

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

REPUBLICAN NATIONAL COMMITTEE; )  
MATTHEW HURTT; and RITE PAC, )  
 )  
Plaintiffs, )

v. )

CL \_\_\_\_\_ )

VIRGINIA STATE BOARD OF )  
ELECTIONS; VIRGINIA DEPARTMENT )  
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 Chair of the Virginia State )  
Board of Elections; GEORGIA ALVIS- )  
LONG, in her official capacity as Secretary )  
of the Virginia State Board of Elections; )  
CHRISTOPHER P. STOLLE, in his official )  
capacity as Member of the Virginia State )  
Board of Elections; SALLY HUDSON, in )  
her official capacity as Member of the )  
Virginia State Board of Elections; STEVEN )  
KOSKI, in his official capacity as )  
Commissioner of the Virginia Department of )  
Elections; and ERIC L. SPICER, in his )  
official capacity as General Registrar of )  
Fairfax County, Virginia, )  
 )  
Defendants. )

**COMPLAINT**

1. Plaintiffs Republican National Committee (the “RNC”), Matthew Hurtt, and RITE PAC (collectively, “Plaintiffs”), by and through undersigned counsel, bring this action seeking declaratory and injunctive relief against Defendants Virginia State Board of Elections (“VSBE”), Virginia Department of Elections (“ELECT”), the members of the VSBE—John O’Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Christopher P. Stolle, and Sally Hudson—in their official

capacities, as well as Steven Koski, in his official capacity as Commissioner of ELECT, and Eric L. Spicer, in his official capacity as the General Registrar of Fairfax County, Virginia (collectively, “Defendants”) to prevent Defendants’ continuing violation of Article II, § 1, of the Virginia Constitution.

## INTRODUCTION

2. This is an action challenging the constitutionality of Va. Code §§ 24.2-452(1)(e) and 24.2-456, which collectively permit the registration and voting of individuals who (a) were born outside of the United States and (b) have never resided in the Commonwealth, in direct violation of Va. Const. art. II, § 1. Virginia has relaxed the Virginia Constitution’s residency requirement for such individuals based solely on the adult individual’s parent’s or legal guardian’s last place of residence in Virginia before leaving the United States.

3. The Virginia Constitution sets voter qualifications. Among other requirements, it limits the franchise to persons who are residents of the Commonwealth and of the precinct in which they vote. Va. Const. art. II, § 1 (“Residence, for all purposes of qualification to vote, requires both domicile and a place of abode.”).<sup>1</sup>

4. Consistent with that constitutional baseline, Virginia’s statutory law generally ties voting eligibility and precinct assignment to a voter’s residence, including their domicile and place of abode. *See, e.g.*, Va. Code § 24.2-101 (defining “residence,” for voting purposes, to include “both domicile and a place of abode”).

5. Yet Virginia’s current statutory scheme for “covered voters” (the Commonwealth’s implementation of the federal Uniformed and Overseas Citizens Absentee Voting Act

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<sup>1</sup> The Virginia Constitution is consistent in its recognition that the franchise should be limited to individuals who maintain a connection with the Commonwealth. *See* Va. Const. art. I, § 6 (recognizing that all individuals “having sufficient evidence of **permanent common interest with, and attachment to, the community**, have the right of suffrage” (emphasis added)).

(“UOCAVA”) and related state provisions) includes a category of “covered voter” that explicitly dispenses with the Virginia Constitution’s residency requirement and substitutes a parent or legal guardian’s last-eligible voting location as the now-adult registrant’s Virginia voting residence. Va. Code §§ 24.2-452(1)(e), 24.2-456.

6. Defendants are Virginia election officials who administer and enforce that voter registration scheme. In doing so, they authorize the registration of applicants who have never resided in the Commonwealth as Virginia voters and issue them absentee ballots for federal elections in Virginia.

7. That practice violates the Virginia Constitution. Virginia may extend registration and absentee voting procedures to qualified Virginia voters abroad, including military and overseas citizens who previously resided in Virginia and remain Virginia domiciliaries for voting purposes. But Virginia may not create *bona fide* Virginia voters out of individuals who have never resided in Virginia, solely by reference to a parent’s historical voting eligibility.

