

VIRGINIA:

IN THE CIRCUIT COURT OF TAZEWELL COUNTY

REPUBLICAN NATIONAL COMMITTEE,)
NATIONAL REPUBLICAN)
CONGRESSIONAL COMMITTEE, BEN)
CLINE, U.S. Representative for Virginia's)
Sixth Congressional District, and MORGAN)
GRIFFITH, U.S. Representative for)
Virginia's Ninth Congressional District,)

Plaintiffs,)

v.)

Civil Action No.: CL26-266

STEVEN KOSKI, in his official capacity as)
Commissioner of the Virginia Department 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-Chairman 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 Board)
Member of the Virginia State Board of)
Elections, J. CHAPMAN PETERSEN, in his)
official capacity as Board Member of the)
Virginia State Board of Elections, VIRGINIA)
STATE BOARD OF ELECTIONS, BRIAN)
EARLS, in his Official capacity as the General)
Registrar for Tazewell County, IRMA)
MITCHELL, in her Official capacity as)
Chairman of the Tazewell County Electoral)
Board, JANE SORENSEN, in her official)
capacity as Vice Chairman of the Tazewell)
County Electoral Board, and JAMES)
MCDONALD, Secretary of the Tazewell)
County Electoral Board,)

Defendants.)

ORDER

On the 19th day of February, 2026 came the Plaintiffs, by and through Counsel, and came the Defendants, by and through Counsel, upon the filing of an Injunction and other requests, upon Notice of Emergency Motion for a Temporary Restraining Order, upon a Motion for an Emergency Restraining Order, upon the Notice of Constitutional Challenge and Memorandum of Law, and upon the Notice of Tender all of which were filed on 18th of February, 2026; and upon the same being discussed and argued by respective Counsel;

And further upon service being made upon The Virginia Department of Elections, the Virginia State Board of Elections, Georgia Alvis-Long, John O'Bannon, Rosalyn R. Dance, Steve Koski, and Christopher P. Stolle in their respective capacities and the returns of the same being filed with the Clerk of Court on the 18th of February, 2026;

WHEREAS, the Plaintiffs filed this cause of action on the 18th of February, 2026 and specifically, but not exclusively, prayed for emergency and immediate injunctive relief for the reasons stated in the Complaint and Memorandum of Law in addition to the other pleadings;

WHEREAS, the Plaintiffs filed a Notice the request for temporary injunctive relief on the 18th day of February, 2026;

WHEREAS, at 12:00 p.m. (noon), in the Circuit Court of Tazewell County, Virginia, the Plaintiffs were present by counsel and the Defendants were present by Counsel for the Attorney General of Virginia;

WHEREAS, the local parties of Tazewell County; to-wit: Brian Earls, Registrar, Irma Mitchell, Jane Sorensen, and James McDonald, Tazewell County Electoral Board members, were present in person, and by counsel;

WHEREAS, it appeared that no other parties or persons with interest were present or consented to the jurisdiction of the Court;

WHEREAS, the Court heard and considered arguments presented by Counsel for the Plaintiffs and Counsel for the Attorney General of Virginia as it related to the request for an Emergency Injunction;

WHEREAS, upon the review of the Complaint previously mentioned, the other pleadings in this matter; upon the consideration of the arguments presented; the Court FINDS as follows:

Having considered the Plaintiffs' Emergency Motion for Temporary Restraining Order and the briefing, record, oral argument at the February 19, 2026 hearing, and pertinent authorities, the Court finds that Plaintiffs are entitled to a temporary restraining order pending a hearing on Plaintiffs' Motion for Preliminary Injunction or other motions that may come before the Court after proper and timely notice to all parties herein.

Having previously found that House Joint Resolution 6007 is "VOID AB INITIO" and even if it "HAD been valid," no "NEXT ENSUING GENERAL ELECTION OF THE MEMBERS OF THE HOUSE OF DELEGATES" has occurred as required by Article XII, Section 1 of Virginia's Constitution, and that the amendment process violated Section 30-13 of the Virginia Code, *McDougle v. Nardo*, No. CL25-1582-00, 2026 WL 243908, **2-4 (Va. Cir. Ct. Jan. 27, 2026), the Court finds that Plaintiffs have an extraordinarily high likelihood of success on the merits. Moreover, the Court finds that Plaintiffs are also likely to succeed on the merit of their claim that the referendum on the proposed amendment violates the timing requirement of Article XII, Section 1 because early voting is set for "sooner than 90 days after" the January passage of House Joint Resolution 4. The

Court also finds that Plaintiffs are likely to succeed on their claim that the ballot language as set by HB 1384 violates the Submission Clause of Article XII, Section 1 of Virginia's Constitution because it is misleading, in particular the "restore fairness" language because it would lead a voter to believe he or she were doing something unfair by voting against the proposed amendment.

