

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWell COUNTY

RYAN T. MCDOUGLE,
Virginia State Senator and Legislative
Commissioner for the Virginia
Redistricting Commission,
WILLIAM M. STANLEY JR.,
Virginia State Senator and Legislative
Commissioner for the Virginia
Redistricting Commission,
TERRY KILGORE,
Delegate to the Virginia House of Delegates,
VIRGINIA TROST-THORNTON,
Citizen Commissioner of the Virginia
Redistricting Commission,

Plaintiffs,

v.

G. PAUL NARDO, in his official capacity as
Clerk of the Virginia House of Delegates,
SUSAN CLARKE SCHAAR, in her official
capacity as Clerk of the Virginia Senate,
TARA PERKINSON, in her official capacity
as Chief Deputy Clerk of the Virginia Senate,
And CHARITY D. HURST, in her official
Capacity as Clerk of Court of the Tazewell
Circuit Court

Defendants.

Civil Action No.: Ch25-1582

Received and filed in Tazewell County,
Virginia Circuit Court Clerk's Office.
This the 18 day of Oct, 25
Time 12:15 P M.

TESTE: C. B. Brewster
Clerk, Deputy Clerk

VERIFIED COMPLAINT
FOR DECLARATORY JUDGMENT AND EMERGENCY INJUNCTIVE RELIEF

Plaintiffs, Ryan McDougle and Bill Stanley, Virginia State Senators and members of the Virginia Redistricting Commission; Terry Kilgore, Delegate to the Virginia House of Delegates; and Virginia Trost-Thornton, Citizen Commissioner of the Virginia Redistricting Commission, by counsel, for their Complaint for Declaratory Judgment and Emergency Injunctive Relief against the Defendants G. Paul Nardo, Clerk of the Virginia House of Delegates; Susan Clarke Schaar, Clerk of the Virginia Senate; Tara Perkinson, Chief Deputy Clerk of the Virginia Senate; and Charity D. Hurst, Clerk of the Tazewell Circuit Court allege and state as follows:

PARTIES

1. Plaintiff, Ryan T. McDougle is the Republican Minority Leader of the Virginia State Senate, Legislative Commissioner for the Virginia Redistricting Commission, and a Virginia voter who resides in an electoral district in Virginia. As Minority Leader of the Virginia State Senate, Senator McDougle is responsible for appointing two commissioners to the Virginia Redistricting Commission. Va. Const., art. II, §6-A(b)(1)(B). Plaintiff McDougle's place of residence is in Hanover County, Virginia.

2. Plaintiff, William M. Stanley Jr., is a Virginia State Senator and Legislative Commissioner for the Virginia Redistricting Commission, and a Virginia voter who resides in an electoral district in Virginia. Plaintiff Stanley's place of residence is Franklin County, Virginia.

3. Plaintiff, Terry Kilgore, is the Republican Minority Leader of the Virginia House of Delegates, Member of the Committee of Rules of the House of Delegates, a Virginia voter who resides in an electoral district in Virginia, and a candidate for re-election to the Virginia House of Delegates. As Minority Leader of the Virginia House of Delegates,

Delegate Kilgore is responsible for appointing two commissioners to the Virginia Redistricting Commission. Va. Const., art. II, §6-A(b)(1)(D). Plaintiff Kilgore's place of residence is in Scott County, Virginia.

4. Plaintiff, Virginia Trost-Thornton, is a Citizen Commissioner of the Virginia Redistricting Commission and Virginia registered voter who resides in an electoral district in Virginia. Plaintiff Trost-Thornton's place of residence is in Bedford County, Virginia.

