

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**THE CONSTITUTION PARTY OF
VIRGINIA, et al.,**

Plaintiffs,

v.

**VIRGINIA STATE BOARD OF
ELECTIONS, et al.,**

Defendants.

Case No. 3:20CV349 (JAG)

PARTIAL CONSENT JUDGMENT AND DECREE

1. Whereas Plaintiff Mitchell P. Bupp (Plaintiff Bupp), an independent candidate for the U.S. House of Representatives in Virginia's 5th District, represents that he began collecting signatures in January 2020 to qualify to appear on the November 2020 ballot.

2. Whereas on March 12, 2020, Virginia Governor Ralph S. Northam issued Executive Order 51 (EO 51) in which he declared a state of emergency in Virginia in response to the spread in Virginia of a respiratory illness (COVID-19) caused by a novel coronavirus.

3. Whereas Plaintiff Bupp represents that the emergence of COVID-19 prevented him from collecting sufficient petition signatures.

4. Whereas on May 15, 2020, Plaintiff Bupp¹ filed a complaint against the Defendants challenging enforcement of the number of petition signatures required by Virginia

¹ A number of other minor political parties and individual members of those minor political parties seeking ballot access for the November 2020 election also joined in this suit as plaintiffs. This consent decree does not apply to these other plaintiffs.

Code 24.2-506 as well as the deadline by which such signatures must be filed as established by Virginia Code 24.2-507.

5. Whereas the number of signatures of qualified Virginia voters necessary to qualify as a candidate for the United States House of Representatives is set at 1,000 by Virginia Code § 24.2-506. The petition circulators must witness each signature and sign an affidavit to that effect. *See* Virginia Code § 24.2-506. Such a petition must be filed no later than the second Tuesday in June at 7:00 p.m. *See* Virginia Code § 24.2-507.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED FOR THE REASONS STATED ABOVE IN PARAGRAPHS 1-5 THAT:

1. That Plaintiff Bupp is required to submit 35% of the total petition signatures required by Virginia Code § 24.2-506(2) to appear as a United States congressional candidate on the ballot for the November 2020 general election;

2. That for Plaintiff Bupp, the petition signature filing deadline under Virginia Code § 24.2-507 with the Virginia Department of Elections, in order to appear as a United States congressional candidate for the November 2020 general election, will be extended from June 9, 2020 to July 31, 2020 at 7:00 pm;

3. That petition circulators may witness the signature of the registered voter over the internet (e.g. Zoom, FaceTime, etc.), so long as the circulator can actually see the voter sign the form. The original form must be returned to the circulator so that the circulator may sign the affidavit, and the original form must be returned to the Department of Elections.

4. That Plaintiff Bupp's claims in this case are dismissed with prejudice.

5. The Court **ORDERS** that Plaintiff Bupp who seeks to qualify for the ballot in the November 2020 election for Virginia's 5th Congressional District must submit a petition containing at least 350 signatures of qualified registered voters.

6. The Court **FINDS** that this relief is necessitated by the unique challenges created by the COVID-19 pandemic. Further, this Order shall not apply to qualification requirements and deadlines for any future elections other than the November 2020 Election.

United States District Judge

Dated: July 1, 2020

/s/ Matthew D. Hardin

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