defects associated with a signature require that signature to be invalidated as a matter of law. *See generally* 1 Va. Admin. Code § 20-50-20. These material defects include the signer’s failure to provide a signature or a “residence address.” 1 Va. Admin. Code § 20-50-20(C)(3), (E)(3); *see* Va. Code § 24.2-506(A) (requiring signers provide a “residence address”). They further include listing an address on a petition that does not match the petition signatory’s address in the Virginia voter registration system, unless the signer provides an address that is at least within the same precinct as where they are currently registered in the Virginia voter registration system *and* “the signer can be reasonably identified as the same registered voter.” 1 Va. Admin. Code § 20-50-20(C)(5).

26. Traditionally, independent candidates have until the third Tuesday in June of an election year to submit their petition. Va. Code §§ 24.2-506(A), -507(1). This year, however, the General Assembly amended that deadline to August 4, 2026, to allow candidates to have sufficient time to collect signatures in view of the proposed constitutional amendment permitting the General Assembly to redraw Virginia’s congressional districts prior to the 2026 elections. H.B. 29, pt. 16(2), §§ 12, 14. Accordingly, independent candidates for the U.S. House of Representatives in the upcoming November 2026 general election had until **August 4, 2026**, to file their statement of qualification, declaration of candidacy, and Petition with the requisite 1,000 signatures. *See id.* pt. 16(2), § 14.

27. The General Assembly also enacted Va. Code § 24.2-546 during this year’s legislative session. That provision, which took effect on July 1, 2026, provides that “[a]ny legal action relating to a person’s eligibility to have his name printed on the ballot for any election on the basis that such person failed to meet all qualifications . . . for candidacy shall be filed in a circuit court and served on all parties (i) at least 90 days before the date of a general election.” Va.

Code § 24.2-546(A). The general election in VA-2 will occur on November 3, 2026, making **August 5, 2026**, the relevant deadline to file a challenge.

B. The record unambiguously shows that ELECT counted invalid signatures on Staten’s Petition.

28. Staten filed a Petition with ELECT containing 1,667 signatures. *See* Ex. 1 (Gerald Staten Petitions).

29. ELECT ultimately found that 653 of Staten’s signatures were invalid—a nearly forty percent invalidation rate—leaving him with just 1,014 valid signatures, a mere 14-signature margin over the required threshold. *See* Ex. 2 (State Board Signatures Report). On or about August 3, 2026, ELECT certified that Staten had qualified for the ballot. Ex. 3 (Staten Petition Verification Email).

30. However, upon Plaintiffs’ review of Staten’s Petition, it is abundantly clear that he did not submit a sufficient number of signatures to qualify for the ballot because ELECT incorrectly accepted at least 18 signatures that do not meet the legal requirements. Of the 1,014 signatures that were deemed valid by ELECT, (1) at least 10 signers did not provide any signature, (2) at least 2 signers did not provide their residence address, and (3) at least 7 signers listed an address on the petition form that does not match their voter-registration address. Note that one petition entry—Page 42, Line 9—is missing *both* a signature and an address, so there are 18 total invalid signatures.

31. The challenged signatures are as follows:

	Challenge	Page	Line	Statute/Regulation Violated
1	No Signature Provided	5	16	1 V.A.C. § 20-50-20(C)(4)
2	No Signature Provided	12	1	1 V.A.C. § 20-50-20(C)(4)

3	No Signature Provided	16	20	1 V.A.C. § 20-50-20(C)(4)
4	No Signature Provided	22	8	1 V.A.C. § 20-50-20(C)(4)
5	No Signature Provided	47	18	1 V.A.C. § 20-50-20(C)(4)
6	No Signature Provided	57	13	1 V.A.C. § 20-50-20(C)(4)
7	No Signature Provided	59	4	1 V.A.C. § 20-50-20(C)(4)
8	No Signature Provided	64	6	1 V.A.C. § 20-50-20(C)(4)
9	No Signature Provided	64	13	1 V.A.C. § 20-50-20(C)(4)
10	No Address or Signature Provided	42	9	Va. Code § 24.2-506(A); 1 V.A.C. § 20-50-20(C)(4)
11	No Address Provided ²	55	15	Va. Code § 24.2-506(A)
12	Nonmatching Address in Wrong Precinct	3	13	1 V.A.C. § 20-50-20(C)(5)
13	Nonmatching Address in Wrong Precinct	4	5	1 V.A.C. § 20-50-20(C)(5)
14	Nonmatching Address in Wrong Precinct	11	1	1 V.A.C. § 20-50-20(C)(5)
15	Nonmatching Address in Wrong Precinct	24	7	1 V.A.C. § 20-50-20(C)(5)
16	Nonmatching Address in Wrong Precinct	50	12	1 V.A.C. § 20-50-20(C)(5)
17	Nonmatching Address in Wrong Precinct	53	1	1 V.A.C. § 20-50-20(C)(5)
18	Nonmatching Address in Wrong Precinct ³	56	5	1 V.A.C. § 20-50-20(C)(5)