8. Voting by individuals who are not and have never been Virginia residents dilutes the votes of qualified Virginia voters, undermines the integrity of Virginia’s electoral process, and inflicts concrete harms on political parties that compete in Virginia elections. Specifically, the unlawful registration of voters who are not and have never been residents of Virginia harms the RNC as well as its members and nominees, by (i) depriving them of elections conducted under lawful rules, which is a particularized harm to those who “seek to represent the people,” *Bost v. Illinois State Bd. of Elections*, 607 U.S. ----, 146 S. Ct. 513, 519 (2026); (ii) undermining the political legitimacy of winning candidates and their party organizations, *see id.* at \*4; (iii) forcing political parties and their committees, such as the RNC, to divert substantial resources to address

and mitigate the consequences of unconstitutional voters; and (iv) forcing the RNC, as well as its nominees and members, to compete in elections in which unqualified voters are participating.

9. As set forth herein, Plaintiffs seek a declaration that the challenged statutory provisions and the registration of people who were never residents of Virginia pursuant to those statutes violate the Virginia Constitution and are void, as well as prospective injunctive relief barring Defendants from (a) accepting registrations from applicants who are not and have never been Virginia residents and (b) issuing or counting ballots cast by such voters in Virginia elections.

### **JURISDICTION AND VENUE**

10. This Court has jurisdiction over this action pursuant to Virginia Code §§ 8.01-184 through 8.01-191. An actual controversy exists between the parties because Defendants presently administer and enforce the challenged provisions, and Plaintiffs' rights will be affected by the resolution of this action. *See Charlottesville Area Fitness Club Operators Ass'n v. Albemarle Cnty. Bd. of Supervisors*, 285 Va. 87, 98 (2013); *Lafferty v. Sch. Bd. of Fairfax Cnty.*, 293 Va. 354, 360–61 (2017).

11. Venue is proper in this Court pursuant to Virginia Code § 8.01-261(2) as this action is against public officials in their official capacities, with their official offices in the City of Richmond, and a state board that performs its official duties in Richmond.

### **PARTIES**

12. Plaintiff Republican National Committee is the national committee of the Republican Party, as that term is defined in 52 U.S.C. § 30101(14). The RNC is responsible for supporting Republican candidates and party organizations nationwide, including in Virginia, and for allocating substantial funds and resources to federal and state elections conducted in Virginia. The RNC's central mission includes electing Republican candidates for President of the United

States, United States Senate, United States House of Representatives, state offices, and other offices. The RNC's strategic and resource-allocation decisions depend on lawful, constitutional rules governing voter eligibility and ballot issuance. The RNC devotes substantial resources to identifying, registering, and contacting lawful voters; maintaining accurate lists of lawful voters; getting out the vote; and ensuring the integrity of election administration and election results. Moreover, rules that allow constitutionally ineligible individuals to cast ballots undermine the integrity of the electoral process and the political legitimacy of the RNC's winning candidates, causing reputational harm that is "particularly concrete for those whose very jobs depend on the support of the people." *Bost*, 146 S. Ct. at 520. The RNC, therefore, has "a personal stake in the outcome of [this] controversy." *McClary v. Jenkins*, 299 Va. 216, 222 (2020) (quoting *Goldman v. Landsidle*, 262 Va. 364, 371 (2001)).

13. Plaintiff Matthew Hurtt is a citizen of the United States, at least 18 years old, a resident of the Commonwealth of Virginia, a resident of the precinct in which he is registered to vote, and a qualified voter under Va. Const. art II, § 1. He is registered to vote in Arlington County, Virginia. Mr. Hurtt regularly votes in Virginia and federal elections and intends to vote in future elections in the Commonwealth. Mr. Hurtt brings this action to protect his right to participate in Virginia elections in which only constitutionally qualified Virginia voters are included and to prevent dilution of his lawful vote by ballots cast by persons who are not and have never been residents of the Commonwealth and, thus, are not qualified to vote in Virginia.

14. Plaintiff RITE PAC is a tax-exempt political organization organized and operated pursuant to section 527 of the Internal Revenue Code, whose mission is to protect the rule of law in elections throughout the United States. RITE PAC is a related organization to Restoring Integrity and Trust in Elections (RITE), a Virginia nonprofit social welfare corporation that is

organized and operated pursuant to section 501(c)(4) of the Internal Revenue Code, and whose mission is to protect the rule of law in the qualifications for, process and administration of, and tabulation of voting in the United States. RITE PAC helps further RITE's mission of supporting laws and policies that promote secure elections and enhance voter confidence in the electoral process by engaging in litigation, primarily on behalf of political party committees and candidates. RITE PAC has a direct interest in the outcome of laws that unconstitutionally expand the franchise to ineligible voters, a practice striking at RITE PAC's core organizational mission.