5. Defendant, G. Paul Nardo, is the Clerk of the Virginia House of Delegates.

6. Defendant Nardo is sued in his official capacity as Clerk of the Virginia House of Delegates.

7. Defendant, Susan Clarke Schaar, is the Clerk of the Virginia Senate.

8. Defendant Schaar is sued in her official capacity as Clerk of the Virginia Senate.

9. Defendant, Tara Perkinson, is the Chief Deputy Clerk of the Virginia Senate.

10. Defendant Perkinson is sued in her official capacity as Chief Deputy Clerk of the Virginia Senate.

11. Defendant, Charity D. Hurst, is the Clerk of Court of the Tazewell Circuit Court.

12. Defendant Hurst is sued in her official capacity as Clerk of Court of the Tazewell Circuit Court.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the subject matter of this Complaint pursuant to Sections 8.01-184, 8.01-186, and 8.01-620 of the Virginia Code. These statutory sections permit this Court to issue declaratory judgments as well as grant injunctive relief to effectuate its declaratory judgments and general jurisdiction to award injunctions “whether the judgment or proceeding enjoined be in or out of the circuit, or the party against whose proceedings the injunction be asked resides in or out of the circuit.”

14. Venue is proper in this Court under Va. Code §8.01-261(15)(c) because this is a proceeding to award an injunction for an act to be done in the County of Tazewell.

15. As set forth below, there is a dispute over the rights, status, and legal relationship between the parties to this constitutional controversy stemming from the administrative action of the legislative clerks. Plaintiffs have a substantial present interest in the relief sought.

FACTUAL ALLEGATIONS

16. When they assumed their duties as officers of the Commonwealth of Virginia each of the Plaintiffs took an oath. Each swore and affirmed the following:

“I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me” according to “the best of my ability (so help me God).” Va. Const. art. II, §7.

17. Consistent with and as demanded by this oath, Plaintiffs file this action in order to support and defend the constitutional right and authority of Virginia’s Redistricting Commission to “establish[] districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly,” Va. Const., art. II, §6-A, and the constitutional right and authority of Virginia’s governor to call special sessions of

the General Assembly and determine the subjects of those sessions, Va. Const. art. IV, §6; *id.* art. V, §5.

18. In 2020, the people of Virginia amended the Constitution of Virginia to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, to draw the congressional and state legislative districts that will be subsequently voted on, but not changed by, the General Assembly. Va. Const. art. II, §6-A.

19. The people of Virginia amended Virginia’s Constitution to provide that the Virginia Redistricting Commission shall be convened to “establish[] districts for the United States House of Representatives.” *Id.*

20. The people of Virginia amended Virginia’s Constitution to provide that the Virginia Redistricting Commission—not the Virginia General Assembly itself—“submit to the General Assembly plans for districts for the United States House of Representatives” following “the receipt of census data” for the preceding decade. *Id.*

21. 2025 is not “ten years” after “2020.”

22. The Virginia House of Delegates is not the Virginia Redistricting Commission.

23. Because 2030 is five years away, there is no census data for the decade from 2020 to 2030 upon which to redraw and reapportion Virginia’s electoral districts.

24. Under Virginia’s Constitution, the Virginia House of Delegates has no constitutional authority to propose a plan to redraw or reapportion districts for the United States House of Representatives.

25. The Virginia Redistricting Commission is the only entity with the constitutional authority to initially establish a proposed plan to redraw or reapportion districts for the United States House of Representatives.

26. On May 13, 2024, the Virginia Governor called a Special Session of the General Assembly, for the limited purpose of addressing the state's budget. *See Proclamation*, OFF. OF GOV. OF VA. (Apr. 17, 2024), perma.cc/U2DB-DKN7.

27. The Governor's purpose for which the 2024 Special Session was called was completed in 2024 with adoption of the budget. Thereafter, there remained no further "special" circumstances that justified continuation of the Special Session.

28. Yet last week Virginia House of Delegates Speaker Don Scott called delegates back to Richmond to purportedly reconvene the 2024 Special Session that had been called for by Virginia's Governor.

29. On October 23, 2025, Speaker Scott sent a letter to members of the Virginia House of Delegates that he was reconvening the Special Session that Virginia's Governor had commenced on May 13, 2024 "to consider matters properly before the ongoing session and any related business laid before the body."