² This signature (without an accompanying address) appears on Line 15 of the page with a handwritten number 55. On the State Board's Signature Report, a signer with the name matching this signature was accepted as appearing on Page 54, Line 15.

³ This signature appears on Line 5 of the page with a handwritten number 56. On the State Board's Signature Report, a signer with the name matching this signature was accepted as appearing on Page 55, Line 5.

32. These challenged entries are further set forth by page and line number in an exhibit to this Verified Complaint *See* Ex. 4 (Challenged Signatures Table). Furthermore, Exhibit 5 (Missing Signatures) and Exhibit 6 (Missing Address) reproduce signature entries that, on their face, fail to comply with Virginia law. Exs. 5–6.

33. Plaintiffs’ challenges to these entries are not subject to serious dispute. For example, the screenshots below reflect signature lines, as noted in the Chart above, that ELECT counted, even though they plainly do not bear any signature on the “Signature” line in the upper right-hand corner, or anywhere else on the form:

Page 5, Line 16

16.	Full Residential Address (including city/state/zip) (PO Box not acceptable)		1/19/26
	Print Full Name	Signature	
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

Handwritten entries: Sharlene Elliott, 165 Foxworth SUBK, Va, 23137

Page 12, line 1

be punishable as a Class 5 felony.			
Office Use Only	#	Petition Signer	Date Signed (Must be on or after January 1st of election year.)
1.		Print Full Name Signature	
		Full Residential Address (including city/state/zip) (PO Box not acceptable)	

Handwritten entries: Lashonda Hankins, 1420 Leckie Street, Portsmouth, VA 23704, 1/1/26

Page 16, line 20

20.	Full Residential Address (including city/state/zip) (PO Box not acceptable)		1/3/26
	Print Full Name	Signature	
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

Handwritten entries: Jeffrey Whitlow, 213 South 7th St, Suffolk, Va, 23434

Page 22, line 8

8.	Print Full Name	Signature	
	211 N 5th St Suffolk VA 23434		11/3/20
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

Page 47, line 18

18.	Print Full Name	Signature	
	Catoysa Dossure		
	6068 Bradford Dr VA 23434		11/21/20
Full Residential Address (including city/state/zip) (PO Box not acceptable)			

Page 57, line 13

13.	Print Full Name	Signature	
	Jeanette R. Pishon		3/31/20
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

Page 59, line 4

4.	Print Full Name	Signature	
	Sebastian Franklin		2/28/21
	698 Dogchester St Apt. E2		5-3
Full Residential Address (including city/state/zip) (PO Box not acceptable)			

Page 64, line 6

6.	Print Full Name	Signature	
	Deja Patterson		19 June 20
	431 Cranford St. #11027, Portsmouth, VA		
Full Residential Address (including city/state/zip) (PO Box not acceptable)			

Page 64, line 13

13.	Print Full Name	Signature	
	Deven Brown		6/19/20
	200 Inside Drive Suffolk, VA 23435 (Apt 410)		
Full Residential Address (including city/state/zip) (PO Box not acceptable)			

34. Similarly, there is no serious dispute that the following signature entries plainly lack the required “Full Residential Address” that could be matched with a voter’s registration:

Page 42, line 9

9.	Zirena Hamlin	Suffolk VA 23434	1-8-20
	Print Full Name	Signature	
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

Page 55, line 15

15.	CALVIN BAKER	Calvin Baker	1-8-20
	Print Full Name	Signature	
	Full Residential Address (including city/state/zip) (PO Box not acceptable)		

35. Finally, the third category of entries at issue concerns signatories who provided addresses not associated with the address listed on their voter registration, based on the latest voter registration information available to Plaintiffs. *See* Ex. 6 (Missing Addresses). Once more, any dispute over these signatures is amenable to rapid resolution because the addresses listed on the Petition either match those in Virginia’s voter registration system or they do not.