15. Defendant Virginia State Board of Elections ("VSBE") is the Commonwealth's principal election-policy body, charged with general supervision of elections and statewide election administration as provided by Virginia law. VSBE acts through its members.

16. Defendant Virginia Department of Elections ("ELECT") is responsible for the promulgation of guidance relating to the registration of voters throughout the Commonwealth and maintains the official Virginia voter roll, which includes voters registered pursuant to Va. Code §§ 24.2-452(1)(e) and 24.2-456.

17. Defendants John O'Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Christopher P. Stolle, and Sally Hudson are members of VSBE and are sued in their official capacities only.

18. Defendant Steven Koski is the Commissioner of ELECT and, acting in that capacity, oversees voter registration and absentee voting in the Commonwealth and "coordinate[s] with local electoral boards to establish an appropriate system through which a covered voter may apply for and receive voter registration materials[.]" Va. Code § 24.2-455(D)(1). Commissioner Koski is being sued only in his official capacity.

19. Defendant Eric L. Spicer is the duly appointed General Registrar for Fairfax County, Virginia (the "General Registrar"). The General Registrar is the chief local elections

official responsible for administering voter registration and related elections functions in Fairfax County, including, among other things, processing voter registration applications, maintaining the official registration records for voters in Fairfax County, and administering absentee voting and related records and processes as provided under Virginia law. The General Registrar is sued in his official capacity only.

20. Collectively, Defendants administer, implement, and enforce the statutory regime that permits the registration of and voting by individuals who are not and have never been Virginia residents.

### **STATEMENT OF FACTS**

21. The Virginia Constitution provides that “[e]ach voter shall be,” among other requirements, “a resident of the Commonwealth and of the precinct where he votes.” Va. Const. art. II, § 1. The Constitution defines residence, “for all purposes of qualification to vote,” as requiring “both domicile and a place of abode.” *Id.*

22. The Constitution permits the General Assembly to provide by general law for voter registration and absentee voting procedures, but those procedures cannot eliminate the constitutional requirement that a voter be “a resident of the Commonwealth,” except to the extent they provide mechanisms for overseas individuals who formerly resided within the Commonwealth. *Id.*

23. Virginia statutes implementing voter qualifications accordingly define “residence” and “domicile” for voting and tie voting rights to the voter’s own residence, including domicile and place of abode within Virginia. *See* Va. Code § 24.2-101.

24. Virginia law defines “covered voter” for purposes of military and overseas voting. Va. Code § 24.2-452(1)(e).

25. One category of covered voter includes a United States citizen who “was born outside the United States”; who “has not registered or voted in another state”; and who “is eligible to vote in the last place in which his parent or legal guardian was eligible to vote before leaving the United States,” “except for a state residency requirement.” *Id.*

26. Virginia law then assigns such a “never-resident” covered voter a Virginia “voting residence,” by reference to the parent or guardian’s former eligibility location: “The voting residence of a covered voter described in subsection (e) of subdivision 1 of § 24.2-452 shall be the last place in which his parent or legal guardian was eligible to vote in the Commonwealth before leaving the United States.” Va. Code § 24.2-456.

27. Put another way, Virginia’s statutes purport to treat an adult never-resident’s parent’s historical residency as a substitute for the never-resident’s own Virginia residence, despite the Virginia Constitution’s requirement that each voter be a resident of Virginia and of the precinct in which he or she votes.

28. Defendants administer Virginia’s covered voter registration and absentee voting regime statewide, including by issuing guidance to local election officials<sup>2</sup>; maintaining public instructions for military and overseas voting<sup>3</sup>; and, upon information and belief, accepting and processing voter registration applications and absentee ballot requests submitted by covered voters, including the category described in Va. Code § 24.2-452(1)(e).

29. Upon information and belief, Defendants facilitate the registration and voting of never-resident voters in at least the following ways:

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<sup>2</sup> See GREB Handbook, Ch. 7 (Absentee Voting) at p. 77, Virginia Dep’t of Elections (Aug. 2025), available at: [https://www.elections.virginia.gov/media/grebhandbook/2025-updates/7\\_Absentee\\_Voting\\_2025\\_en.pdf](https://www.elections.virginia.gov/media/grebhandbook/2025-updates/7_Absentee_Voting_2025_en.pdf).

