

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

MAKYA RENÉE LITTLE )  
- and - )  
STEVEN L. JACOBS )  
- and - )  
RUBY BERMUDEZ MARTINEZ )  
- and - )  
ANDREA SALGADO )

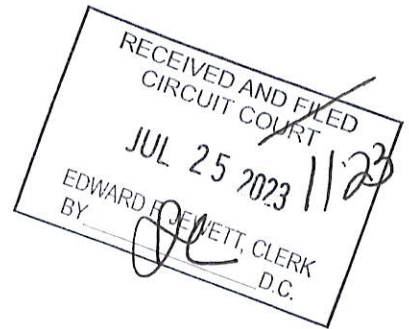
*Plaintiffs,*

v.

COMMONWEALTH OF VIRGINIA )  
- and - )  
VIRGINIA DEPARTMENT OF )  
ELECTIONS )  
- and - )  
VIRGINIA STATE BOARD OF ELECTIONS )  
JOHN O'BANNON, Chairman of )  
the State Board of Elections, in his )  
official capacity, )  
- and - )  
DEMOCRATIC PARTY OF VIRGINIA )  
SUSAN SWECKER, Chairwoman of the )  
Democratic Party of Virginia, in her )  
official capacity, )

*Defendants,*

Case No.: CL23-34782



**VERIFIED COMPLAINT**

COME NOW, the Plaintiffs, Makya Renée Little, Steven L. Jacobs, Ruby Bermudez Martinez, and Andrea Salgado (hereinafter "Plaintiffs"), pro se, and pursuant to the First,

Fourteenth, and Fifteenth Amendments of the United States Constitution, 42 U.S.C. § 1983, Section 8.01-620 of the Code of Virginia (the “Code”), the Constitution of Virginia, and Rule 3:2 of the Rules of the Supreme Court of Virginia, and state the following verified complaint for declaratory judgment and permanent, preliminary, and emergency injunctive relief against the Virginia Department of Elections, the Virginia State Board of Elections, its Chairman, and the Democratic Party of Virginia, its Chairwoman, and any and all officials authorized to make officially binding decisions on behalf of the party (together, “Defendants”) to find the provisions of Va. Code § 24.2-813 unconstitutional under the facts and circumstances set forth below, restrain Defendants from enforcing in full the petition and deadline requirements for Independent, local candidates under Va. Code § 24.2, Chapter 5, Articles 1 and 2, enjoin the Virginia Department of Elections and Virginia Board of Elections from authorizing the printing of 2023 general election ballots pending the outcome of this civil action, and to transmit to the Attorney General of Virginia this Court’s conclusion to potentially commence a civil action pursuant to Va. Code § 24.2-104.1, and for damages against the Democratic Party of Virginia for its actions in violation of the Constitution and statutory provisions, both federal and state.

This case arises at a time in the Commonwealth of Virginia in which the two Houses of the General Assembly are closely divided. The Court’s decision in this case may have an important impact on the balance of power in the Virginia General Assembly. Candidates for public office should not be able to attain election through sleight of hand and disreputable actions on the part of a political party. This case is intended to vindicate the rule of law and the Constitutions of the United States and the Commonwealth of Virginia to ensure that elections are free and fair, and that candidates are elected in an honest, legal, and pure process as mandated by

the U.S. Constitution and VA Code § 24.2-103(A). Nothing less should be required of our political parties and candidates.

### **PARTIES**

1. Makya Renée Little (herein “LITTLE”) is a resident of Woodbridge, Virginia, and is a declared candidate for Virginia House of Delegates in the 19th District (hereinafter “VA HD-19”), as well as a resident and registered voter of VA HD-19.

2. Steven L. Jacobs is a resident of Fort Belvoir, Virginia, and is a resident and registered voter of VA HD-19.

3. Ruby Bermudez Martinez is a resident of Woodbridge, Virginia, and is a resident and registered voter of VA HD-19.

4. Andrea Salgado (herein “SALGADO”) is a resident of Woodbridge, Virginia, and is a resident and registered voter of VA HD-19.