30. Speaker Scott reconvened the House of Delegates to propose a constitutional amendment to nullify Article II Section 6-A of the Virginia Constitution and strip the Virginia Redistricting Commission of its constitutional authority to establish proposed plans to redraw or reapportion districts for the United States House of Representatives.

31. In his letter to legislators, Speaker Scott purported to call the Virginia House of Delegates into a “Special Session” pursuant to the Virginia Governor’s call to a Special Session to adopt a budget in 2024.

32. But Speaker Scott did not propose a budget bill when he reconvened the Virginia House of Delegates.

33. On October 27, 2025, Speaker Scott and other Democratic members of the Virginia General Assembly introduced HJR 6006 to expand the “scope of business” that “may come before the 2024 Special Session I of the General Assembly of Virginia” allowing for a “joint resolution proposing an amendment to the Constitution of Virginia related to reapportionment or redistricting” to be “offered and considered during the 2024 Special Session I of the General Assembly.” *See* House Joint Resolution 6006, VA. HOUSE OF DELEGATES (Oct. 27, 2025),

34. Speaker Scott and other Democratic members of the Virginia General Assembly plan to propose a new amendment to Virginia’s Constitution that would strip the Virginia Redistricting Commission of its authority to establish proposed plans to redraw or reapportion districts for the United States House of Representatives. Their plan is to introduce that amendment tomorrow—Wednesday, October 29, 2025—when the Virginia House of Delegates meets at noon.

35. On Monday, October 27, 2025, Delegate Rodney Willett, D-Henrico, told the press that he is sponsoring the resolution and plans to release it Wednesday and that the redistricting process will not include the General Assembly boundaries and will be only for congressional districts for the United States House of Representatives. Brandon Jarvis, *Day 1 of Redistricting*, VA. POLITICAL NEWSLETTER, perma.cc/4L4N-5PWW.

36. The new constitutional amendment will allow for the redrawing of Virginia's districts for the United States House of Representatives from 6 seats that are currently held by Democrats and 5 seats that are currently held by Republicans to 10 seats that are held by Democrats but only 1 seat that is held by Republicans.

37. The amendment will allow for the Virginia General Assembly—not the Virginia Redistricting Commission—to propose a plan to redraw Virginia's electoral districts for the United States House of Representatives with no input or involvement from the Virginia Redistricting Commission.

38. Speaker Scott and other Democratic members of the Virginia General Assembly are attempting to amend the reapportionment and redistricting process established by Virginia's Constitution after voting has already begun across Virginia to elect a new governor, lieutenant governor, attorney general and new members of the House of Delegates.

39. But neither Speaker Scott nor any other legislator has any legal authority to summon the House of Delegates or the Virginia Senate to reconvene a Special Session commenced by Virginia's Governor.

40. Neither Speaker Scott nor any other legislator has legal authority to determine, amend, or expand the subject of any Special Session commenced by Virginia's Governor.

41. The bedrock principle of the separation-of-powers that undergirds Virginia's Constitution makes clear that no branch of state government may exercise any of the functions of another branch, unless expressly permitted by the Virginia Constitution. Va. Const. art. III, §1. This principle protects the independence and integrity of each

branch, not only from direct infringement by the other branches, but also from any indirect or even remote influence from those branches. *Id.* It is designed to preserve the liberty of all the people “from oppression.” *Id.*

42. “[W]henever a separation-of-powers violation occurs, any aggrieved party with standing may file a constitutional challenge.” *Collins v. Yellen*, 594 U.S. 220, 245 (2021); *see also Gray v. Virginia Sec’y of Trans.*, 276 Va. 93, 106-07 (2008) (the separation of powers clauses of the Virginia Constitution “are self-executing constitutional provisions and thereby waive the Commonwealth’s sovereign immunity”).

43. The right and authority to both call a Special Session and to reconvene a Special Session is unequivocally and exclusively a function of the governor. So neither Speaker Scott nor any other member of the Virginia General Assembly can exercise this function.

44. Article IV, Section 6 and Article V, Section 5 of the Virginia Constitution empower only Virginia’s Governor to call a Special Session of the General Assembly.