36. Without the 18 invalid signatures identified above, Staten has only garnered 996 valid signatures. His Petition thus fails to meet the statutorily required 1,000 petition-signature threshold, rendering it invalid under Virginia law and requiring that his name be removed from, and excluded from printing on, the November 2026 general-election ballot. *See* Va. Code §§ 24.2-505 to -506, -612.1. Virginia law is clear that the name of a candidate who fails to meet the relevant signature threshold “shall not be printed upon any official ballots.” *Id.* § 24.2-506(A).

C. **In view of the unique circumstances in 2026, and the lengthy period of time it took Defendants to produce Staten’s petition pages, the August 5, 2026, statutory deadline should not preclude this challenge.**

37. Virginia imposes deadline of at least ninety days before the November general election to bring a challenge, which this year is August 5, 2026. Va. Code § 24.2-546(A). Due to unique circumstances caused by the General Assembly’s attempted redistricting—and the resulting extension of the independent-candidate petition deadline—Plaintiffs had only *one day* from the petition filing deadline (August 4, 2026)—and only approximately *two days* from when ELECT certified Staten as a candidate (August 3, 2026)—to challenge the sufficiency of Staten’s Petition signatures (August 5, 2026).

38. On August 5, 2026—the challenge deadline—Plaintiffs did not yet have access to Staten’s Petition or any of the accompanying signatures. It was therefore practically impossible for Plaintiffs to avail themselves of their legal rights under Virginia law and to file any “action” relating to Staten’s eligibility to appear on the general-election ballot before the deadline imposed by Va. Code § 24.2-546.

39. In fact, despite an August 12, 2026, request for Staten’s Petition and the underlying signatures under Virginia’s Freedom of Information Act, Defendants did not ultimately produce the requested documents until approximately 8:00 p.m. on Wednesday, August 26, 2026—a full *two weeks* after the request was submitted, *three weeks after* the statutory deadline to challenge Staten’s candidacy, and *more than three weeks after* Staten was deemed qualified as a candidate.

40. ELECT's August 26, 2026, production was also incomplete as it was missing pages 76–80 that contain approximately 62 additional petition signatures that ELECT deemed valid, but that Plaintiffs have still not yet been able to review for their validity.⁴

D. Virginia's rapidly approaching early-voting period requires prompt entry of emergency relief to keep Staten off the ballot.

41. Local jurisdictions are currently free to begin printing ballots for the November 2026 election and, unless Staten's qualification is reversed or enjoined and his name removed from the November 2026 general-election ballot, those ballots will include Staten among the candidates for election to represent VA-2 in Congress in clear violation of Virginia law.

42. Moreover, the final deadline for printing ballots, September 17, 2026, and the beginning of early absentee voting, September 18, 2026, are both fast approaching. H.B. 29, Pt. 16(2), § 15. To protect the rights of challengers like Plaintiffs, the General Assembly has required that an order by this Circuit Court resolving this candidacy challenge “shall be decided . . . no later than 10 days before the date on which ballots for th[e] election are made available for absentee voting,” which is September 8, 2026. Va. Code § 24.2-546(B)(i). Thus, immediate relief, whether in the form of a temporary restraining order, preliminary injunction, writ of mandamus, or all three, is necessary and appropriate.

⁴ Because Plaintiffs bring this suit without complete information, Plaintiffs reserve the right to challenge any additional signatures purporting to support Staten's Petition on the not-yet-disclosed petition-signature pages.

CAUSES OF ACTION

COUNT I

Violation of Va. Code §§ 24.2-504 to -506

43. Plaintiffs incorporate by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

44. Virginia law clearly provides that an independent candidate for the U.S. House of Representatives must submit at least 1,000 signatures from qualified voters to appear on the general-election ballot. Va. Code §§ 24.2-101, -506(A)(2).

45. Va. Code § 24.2-504 specifies that “[o]nly a person fulfilling all the requirements of a candidate shall have his name printed on the ballot for the election.” *Id.* § 24.2-504. The name of any candidate that does not meet these qualifications “*shall not* be printed upon any official ballots provided for the election.” *Id.* § 24.2-506(A) (emphasis added); *see Piper*, 2018 WL 11299342, at *8 (ordering that a candidate who failed to obtain 1,000 valid signatures be removed from the ballot, approximately one week before the early absentee voting period began).

46. Staten’s Petition does not contain at least 1,000 valid signatures as required by Virginia law. At least 18 of his 1,014 signatures are clearly invalid, and yet more may be revealed to be invalid once ELECT actually completes production of Staten’s petition pages. When the invalid signatures are removed from the count, Staten does not meet the statutory requirements.

