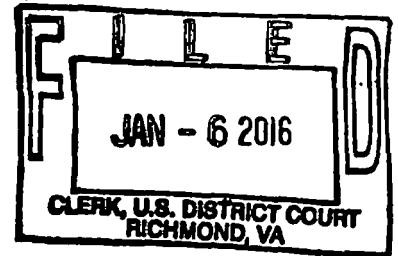


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



SA STEPHEN A. PARSON;^{SC} LEON
BENJAMIN, BRUCE L. WALLER SR.

V.

JAMES B. ALCORN, IN HIS OFFICIAL
CAPACITY AS CHAIRMAN OF THE
VIRGINIA STATE BOARD OF
ELECTIONS; CLARA BELLE
WHEELER, IN HER OFFICIAL
CAPACITY AS VICE-CHAIR OF THE
VIRGINIA STATE BOARD OF
ELECTIONS; SINGLETON B.
MCALLISTER, IN HER OFFICIAL
CAPACITY AS SECRETARY OF THE
VIRGINIA STATE BOARD OF
ELECTIONS.

CIVIL NO. 3:16CV013

**PLAINTIFFS' EX PARTE MOTION FOR PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

Absentee ballots for the 2016 Virginia Republican Presidential Primary are scheduled to be made available and mailed next week (January 15, 2016). Thus, ballots are probably already being printed or will be very shortly. In addition, the State Board of Elections, the entity with the responsibility for running the primary, has its last meeting before the primary on January 8, 2016. Finally, in under two months, Virginia will hold the Republican Presidential Primary.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their counsel, move this Court for a preliminary injunction enjoining Defendants from requiring any voter to sign the loyalty oath form as a prerequisite to vote in Virginia's 2016 Republican Presidential Primary.

Plaintiffs also move for a temporary restraining order enjoining Defendants from

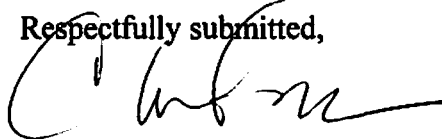
including the oath form in any absentee ballots mailed or made available to Virginia voters.

Defendants' mandatory oath requirement is a hurdle to voting in a state-funded and state-run election that disenfranchises voters in violation of the Voting Rights Act of 1965, the United States Constitution, and Virginia law. The grounds for this Motion are set forth in the accompanying brief.



Dated: January 6, 2016

Respectfully submitted,



/s/ Chester Smith

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