5. The Commonwealth of Virginia is one of the fifty states of the United States of America, and is the state that enacted the statutes that are the subjects of this civil action.

6. Defendant State Board of Elections, through the Virginia Department of Elections, oversees “voter registration, absentee voting, ballot access for candidates, campaign finance disclosure and voting equipment certification in coordination with Virginia’s 133 local election offices.”<sup>1</sup> *See* Va. Code § 24.2-103(A) (vesting the State Board of Elections, through the Department of Elections, with supervisory authority to obtain uniformity in their practices and proceedings and legality and purity in all elections).

7. The State Board of Elections has the duty to receive both Declarations of Candidacy from independent candidates for local offices, as well as a Petition containing

---

<sup>1</sup> <https://www.virginia.gov/agencies/department-of-elections/>

signatures. It is also authorized to “supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election.”<sup>2</sup> *See* Va. Code § 24.2-507.

8. Defendant John O’Bannon is the Chairman of the State Board of Elections. He is sued in his official capacity.

9. Defendant Democratic Party of Virginia (herein “DPVA”) The Democratic Party of Virginia “endorses the principles contained in the Charter of the Democratic Party of the United States of America, bound always by the United States Constitution and the Constitution of the Commonwealth of Virginia.” It exists to “facilitate and encourage the full participation of all Virginians in choosing their elected officials and controlling their political destiny. It is dedicated to the preservation of all the rights enumerated in Article One of the Constitution of Virginia.”<sup>3</sup>

10. Defendant Susan Swecker is the Chairwoman of the DPVA. She is sued in her official capacity.

### **JURISDICTION**

11. This court has jurisdiction over the subject matter of this Complaint pursuant to Sections 8.01-184 and 8.01-186 of the Code. These statutes permit this Court to issue both declaratory judgments as well as to grant injunctive relief to effectuate its declaratory judgments.

12. Venue is appropriate in the City of Richmond Circuit Court because the offices and officers of the Commonwealth and the DPVA are sued in their official capacity and those officers have offices within the City of Richmond. Va. Code § 8.01-261(2).

### **FACTS**

13. In early January 2022, a former Virginia general assembly elected official and member of the Prince William County Democratic Committee (herein “PWCDC”), a component

---

<sup>2</sup> <https://www.elections.virginia.gov/contact-us/about.html>

<sup>3</sup> Democratic Party of Virginia Party Plan - <http://vademocrats.org/partyplan>

of DPVA, requested Plaintiff LITTLE consider running for the Democratic nomination for VA HD-19. *See* LITTLE Declaration (Exhibit A).

14. PWCDC Chairwoman, Tonya V. James (herein “JAMES”), was advised by Plaintiff LITTLE of the request, the support and guidance Plaintiff LITTLE would need from PWCDC to navigate the process as a first-time candidate, and the personal and financial sacrifices Plaintiff LITTLE would have to make in order to do so due to the Hatch Act<sup>4</sup>—including resigning from employment with the federal government and selling her family home—and JAMES expressed full support. *See* LITTLE Declaration (Exhibit A).

15. Weeks after Plaintiff LITTLE agreed to pursue the Democratic nomination for VA HD-19, PWCDC Vice Chair, Rozia Henson (herein “HENSON”), decided to pursue the Democratic nomination for VA HD-19 as well, and JAMES’s and PWCDC’s support for Plaintiff LITTLE and equitable guidance on how to properly file and navigate the elections process ceased as a result. *See* LITTLE Declaration (Exhibit A).

16. On January 26, 2022, Plaintiff LITTLE established her campaign committee, Friends of Makya Little, and filed to run for the Democratic nomination for VA HD-19. Plaintiff LITTLE publically announced her candidacy in February 2022. *See* Little Campaign announcement article (Exhibit B).

