

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

---

LEAGUE OF WOMEN VOTERS OF VIRGINIA *et al.*,

*Plaintiffs,*

v.

VIRGINIA STATE BOARD OF ELECTIONS *et al.*,

*Defendants.*

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

---

**PUBLIC INTEREST LEGAL FOUNDATION AND LANDMARK LEGAL  
FOUNDATION’S MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF**

The Public Interest Legal Foundation (“PILF”) and Landmark Legal Foundation (“Landmark”), by and through undersigned counsel, respectfully move for leave of court to file an *amici curiae* brief in the above captioned case. The proposed brief and exhibits are attached to this motion.<sup>1</sup> In support of this motion, *amici* state the following:

1. PILF is a non-partisan, 501(c)(3) public-interest organization that is dedicated entirely to promoting the integrity of elections nationwide through research, education, remedial programs, and litigation. This matter presents issues that are at the core of PILF’s election-integrity mission—namely, the problems and risks attendant to absentee balloting. PILF thus has a serious interest in the subject of this action.

2. Landmark is a national public interest law firm committed to preserving the principles of voter integrity, separation of powers, federalism, and defending individual rights and responsibilities. Landmark thus has a serious interest in the subject of this action.

---

<sup>1</sup> No party’s counsel authored the brief in whole or in part. No party, no party’s counsel, nor any other person, other than *amici*, contributed money for the preparation or submission of this brief.

3. *Amici* believe the information presented in the proposed brief and exhibits will significantly aid the Court in the resolution of the questions raised herein.

4. As part of its mission, PILF studies, audits, and analyzes voter rolls throughout the country. At considerable expense, PILF compares voter roll data against federal and other public or commercial databases to flag registrations that may be incomplete, outdated, or no longer valid. For example, PILF uses verifiable death records such as the Social Security Death Index as well as other commercial databases to identify with a high degree of confidence active registrants who are deceased.

5. PILF submits its findings and leads to state and local election officials for further investigation in order to aid their voter roll maintenance programs.

6. PILF recently provided findings regarding potentially deceased registrants, registrations at apparent commercial addresses, and duplicated registrations across state line to the Virginia Department of Elections. A copy of that submission is attached to *amici's* proposed brief.<sup>2</sup> While election officials alone determine whether an individual is eligible to vote, *amici* believe this Court will benefit from understanding the apparent condition of Virginia's voter roll as it considers whether to invalidate Virginia's witness requirements for absentee ballots.

7. In the brief supporting their request for a preliminary injunction, Plaintiffs contend that the "absentee witness requirement's burden on voters far outweighs its minimal-to-nonexistent promotion of election integrity." (Doc. 17 at 26.) *Amici's* brief presents factual matters related to that assertion and the brief is thus relevant to the issues before the Court.

---

<sup>2</sup> *Amici* have redacted as much personally identifying information in the copy of its submission filed in this Court as possible while still preserving the ability to review discrete records. PILF could of course file an unredacted copy of the data under seal should the Court order.

8. The information and data presented in *amici's* brief will very likely not be presented by the existing parties, intervenors, or other *amici* because no other existing party, intervenor, or *amici*, to the best of *amici's* knowledge, has invested the resources into examining this question.

9. Mindful of the Court's limited judicial resources, *amici* do not seek to intervene as parties or receive any oral argument time. *Amici* wishes merely to direct the Court to concrete factual matters bearing on the issues presented. Permitting *amici* to file the attached brief and exhibits will thus not prejudice any party or delay resolution of this matter.

10. WHEREFORE, *amici* respectfully requests leave to file the attached *amici curiae* brief and exhibits.

Dated: April 28, 2020.

Respectfully submitted,

/s/ Graven W. Craig  
Graven W. Craig, Esq. (VSB 41367)  
CraigWilliams, PLC  
P.O. Box 68  
202 W. Main Street  
Louisa, Virginia 23093  
Phone: 540-967-9900  
Fax: 540-967-3567  
graven@callnow.law

J. Christian Adams\*\* (Va. Bar #42543)  
Public Interest Legal Foundation  
1555 King St., Ste. 200  
Alexandria, VA 22314  
(317) 203-5599  
adams@publicinterestlegal.org  
\*\* *Admission to Western District of Virginia forthcoming*

Noel H. Johnson\*  
Public Interest Legal Foundation  
32 E. Washington Street, Ste. 1675  
Indianapolis, IN 46204  
(317) 203-5599  
njohnson@publicinterestlegal.org

Michael J. O'Neill (Va. Bar # 45718)\*  
Matthew C. Forys (Va. Bar # 65455)\*  
Landmark Legal Foundation  
19415 Deerfield Ave.  
Suite 312  
Leesburg, VA 20176  
(703) 554-6100  
mike@landmarklegal.org  
matt@landmarklegal.org  
\**Not admitted in Western District of Virginia*  
*Pro hac vice motions to be filed, if necessary*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2020, I electronically filed the foregoing using the Court's ECF system, which will serve notice on all parties.

/s/ Graven W. Craig  
Graven W. Craig, Esq. (VSB 41367)  
graven@callnow.law  
*Counsel for proposed amici*