

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

NEW VIRGINIA MAJORITY EDUCATION FUND; VIRGINIA CIVIC ENGAGEMENT TABLE; LEAGUE OF WOMEN VOTERS OF VIRGINIA,

*Plaintiffs,*

v.

VIRGINIA DEPARTMENT OF ELECTIONS; VIRGINIA STATE BOARD OF ELECTIONS; ROBERT H. BRINK, in his official capacity as Chairman of the State Board of Elections; JOHN O'BANNON, in his official capacity as Vice Chair of the Board; CHRISTOPHER PIPER, in his official capacity as Commissioner of the Virginia Department of Elections; and JAMILAH D. LECRUISE, in her official capacity as Secretary of the Board,

*Defendants.*

Civil Action  
Case No. 3:20-CV-801

**BRIEF IN RESPONSE TO PLAINTIFFS' COMPLAINT**

Defendants agree with Plaintiffs that an order from this Court would vindicate the public interests of ensuring access to the voting booth and election integrity. The voter registration deadline in Virginia, as established by Virginia law, was Tuesday, October 13. *See* Va. Code § 24.2-416. Defendants acknowledge that on October 13, 2020, a fiber optic cable was severed that hindered service to Virginia voter registration websites. That service was restored prior to 4:00 p.m. that day.

Defendants recognize that the outage resulted in the inability of certain Virginians who attempted to register to vote to accomplish their registration. Virginia state law does not authorize Defendants to extend the deadline established by the Virginia Code for voter registration.

Plaintiffs brought suit against Defendants on October 13, 2018 to request a judicial

extension of the voter registration deadline in order to accommodate Virginia citizens who claim that their rights were violated when they were unable to register prior to the statutory deadline.

Defendants recognize the importance of access to the voting booth and would ask this Court to extend the voter registration deadline to October 15, 2020. Defendants would respectfully ask this Court to delay any consideration of further relief until such time as a hearing on the matter may be set.

MARK R. HERRING  
Attorney General of Virginia  
By: /s/ Carol L. Lewis  
CAROL L. LEWIS (VSB #92362)  
HEATHER HAYS LOCKERMAN (VSB #65535)  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
clewis@oag.state.va.us

**CERTIFICATE OF SERVICE**

I certify that on October 13, 2020, I served a copy of the foregoing Brief in Response to Plaintiffs' Complaint via filing with the Court's CM/ECF system, which sent copies of this document to Counsel of Record.

*Carol L. Lewis*  
CAROL L. LEWIS (VSB #92362)  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
clewis@oag.state.va.us