47. Because Staten’s Petition does not meet the statutory requirements to qualify for the ballot, ELECT’s notice of sufficiency sent to Staten on or about August 3, 2026, is contrary to Virginia law. Instead, Staten’s Petition must be declared legally insufficient, and he must be disqualified from appearing on the general-election ballot.

COUNT II
Violation of the Right to Procedural Due Process under
the Fourteenth Amendment of the U.S. Constitution

48. Plaintiffs incorporate by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

49. The U.S. Constitution provides that no person shall be “deprive[d] . . . of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

50. Virginia law recognizes a right to challenge the qualifications of a candidate seeking to have his or her name printed on the ballot. *See Piper*, 2018 WL 11299342 (recognizing a right to relief for violations of Va. Code §§ 24.2-504 to -506); *see also* Va. Code §§ 24.2-504 to -506; *id.* § 24.2-546(A) (recognizing that “legal action[s]” may be brought under Virginia law “relating to a person’s eligibility to have his name printed on the ballot for any election”).

51. A “cause of action is a species of property protected by the Fourteenth Amendment’s Due Process Clause.” *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428–29 (1982) (citing *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 311 (1950)); *see Burey v. Blanche*, 181 F.4th 472, 478 (4th Cir. 2026) (holding that a state statute that permitted the filing of a motion created “an unambiguous ‘right to file’” that is protected by the Due Process Clause (quoting *William v. Gonzales*, 499 F.3d 329, 332 (4th Cir. 2007))).

52. In the ordinary course, Virginia’s deadline for challenging a candidate petition comports with due process, as it grants a roughly two-month period between the deadline by which an independent candidate must file their Petition and the challenge deadline. *Compare* Va. Code § 24.2-507(1) (noting the Petition filing deadline under normal circumstances is the third Tuesday in June), *with id.* § 24.2-546 (noting any legal challenge must be brought by the 90th day before the general election, which, in 2026, is August 5). That affords a potential challenger adequate time to obtain a candidate’s Petition, review it, and file a challenge.

53. As applied here, however, enforcement of the August 5, 2026, deadline would violate due process. When it passed H.B. 29 as part of its attempted mid-decade redistricting effort, the General Assembly extended the Petition-filing deadline for the 2026 general election from the third Tuesday in June 2026 to August 4, 2026. H.B. 29, pt. 16(2), § 14. Thus, as uniquely applied in 2026, the Commonwealth shortened the timeframe for a challenge to bring a legal challenge to an independent candidate’s qualifications from almost *two months* to *a single day*—making it functionally impossible for any interested third party to even review the relevant Petitions by August 5, 2026, never mind prepare and file a legal challenge.

54. Reinforcing the problem, ELECT did not produce any of Staten’s petition sheets until August 26, 2026, more than *two weeks* after requested. And to date they have *still* not produced a complete set of his petition pages. Thus, the statutory framework created by the General Assembly, combined with the delay in producing Staten’s petition sheets by Defendants, rendered it impossible for Plaintiffs to assert the statutory right of action guaranteed them under Virginia law and to challenge Staten’s 2026 candidacy for the U.S. House of Representatives within the time provided for under those statutes.

55. Accordingly, it would violate procedural due process to enforce the August 5, 2026, filing deadline against Plaintiffs in this action. *See Logan*, 455 U.S. at 436 (finding a procedural due process violation where “the state system itself . . . destroys a complainant’s property interest”); *Burey*, 181 F.4th at 479–80 (holding that the government’s actions making it impossible for a plaintiff to comply with a statutory deadline violated that plaintiff’s constitutional right to procedural due process under the Fifth Amendment to the U.S. Constitution).

56. Whereas application of the August 5, 2026, deadline would functionally deprive Plaintiffs of any opportunity to assert a recognized right under Virginia law, setting it aside in this

case would not prejudice Defendants. Indeed, Virginia law contemplates last-minute changes to the ballot in the case of disqualifications of candidates at least until the start of early absentee voting. *See* Va. Code § 24.2-612.1; *see also* *Piper*, 2018 WL 11299342, at *8 (imposing similar relief mere days before already-finalized ballots were distributed to the electorate for early voting). Due process requires that this action be allowed to proceed and receive the full consideration it is owed under Virginia and federal law.

COUNT III
Violation of the Right to Procedural Due Process under
Article I, § 11 of the Constitution of Virginia

57. Plaintiffs incorporate by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

58. The Constitution of Virginia provides that no person shall be “deprived of his life, liberty, or property without due process of law.” Va. Const. art. I, § 11.

