

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND
John Marshall Courts Building

ALAN SCHINTZIUS, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 760CL16003874-00
)	
J. KIRK SHOWALTER, et al.)	
)	
Defendants.)	

DEMURRER AND SPECIAL PLEA IN BAR

Come now the defendants, James B. Alcorn (Chairman, Virginia State Board of Elections), Clara Belle Wheeler (Vice-Chairman, Virginia State Board of Elections), Singleton B. McAllister, Esq. (Secretary, Virginia State Board of Elections) and Edgardo Cortés (Commissioner, Department of Elections) and set forth the following as their demurrer and special plea in bar to the Complaint:


Demurrer

1. The Complaint fails to state a claim on which the relief requested can be granted against these defendants because the statutes, regulations and processes complained of do not violate the United States or Virginia Constitutions.
2. The relief requested in the Complaint cannot be granted because the plaintiffs either lack standing to assert various claims in the Complaint and/or are misjoined as parties to the Complaint.
3. The relief requested in the Complaint cannot be granted because, absent any Constitutional violations, the Court lacks the statutory authority to review discretionary acts of the Richmond Electoral Board.

Special Plea

4. The Complaint should be dismissed as a result of the laches of the plaintiffs in waiting almost two months after the Richmond Electoral Board heard Alan Schintzius' appeal to bring this suit. Under the circumstances and with an election for federal and state offices fast approaching, such a delay is unreasonable and results in substantial prejudice to the defendants and the general public.

James B. Alcorn (Chairman, Virginia State Board of Elections), Clara Belle Wheeler (Vice-Chairman, Virginia State Board of Elections), Singleton B. McAllister, Esq. (Secretary, Virginia State Board of Elections) and Edgardo Cortés (Commissioner, Department of Elections)

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent via U.S. mail,
postage prepaid, on September 7, 2016 to:

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