45. Article IV, Section 6 of Virginia’s Constitution provides that: “The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.”

46. Article V, Section 5 of Virginia’s Constitution provides that: “The Governor shall ... convene the General Assembly ... when, in his opinion, the interest of the Commonwealth may require.”

47. But when Speaker Scott reconvened the House of Delegates to meet in a Special Session, he did so based on his opinion—not the Governor’s opinion or upon application of two-thirds of the members elected to each house.

48. When Speaker Scott reconvened the House of Delegates to meet in a Special Session, he did so to address certain subjects that Scott—not Virginia’s Governor—believed to be in the interest of the Commonwealth.

49. By rule and statute, it is the duty of the Clerk of the House of Delegates to transmit any legislation passed by the House of Delegates to the Clerk of the Virginia Senate, including the proposed constitutional amendment. Va. Code §30-12; 2024-2025 Rules of the Virginia House of Delegates, Rule 79, perma.cc/MD5V-8P5W.

50. This duty cannot be delegated or assigned to any other agent.

51. It is the duty of the Clerk of the Virginia Senate or the Deputy Chief Clerk to receive any legislation, including the proposed constitutional amendment, from the Virginia House of Delegates and transmit the same to the Virginia Senate to be voted on. Rules of the Virginia Senate, Rule 12, perma.cc/5TAQ-822N.

52. This duty cannot be delegated or assigned to any other agent.

53. Virginia Code Section 30-12 provides that: “The several officers of each house of the General Assembly shall perform such duties as shall be required of them by their respective houses.”

54. Under the rules of the Virginia House of Delegates, it is “the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence

of that body.” 2024-2025 Rules of the Virginia House of Delegates, Rule 79, perma.cc/MD5V-8P5W.

55. Under the rules of the Virginia Senate, it is “the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body.” Rules of the Virginia Senate, Rule 12, perma.cc/5TAQ-822N.

56. Under the rules of the Virginia House of Delegates, all “joint resolutions proposing amendments to the Constitution will be signed by the Speaker” and “attested by the Clerk.” 2024-2025 Rules of the Virginia House of Delegates, Rule 79, perma.cc/MD5V-8P5W.

57. Unless this Court takes action to immediately enjoin Defendant Nardo, he will attest to the proposed constitutional amendment.

58. Unless this Court takes action to immediately enjoin Defendant Nardo, then Defendant Nardo will transmit the proposed constitutional amendment to Defendant Schaar or Defendant Perkinson.

59. Defendants swore an oath to support the Constitution of the Commonwealth of Virginia when they assumed their offices.

60. Unless this Court enjoins them, Defendants Nardo, Schaar, and Perkinson will breach their oaths when Defendant Nardo transmits the proposed unconstitutional amendment from the House of Delegates to either Defendants Schaar and Perkinson in the Senate.

CLAIMS

COUNT I

Violation of the Virginia Governor's Power to Convene a Special Session

Va. Const. art. I, §5; Va. Const. art. III, §1; Va. Const. art. V, §5; Va. Const. art. IV, §6; Va. Code §8.01-184, §8.01-186, §8.01-620 *et seq.*

61. Plaintiffs incorporate by reference herein all previous allegations.

62. In 1971, the people of the Commonwealth ratified a new Constitution vesting in the Governor the power to convene a special session of the General Assembly. Va. Const. art. IV, § 6; *id.* art. V, §5. This specific power to convene a “special session” was a new feature of the 1971 Constitution. *Compare with* Va. Const. of 1902, art. V §73.

63. Article 4, Section 6 of the 1971 Constitution provides: “The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.” *See also* Va. Const. art. V, §5 (“The Governor shall . . . convene the General Assembly on application of two-thirds of the members elected to each house thereof, or when, in his opinion, the interest of the Commonwealth may require.”).

64. These provisions vest the power to convene a special session exclusively in the hands of the Governor. Accordingly, the Speaker of the House has no constitutional power to call a special session, extend the length of an existing special session, or expand the scope of matters to be considered at an existing special session. Speaker Scott’s attempts to do so are unconstitutional and void.