17. While serving as Senior Vice Chair of PWCDC and before officially filing to run for the Democratic nomination for VA HD-19, HENSON misused his position by soliciting endorsements from elected officials while falsely advising them that he was the only candidate. These actions are a violation of Section 10.11 of the Democratic Party of Virginia Plan (hereinafter “DPVA policy”) and Section 10.1 of the PWCDC Bylaws. *See* DPVA Policy and PWCDC Bylaws (Exhibit C). *See also* LITTLE Declaration (Exhibit A)

---

<sup>4</sup> <https://osc.gov/Services/Pages/HatchAct-Federal.aspx>

18. Approximately April 2, 2022, HENSON established his campaign committee and filed to run for the Democratic nomination for VA HD-19. *See* Henson Campaign announcement article (Exhibit D).

19. After HENSON filed to run for the Democratic nomination for VA HD-19, Plaintiff LITTLE expressed disapproval of HENSON's conflict of interest to JAMES. JAMES, who continued to operate in her official PWCDC Chairwoman role while also serving as Campaign Manager for PWCDC Democratic candidate Senator Jeremy McPike after he obtained a primary challenger, allowed HENSON to maintain his role as Senior Vice Chair stating that it was "poor practice but not against policy," which was false according to Section 10.11 of DPVA Policy and Section 10.1 of PWCDC Bylaws. It was against both the policy and the bylaws. *See* DPVA Policy and PWCDC Bylaws (Exhibit C). *See also* LITTLE affidavit (Exhibit A). This also evidences that neither this election nor the election for Virginia's 29th Senate District (VA SD-29) was conducted with the required "purity" in accordance with Va. Code § 24.2-103(A). "Purity" has been well defined in the English language as "freedom from evil or sin," "freedom from corrupting elements," and "freedom from foreign or inappropriate elements."

20. In October 2022, Plaintiff LITTLE partnered with another member of a National Panhellenic Council (NPHC) organization to plan a bilingual and bipartisan/nonpartisan voter registration drive in her individual capacity. The PWCDC Woodbridge District Chairperson who is also Henson's biological mother, Shantell Rock (herein "ROCK"),<sup>5</sup> contacted NPHC participants and the owner of the venue, insisting they withdraw from/cancel the event claiming that their involvement gave the appearance of supporting Plaintiff LITTLE's political campaign.

---

<sup>5</sup> ROCK resigned from her role as PWCDC Woodbridge District Chairperson when she announced her run for Woodbridge District School Board Representative of Prince William County Public Schools approximately November 2022. *See* Rock Campaign announcement article (Exhibit F).

*See* Votemos screenshots (EXHIBIT E). *See also* Rock Campaign announcement article (Exhibit F).

21. JAMES took additional steps to ensure no members of PWCDC would participate by directing the PWCDC Black Caucus Chair to host a meeting where she expressed that PWCDC would not support or participate in the event. As a result of PWCDC leadership's actions, the voter registration drive that was to take place one month before Congressional midterms at a private Hispanic-owned business located in both VA CD-07 and VA HD-19 was canceled. These actions are a violation of Section 13.2 of the DPVA Policy, civil rights, and the Fourteenth and Fifteenth Amendments of the United States Constitution. *See* James screenshots and PWCDC Black Caucus Meeting screenshots (Exhibit G).

22. Residents of Plaintiffs' region have felt "ignored for many years" by elected officials and members of the Defendant DPVA who took oaths to represent them. *See* LT Carson, Shawn Gee, and H. Jay Spiegel emails (Exhibit H).

23. In April 2023, Plaintiff LITTLE expressed support for Harold Sims (herein "SIMS") after several Mount Vernon voters expressed concerns regarding the unethical, dishonest, and abusive behavior of Mateo (fka Matthew) Dunne (herein "DUNNE"), who was endorsed by Virginia state Senator Scott A. Surovell (herein "SUROVELL") and Mount Vernon School Board representative Karen Corbett Sanders (herein "CORBETT SANDERS"). *See* Little post re Sims (Exhibit J).

24. In light of mounting evidence of DUNNE's past and ongoing unethical, dishonest, and abusive behavior, multiple elected officials rescinded their endorsements of DUNNE without public announcement. *See* Dunne screenshots (EXHIBIT K).

25. On May 5, 2023, Plaintiff LITTLE hosted a bilingual voter registration drive in VA HD-19 in her candidate capacity, where Plaintiff SALGADO registered to vote for the first time. *See* Cinco de Mayo Voter Registration Drive flyer (EXHIBIT L).