<sup>3</sup> See *Casting a Ballot: Military & Overseas*, Virginia Dep’t of Elections, <https://www.elections.virginia.gov/casting-a-ballot/military-overseas/>, (last visited Apr. 1, 2026).

- a. By approving use of the Federal Post Card Application (“FPCA”) to register overseas voters who (1) have never resided in Virginia; (2) self-identify as U.S. citizens who have never lived in the United States by checking the fourth statement in box one of the FPCA, which states “I am a U.S. citizen living outside the country, I have never lived in the United States”; and (3) list their U.S. addresses as “the address of the last place of residence in” Virginia of their parents or legal guardians, pursuant to Va. Code § 24.2-456, and by issuing guidance to local election officials directing them to issue such individuals federal-only ballots<sup>4</sup>;
- b. By approving use of the Federal Write-In Absentee Ballot (“FWAB”) to register overseas voters who (1) have never resided in Virginia; (2) self-identify as U.S. citizens who have never lived in the United States by checking the fourth statement in box one of the FWAB, which states “I am a U.S. citizen living outside the country, I have never resided in the United States”; and (3) list their U.S. addresses as “the address of the last place of residence in Virginia” of their parents or legal guardians, pursuant to Va. Code § 24.2-456, and by issuing guidance to local election officials directing them to issue such never-residents federal-only ballots<sup>5</sup>; and
- c. By approving use of the Virginia Voter Registration Application to register overseas voters who (1) have never resided in Virginia; (2) self-identify as U.S. citizens by marking the “Yes” checkbox in box one; and (3) list their

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<sup>4</sup> *See supra* n.2 at p.11.

<sup>5</sup> *See id.*

residential addresses as “the address of the last place of residence in” Virginia of their parents or legal guardians pursuant to Va. Code § 24.2-456.

30. Defendant Spicer has registered voters who stated on their registration forms: “I am a U.S. citizen living outside the country, I have never lived in the United States.” This practice violates the Virginia Constitution.

31. Upon information and belief, these ongoing registration practices place the RNC at a competitive disadvantage compared to its Democratic counterpart because never-resident voters largely favor Democratic candidates. Accordingly, the RNC has “a sufficient interest in the subject matter of the case so that” Plaintiffs and Defendants are “actual adversaries and the issues will be fully and faithfully developed.” *Anders Larsen Tr. v. Bd. of Supers. of Fairfax Cnty.*, 301 Va. 116, 120–21 (2022) (quoting *Cupp v. Bd. of Supervisors of Fairfax Cnty.*, 227 Va. 580, 589 (1984)).

32. Absent relief from the Court, Defendants will continue to implement and enforce the challenged provisions and will continue to process and facilitate registration and voting by persons who are not constitutionally qualified electors under Va. Const. art. II, § 1, thereby causing and perpetuating the injuries alleged herein.

***Virginia’s Practice of Registering “Never-residents” Is Not Required by Federal Law***

33. In 1986, Congress enacted the federal Uniformed and Overseas Voters Absentee Voting Act (“UOCAVA”), 52 U.S.C. § 20301 *et seq.*, which provides a mechanism by which United States military personnel and certain United States citizens living abroad may register and vote in federal elections. While UOCAVA secures the voting rights of United States citizens in their former states of residence, it permits such registration only if registrants also qualify under the constitution and laws of their respective states.

34. 52 U.S.C. § 20302(a)(1) requires each to “permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office[.]”

35. 52 U.S.C. § 20302(a)(2) requires each state to “accept and process, with respect to any election for Federal office, any **otherwise valid** voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter.” (Emphasis added).

36. An “absent uniformed services voter” means: “(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote; (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote[.]” 52 U.S.C. § 20310(1).

37. An “overseas voter” means: “(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved; (B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.” *Id.* § 20310(5).

38. Therefore, UOCAVA requires states to facilitate absentee voting for certain uniformed service members and overseas voters who are otherwise eligible under state law. It does

not, however, require a state to enfranchise persons who have never resided in the state and are not residents under the state constitution.

