

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

THOMAS P. REED and
ROBERT HESS,

Plaintiffs,

v.

Case No.: CL20-622

VIRGINIA DEPARTMENT OF ELECTIONS,
and JAMILAH D. LECRUISE, JOHN O'BANNON,
and ROBERT H. BRINK, in their official capacity as
members of the Virginia State Board of Elections.

Defendants.

ORDER

This case came before the Court on OCTOBER 28, 2020, for a hearing on Plaintiffs' Complaint seeking declaratory and injunctive relieve against the Defendants. J. CHRISTIAN ADAMS, ESQ., PHILLIP S. GRIFFIN, II, ESQ, and CHRISTOPHER M. MARSTON, ESQ. appeared for the Plaintiffs. Assistant Attorney General, CAROL L. LEWIS, ESQ. appeared for the Defendants. A court-reporter from Valley Reporting was also present transcribing the proceedings. The Court heard arguments from all counsel and reviewed the briefs and relevant case law. Taking into consideration that Election Day is in less than a week and the parties' appeal rights, the Court orally issued its Opinion from the Bench. For the reasons stated in Court and on the transcript, it is **ADJUDGED** and **ORDERED** as follows:

ORDERED that the injunction is **DENIED** as to the portions of the regulation addressing absentee ballots with illegible postmarks. Per the Virginia Department of Elections regulation, those absentee ballots shall be counted if the postmark is illegible and the oath on Envelope B was signed on or before the date of the relevant election; and

IT IS FURTHER ORDERED that the injunction is **GRANTED** as to the portions of the regulation addressing absentee ballots received after Election Day but before noon on the third day of the election that have no postmark. These absentee ballots will not be counted if it cannot be confirmed from the Intelligent Mail barcode that the ballot was mailed on or before the date of the relevant election.

The Court notes Plaintiffs' and Defendants' objections to its ruling. Defendants' objections are fully stated on the transcript of the proceedings.

The Clerk is directed to send a copy of this order to counsel of record. Endorsement is dispensed with pursuant to Supreme Court Rule 1:13.

ENTERED this 28^r day of OCTOBER 2020.


WILLIAM W. ELDRIDGE IV
JUDGE