65. If the Speaker of the House could call a new special session under the guise of extending an existing special session, it would vitiate the constitutional decision to vest convening power in the Governor.

66. And if the Speaker of the House could expand matters treated at a special session to cover any subject he wished, it would obliterate the Constitution's distinction between regular sessions and special sessions of the General Assembly. *See* Va. Const. art. IV, §6. The General Assembly's "regular session" meets "once each year on the second Wednesday in January," for a constitutionally limited number of days. *See id.* These limitations have deep roots in Virginia constitutional history and reflect a longstanding "distrust of legislators" as well as a "fear of ... more laws and more changes in the law." A.E. Dick Howard, 1 *Commentaries on the Constitution of Virginia* 491, 493 (1974). Allowing the General Assembly to extend and expand special sessions would nullify the Constitution's strict limitations on regular sessions. It would give the General Assembly a roving commission to hold regular sessions any time it liked, under the pretense of holding "special sessions."

67. When Virginia ratified its 1971 Constitution, it was long understood that a special legislative session convened by the governor must be limited to the subjects of the governor's initial call. *See Arrow Club, Inc. v. Nebraska Liquor Control Comm'n*, 131 N.W.2d 134, 137 (Neb. 1964) ("It is well established that the legislature while in special session can transact no business except that for which it was called together."); *State ex rel. Conway v. Versluis*, 120 P.2d 410, 413 (Ariz. 1941) ("There can be no doubt that unless a law passed at a special session is germane to some subject within the call, the Legislature is without power to pass it."); *Com. ex rel. Schnader v. Liveright*, 161 A. 697, 703 (Pa.

1932) (“[T]he Legislature must confine itself to the matters submitted.”); *State v. Woollen*, 161 S.W. 1006, 1014 (Tenn. 1913) (“[T]he Governor may confine the Legislature, called in special session, to such subjects of legislation as he may prescribe.”). If a special session could be broadened indefinitely, it wouldn’t be a “special” session at all.

68. When a bill does not fall within the range of subjects for which the Governor called the special session, it is outside the scope of that session—and invalid. So, for example, restrictions on alcohol cannot be passed during a special session called to raise revenue. *See In re Opinions of the Justs.*, 166 So. 710, 712 (Ala. 1936). A law to change the speed limit is invalid when passed during a special session that the governor called to change the tax rate. *See Jones v. State*, 107 S.E. 765, 766 (Ga. 1921). A special session called to provide poor relief cannot validly be used to increase salaries of state workers. *See State ex rel. Bond v. Beightler*, 135 Ohio St. 361, 361–62 (Ohio 1939). And when the governor calls a special session to propose additional regulatory measures, that cannot be used to enact new criminal offenses. *People v. Larkin*, 517 P.2d 389, 390 (Colo. 1973).

69. Just so, a special session called to complete the budget cannot be used to pursue redistricting reform.

70. On April 17, 2024, Governor Youngkin called a special session “for the purpose of completion of the 2024-2026 biennial budget and amendments to the 2022-2024 biennial budget.” This session was to begin on May 13, 2024.

71. Under Article IV, Section 6 of the Constitution, this special session—called for the sole purpose of dealing with the budget—cannot be used to pursue the completely unrelated goal of changing the Commonwealth’s redistricting process.

72. Any attempt by legislative leadership to expand the scope of the special session to encompass redistricting is therefore nonconstitutional. And the General Assembly lacks power, during this special session, to pass a statute or constitutional amendment that affects redistricting.

73. During this special session, the Clerk (or Chief Deputy Clerk) of the Senate and the Clerk of the House of Delegates likewise lack legal power to transmit from the one house to the other any resolution or proposal that seeks to alter Virginia's redistricting laws—or broaden the scope of the special session to encompass redistricting matters.