59. The Supreme Court of Virginia has held that “procedural due process protections afforded under the Constitution of Virginia are co-extensive with those of the federal constitution, and thus, the corresponding provisions of the Virginia Constitution go no further than their federal counterparts.” *Fairfax Cnty. Sch. Bd. v. S.C. ex rel. Cole*, 297 Va. 363, 375 n.7 (2019) (citation modified). As such, Virginia courts “generally appl[y] the same analysis to procedural-due-process claims under both” the U.S. Constitution and the Constitution of Virginia. *McNally v. Va. Dep’t of Motor Vehicles*, 80 Va. App. 483, 509 (2024).

60. Because a violation under Virginia’s Due Process Clause follows the same analysis as a violation under the U.S. Constitution’s Due Process Clause, the Commonwealth, through the present statutory scheme, and Defendants, through their actions in delayed production of the necessary documents to bring this challenge, have violated Va. Const. art. I, § 11 for the same reasons as those set forth in ¶¶ 48–56 of this Verified Complaint.

COUNT IV
Violation of the Right to Vote under
Article I, § 6 of the Constitution of Virginia

61. Plaintiffs incorporate by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

62. The Constitution of Virginia affirmatively decrees that “all elections ought to be free; and that all men . . . have the right of suffrage.” Va. Const. art. I, § 6. “[T]he right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.” *Burdick v. Takushi*, 504 U.S. 428, 441 (1992) (first citing *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983); and then citing *Storer v. Brown*, 415 U.S. 724, 730 (1974)).

63. The Petition purporting to nominate Staten as an independent candidate for the U.S. House of Representatives from VA-2 does not contain a legally sufficient number of valid signatures to qualify him as a candidate on the November 2026 general-election ballot. Va. Code § 24.2-506(A)(2). Defendants’ qualification of Staten’s Petition and placement of Staten’s name on the November 2026 general-election ballot for VA-2 undermines the right to suffrage enshrined in Article I, Section 6 of the Constitution of Virginia.

64. By placing Staten—a candidate who has not met the minimum standards for ballot qualification under Virginia law—on the general-election ballot, Defendants will burden the right to vote of the Campaign’s supporters who associate with it in support of Candidate Luria, by diluting their votes because the wrongful inclusion of Staten on the ballot will divert votes to an unqualified candidate. *Cf. McLain v. Meier*, 637 F.2d 1159, 1167 (8th Cir. 1980) (describing system of listing first on the ballot candidates of party that received most votes in last congressional election as “burden[ing] the fundamental right to vote possessed by supporters of the last-listed candidates” by providing an advantage, *i.e.*, diverting votes, to the first-listed candidate); *Gould v. Grubb*, 536 P.2d 1337, 1343 (Cal. 1975) (describing statute that prioritized ballot order by

incumbency as “inevitably dilut[ing] the weight of the vote of all those electors who cast their ballots for a candidate who is not included within the favored class”); *Nelson v. Warner*, 12 F.4th 376, 383–85 (4th Cir. 2021) (holding a candidate-plaintiff was injured where statute gave priority placement on ballot to opposing political party’s candidate).

65. Defendants’ continued qualification of Staten’s nominating Petition, and imminent inclusion of his name on the general-election ballot, in violation of Virginia law, furthers no compelling or even legitimate state interest that could justify the infringement on the fundamental right to vote. *See Pulliam v. Coastal Emergency Servs. of Richmond, Inc.*, 257 Va. 1, 20–21 (1999) (describing voting as a “fundamental right” that requires the application of strict scrutiny (citing *Etheridge v. Med. Ctr. Hosps.*, 237 Va. 87, 97 (1989) (stating that “the ‘strict scrutiny’ test” requires that “the law must be necessary to promote a compelling or overriding governmental interest”))).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, by and through undersigned counsel, respectfully request that this Court hear this action pursuant to Va. Code §§ 24.2-546, 8.01-184, 8.01-186, and 8.01-620, and issue preliminary and permanent declaratory and injunctive relief, as well as a temporary restraining order:

- A. Declaring that the notice of qualification issued by ELECT to Geral “Bishop” Staten is contrary to Virginia law, and is therefore invalid;
- B. Declaring that the invalid signatures on the Petition submitted in support of the candidacy of Geral “Bishop” Staten may not be counted toward the statutorily required minimum to qualify the Petition;
- C. Declaring that the presence of Geral “Bishop” Staten’s name on the 2026 general-election ballot for VA-2 violates the right to free elections and right to vote afforded to the Campaign and its supporters under Va. Const. art. I, § 6.
- D. Ordering Defendants to strike all invalid signatures from the Petition to qualify Geral “Bishop” Staten for the November 2026 general-election ballot for the U.S. House of Representatives;