The Court also finds that the equities weigh in favor of injunctive relief. The Court finds that Plaintiffs will be irreparably harmed absent injunctive relief because of the numerous violations of the constitutional amendment process and because Congressmen Cline and Griffith would be irreparably harmed by their districts changing at this juncture.

The Court finds that the equities of this case warrant temporary relief "for the limited purpose of preserving the status quo between the parties pending a hearing on a motion for a preliminary injunction," and that "adequate notice to opposing parties has been given by the movant." Va. Sup. Ct. R. 3:26(b).

In addition, the Court denies Defendants' procedural objections *in toto*. Transfer is not warranted in this case because venue is proper in this Court under Va. Code §8.01-261(2) and under Va. Code §8.01-261(15)(c), and because HB 1384's transfer-of-venue provision is an unconstitutional "special" law under Article IV, Section 14, and could not take effect in any event before July 1, 2026 because it is not a "general appropriation law" and is not "emergency" legislation enacted "by a vote of four-fifths of the members voting in each house." Va. Const., art. IV, section 13.

Further, staying this case, or dismissing this case, and the relief requested therein in favor of the appeal in the *McDougle* case pending at the Supreme Court of Virginia is unwarranted because this is a different case with different plaintiffs and different

defendants concerning a different statute (HB 1384) and a different issue (the propriety of the referendum) than are before the Court in the *McDougle* case.

The Court, therefore:

1. **DENIES** Commonwealth of Virginia Defendants' Motion/Objection to Transfer Venue;

2. **DENIES** Commonwealth of Virginia Defendants Motion to Stay pending appeal of *McDougle v. Nardo*.

3. **GRANTS** Plaintiffs' Emergency Motion for Temporary Restraining Order and **ORDERS** the following:

All Defendants are **TEMPORARILY RESTRAINED** in their official capacities from administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment contained in House Joint Resolution 6007, Gen. Assemb., Spec. Sess. (Va. 2025).

Brian Earls, Registrar, and the other named Electoral Board members are **TEMPORARILY RESTRAINED AND ENJOINED** in their official capacities, as defined in Title 24.2, Chapter 1, Article 3 of the Code of Virginia (1950), as amended, from administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment contained within House Joint Resolution 6007, Gen. Assmb., Spec. Sess. (Va. 2025). All other duties, functions, responsibilities, and obligations as it relates to other functions of the local Registrar

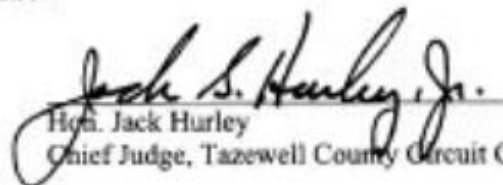
and local Electoral Board members shall neither be impacted nor prohibited by this Order.

This emergency injunction order shall be effective from February 19, 2026, the entry date of this Order, until March 18, 2026, at which time it shall stand dissolved unless prior thereto it shall have been enlarged, modified, or a further injunction shall have been granted by further Order of this Court; and,

The Clerk of the Circuit Court of Tazewell County, Virginia SHALL forward an attested copy of this Order to all counsel of record and to all Defendants in their respective capacities. Further, given that service of process has not been effectuated on all Defendants, specifically the local Registrar and the local Electoral Board Members, the Court SHALL also continue this matter on the Court's active docket until such time as proper returns of service on all Defendants are filed with the Court before scheduling any further hearing or proceeding on this matter.

4. **DENIES** Commonwealth Defendants' Motion to Stay the Temporary Restraining Order pending appeal.

ENTERED this 19th day of February, 2026.


Hon. Jack Hurley
Chief Judge, Tazewell County Circuit Court