74. In Virginia, it is well established that a court may order a clerk to comply with the law in performing his ministerial duties. *See Wolfe v. McCaull*, 76 Va. 876, 891 (Va. 1882) (issuing a writ of mandamus compelling the Clerk of the House of Delegates to comply with his “duty”). *See also Wise v. Bigger*, 79 Va. 269, 278 (Va. 1884) (reaffirming this principle); *State ex rel. Browning v. Blankenship*, 175 S.E.2d 172, 175 (W. Va. 1970) (ordering a legislative clerk to comply with his mandatory duty); *cf. Fouracre v. White*, 102 A. 186, 196 (Del. Super. Ct. 1917) (“the writ of prohibition can always issue to prevent the performance of a public act by a public body or tribunal, acting under color of law, that has in fact no legal existence”).

75. This Court should therefore issue an order that G. Paul Nardo (the Clerk of the Virginia House of Delegates), Susan Clarke Schaar (Clerk of the Virginia Senate), and Tara Perkinson (Chief Deputy Clerk of the Virginia Senate) refrain from transmitting to the other chamber—or receiving the transmission from the other chamber—any legislative or constitutional proposal that seeks to modify redistricting.

76. This Court should also issue an order that Nardo, Schaar, and Perkinson refrain from transmitting—or receiving the transmission of—any resolution, including HJR 6006, that purports to expand the scope of this special session to cover matters related to redistricting.

77. Under Virginia law, the Clerk of the House of Delegates provides copies of any proposed constitutional amendment to the clerk of each circuit court, who then posts one copy at the courthouse doors and makes another copy available for public inspection. *See* Va. Code Ann. §30-13. Under this law, Nardo, as House Clerk, would ordinarily send copies of a proposed amendment to Charity D. Hurst, the Clerk of Court of the Tazewell Circuit Court. Hurst would then post one copy of the amendment and have another copy available for inspection.

78. Because the General Assembly has no power to propose a constitutional amendment related to redistricting during this special sitting, any such constitutional amendment that the General Assembly purports to propose is no such thing. Defendant Nardo therefore lacks authority to transmit any purported amendment, and Defendant Hurst lacks authority post it at the courthouse doors or provide it for inspection.

79. This Court should therefore order Defendant Nardo not to distribute any copies of a purported redistricting amendment to Defendant Hurst.

80. This Court should also order Defendant Hurst not to post a copy of any purported redistricting amendment at the doors of the Tazewell Circuit Court—or otherwise make the purported amendment available for inspection at the courthouse.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendants and provide the following relief:

A. Declare that HJR 6006 violates Article IV Section 6 and Article V, Section 5 of the Constitution of Virginia and is null and void;

B. Declare that any amendments to the Virginia Constitution that are initiated under HJR 6006 violate Article IV Section 6 and Article V, Section 5 of the Constitution of Virginia and are null and void;

C. Temporarily restrain Defendants from attesting to, transmitting, or receiving any proposed constitutional amendment initiated under HJR 6006, until such time as the parties may brief and the Court may consider a request for a preliminary injunction;

D. Temporarily restrain Defendant Nardo from distributing from his office and Defendant Hurst from receiving and posting a copy of any purported redistricting amendment initiated under HJR 6006 at the doors of the Tazewell Circuit Court—or otherwise making the purported amendment available for inspection at the courthouse until such time as the parties may brief and the Court may consider a request for a preliminary injunction;

E. Preliminarily enjoin all Defendants from taking any action to advance any resolution or proposed constitutional amendment initiated under HJR 6006 until this Court reaches a determination concerning the merits of this Complaint;

F. Permanently enjoin Defendants Nardo, Schaar, and Perkinson from attesting to, transmitting, or receiving any proposed constitutional amendment initiated under HJR 6006;

G. Pursuant to Rule 3:25 of the Rules of the Supreme Court of Virginia, Plaintiffs seek reasonable attorneys' fees.

H. Award all other relief that this Court deems just and necessary.

Respectfully submitted October 28, 2025


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Counsel for Plaintiffs

VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3

I, Ryan T. McDougle, have reviewed the factual averments in the Verified Complaint and I declare under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

/s/ Ryan T. McDougle

Ryan T. McDougle