- E. Declaring that the challenge-filing deadline in Va. Code § 24.2-546(A) is unconstitutional if and as-applied to this lawsuit because the one-day period between the August 4, 2026, petition-filing deadline and the August 5, 2026, challenge-filing deadline is impossible to comply with and thus violates the Due Process Clause of the U.S. Constitution, U.S. Const. amend. XIV, § 1, and the Due Process Clause of the Constitution of Virginia, Va. Const. art. I, § 11;
- F. Enjoining Defendants from enforcing the August 5, 2026, petition-challenge deadline in Va. Code § 24.2-546(A) to this lawsuit;
- G. Ordering Defendants to disqualify Geral “Bishop” Staten’s Petition on the basis that he has not garnered at least 1,000 valid signatures to appear on the 2026 general-election ballot for the U.S. House of Representatives, as required under Va. Code § 24.2-506(A)(2);
- H. Enjoining Defendants and their agents, officers, and employees, and any person who acts in concert therewith from printing Geral “Bishop” Staten’s name on ballots for the November 2026 general election for the U.S. House of Representatives;
- I. Ordering Defendants and their agents, officers, and employees, and any person who acts in concert therewith to take all actions necessary to ensure that Geral “Bishop” Staten’s name is removed from all already-printed ballots for the November 2026 general election for the U.S. House of Representatives and reissue those ballots without Staten’s name thereon before early absentee voting begins on September 18, 2026.

PETITION FOR WRIT OF MANDAMUS

In addition, Plaintiffs, by and through undersigned counsel, hereby petition this Court for the issuance of a writ of mandamus pursuant to Va. Code § 17.1-513 directed to Defendants, and in support thereof state as follows:

66. Plaintiffs incorporate by reference each of the allegations contained in the foregoing paragraphs of this Verified Complaint as though set forth fully herein.

67. Plaintiffs have a clear right to the relief they seek. *See Piper*, 2018 WL 11299342, at *7–8.

68. Defendants have a legal duty to ensure that only the names of candidates who meet the requirements under Virginia law are placed on the ballots in the Commonwealth of Virginia and that those who do not meet such requirements “shall not be printed” on those ballots. Va. Code

§ 24.2-506(A). This duty flows both generally from their oaths as officers of the Commonwealth of Virginia to obey the Constitution of the United States and the Constitution of Virginia, *id.* § 49-1, and from their position as the Commonwealth’s election officials who “shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections,” *id.* § 24.2-103(A), and who “shall . . . promote the proper administration of election laws.” *Id.*

69. Va. Code § 24.2-103 requires that the State Board and ELECT “shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and *legality* and purity in all elections.” (emphasis added).

70. Defendants are responsible for “promot[ing] the proper administration of election laws.” *Id.* “This duty includes enforcing [Va.] Code § 24.2-506, which provides that an independent candidate ‘*shall not* be printed upon any official ballots provided for the election’ unless a qualifying petition is filed.” *Piper*, 2018 WL 11299342, at *8 (quoting Va. Code § 24.2-506). Thus, Sections 24.2-504 and 24.2-506 “delegate a ministerial duty upon election officials to ensure that *only* qualified candidates appear on ballots” and “no part of this duty is discretionary.” *Id.* (emphasis in original).

71. Defendants must comply with that ministerial duty by disqualifying Staten’s candidacy and removing his name from the ballot that will be used in the November 2026 general election for the U.S. House of Representatives.

72. Plaintiffs have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, by and through undersigned counsel, respectfully request that this Court hear this action pursuant to Va. Code § 17.1-513 and grant a writ of mandamus ordering Defendants to, in compliance with their nondiscretionary ministerial duties under Va. Code §§ 24.2-103, -504–506, -546, not permit Geral “Bishop” Staten’s name to appear on the November 2026 general-election ballot for the U.S. House of Representatives until and unless Staten has been properly determined to “fulfill[] all the requirements of a candidate.” Va. Code § 24.2-504.

VERIFICATION

Pursuant to Va. Code § 8.01-4.3, I verify, under penalty of perjury, that the foregoing is true and correct.

DATED: 9/3/2026

Elaine Luria

DATED: September 3, 2026

Respectfully submitted,

/s/ Aria C. Branch

Aria C. Branch (VSB No. 83682)

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