### **CLAIMS FOR RELIEF**

#### **Count One – Violation of Virginia Constitution Article II, § 1**

39. Plaintiffs incorporate by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

40. The Virginia Constitution requires that each voter be a resident of the Commonwealth and of the precinct in which he votes. Va. Const. art. II, § 1.

41. A person who has never resided in Virginia is not—and cannot be made—a resident of the Commonwealth by legislative fiat. A parent’s former domicile or voting eligibility cannot serve as a substitute for an individual’s actual residence.

42. Virginia Code § 24.2-452(1)(e) purports to authorize voting by certain never-resident individuals “except for a state residency requirement,” thereby negating a constitutional requirement.

43. Virginia Code § 24.2-456 compounds the constitutional violation by assigning such never-resident individuals a Virginia voting residence based on the parent/guardian’s last place of residence, not that of the individual.

44. To the extent these provisions authorize registration and voting in Virginia by individuals who are not residents of the Commonwealth, they conflict with and are void under the Virginia Constitution. Moreover, to the extent local election officials conduct voter registration and absentee voting pursuant to this scheme, the Virginia Constitution prohibits that practice.

45. In addition, including constitutionally ineligible individuals on the voter rolls, which enables them to obtain and cast ballots in Virginia elections, unlawfully dilutes the voting

power of Plaintiff Hurtt and other qualified electors who satisfy the Virginia Constitution's residency requirement; harms the fundamental integrity of elections in which the RNC participates through and on behalf of its nominees and members; undermines the political legitimacy of winning candidates and their party organizations; and requires the RNC to divert staff time and limited resources toward monitoring absentee voting programs, voter education, ballot-curing operations, litigation, and administrative burden that would not be required absent the unlawful scheme.

46. Plaintiffs, therefore, are entitled to a declaration of law that Defendants may not register never-resident applicants or count ballots cast by never-resident registrants in Virginia elections, because such individuals are not qualified voters under Va. Const. art. II, § 1.

47. Furthermore, Plaintiffs lack an adequate remedy at law. Once an unlawful ballot is issued and counted, the injury to constitutional voting rights, the integrity of Virginia's elections, and competitive political interests cannot be fully redressed through monetary damages.

48. Plaintiffs—and the public—will suffer irreparable harm absent injunctive relief, including the dilution of lawful votes and the tainting of election outcomes.

49. The balance of equities and the public interest strongly favor injunctive relief, as enforcing the Virginia Constitution's voter eligibility requirements imposes no cognizable hardship on Defendants, who have a duty to administer elections lawfully, and the public has a clear interest in elections conducted in strict compliance with the Constitution.

50. Thus, Plaintiffs are entitled to preliminary and permanent injunctive relief: (A) enjoining Defendants and those acting at their behest from accepting or processing voter registration applications from individuals who have never resided in Virginia based solely on Va.

Code §§ 24.2-452(1)(e) and 24.2-456; and (B) enjoining Defendants from issuing absentee ballots to such never-resident registrants.

**REQUESTED RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare that Va. Code §§ 24.2-452(1)(e) and 24.2-456 are unconstitutional and void as applied to registration or voting in Virginia by persons who are not residents of the Commonwealth and, therefore, ineligible to vote under Va. Const. art. II, § 1.
- (2) Preliminarily and permanently enjoin Defendants from accepting or processing voter registration applications from individuals who do not and have never resided in Virginia and from issuing absentee ballots to or accepting, processing, or counting absentee ballots from such never-resident registrants.
- (3) Require Defendants to take all steps necessary to remedy the harm caused by their unconstitutional actions, including:
  - a. Issuing guidance to local election officials mandating the cancellation of all voter registrations created solely under Va. Code §§ 24.2-452(1)(e) and 24.2-456;
  - b. Ceasing acceptance of the FPCA and FWAB from registrants who have never resided in the Commonwealth and are not spouses or dependents of a uniformed servicemember who is eligible to vote in Virginia; and


- c. Updating all public-facing websites and voter registration portals within Defendants' custody or control to reflect the constitutional prohibition on never-residents voting in Virginia elections.
- (4) Award Plaintiffs their costs pursuant to Va. Code § 8.01-190, and, to the extent permitted by law, reasonable attorneys' fees; and
- (5) Grant Plaintiffs other such relief as the Court deems just and proper.

Dated: April 6, 2026

Respectfully submitted,

REPUBLICAN NATIONAL COMMITTEE;  
MATTHEW HURTT; and RITE PAC.

By Counsel:



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