26. On May 12, 2023, Plaintiff LITTLE published and posted an article in response to the increasing concerns by Mount Vernon voters regarding the seemingly inevitable Democratic endorsement of DUNNE. *See* Little article re Dunne (Exhibit M).

27. In May and June 2023, social media posts by Plaintiff LITTLE, who is a Black candidate, and representatives and supporters of SIMS, also a Black candidate, were repetitively removed/deleted from the Fairfax County Democratic Committee (herein “FCDC”), a component of DPVA, Mount Vernon District Committee’s Facebook page, and all communication was periodically suspended on the page for periods of more than 72 hours. On information and belief, CORBETT SANDERS was involved in the decision to delete Plaintiff LITTLE’s posts, thereby depriving Plaintiff LITTLE of access and the audience of VA HD-19 voters. *See* Mount Vernon Facebook screenshots (EXHIBIT N).

28. In May 2023, Plaintiff LITTLE expressed concerns to members of FCDC—to include FCDC Chair Bryan Graham, and FCDC Mount Vernon District Co-Chairs Matthew Bell (herein “BELL”) and Genie McCreery—regarding the disparate treatment of Black candidates and representatives by members of FCDC. *See* LITTLE Declaration (Exhibit A).

29. Defendant DPVA has a documented history of violating both the First Amendment and civil rights of non-incumbent party outsiders, Black/BIPOC (Black, Indigenous, People of Color) candidates, and those who express support for them. *See* 2021 The Nation article, 2021 Virginia NAACP Press Release, 2023 Cardinal News, Berry Twitter Screenshots, Berry Article (Exhibit P).



30. Around late May/early June 2023, Members of FCDC Mount Vernon District Committee began a “whisper campaign” implying to Mount Vernon District members/voters and PWCDC members that Plaintiff LITTLE was not prepared for elected office. Additionally, BELL advised Plaintiff LITTLE of an erroneous meeting date for the last Mount Vernon District meeting prior to the Democratic Primary. See Facebook/Twitter Ben Tribbit screenshots and Bell Text Exchange (Exhibit Q).

31. Days leading up to the 2023 Democratic Primary, multiple members of Defendant DPVA obtained data that projected a decisive win of VA HD-19 by Plaintiff LITTLE. Multiple members of DPVA contacted Plaintiff LITTLE offering congratulatory remarks based on this insight. *See* Little Phone Records (Exhibit S).

32. On June 20, 2023, Bonnie Klakowitz (herein “KLAKOWITZ”), current PWCDC Woodbridge Magisterial District Chair, distributed blue Democratic Primary sample ballots with only HENSON’s name checked for hours at a Prince William County precinct within VA HD-19 to voters while wearing a PWCDC t-shirt. This activity is prohibited according to 10.11 of DPVA Policy. *See* Klakowitz ballot screenshots (Exhibit T).

33. On June 20, 2023, CORBETT SANDERS stated that the Mayor of Dumfries, Virginia, had endorsed HENSON to voters at a Fairfax County precinct within VA HD-19, which was false. *See* LITTLE Declaration (Exhibit A).

34. On June 20, 2023, at 11:51pm, Plaintiff LITTLE contacted HENSON to express a loss of respect and objection to the conduct of his campaign. *See* Little Phone Records (Exhibit S). *See also* LITTLE Declaration (Exhibit A).

35. On June 21, 2023, at 2:07pm, one (1) business day after the Democratic Primary, Plaintiff LITTLE contacted Defendant VIRGINIA DEPARTMENT OF ELECTIONS to inquire

about the complaint process to dispute the results of the election based on the misconduct of HENSON's campaign. Plaintiff LITTLE did not receive a response to her voicemail message. *See* Little Phone Records (Exhibit S).

36. On June 21, 2023, HENSON publicly declared victory although results had not been finalized and provisional ballots in both Fairfax and Prince William Counties were still outstanding. *See* Henson Twitter screenshots (EXHIBIT U).

37. On June 25, 2023, SUROVELL, who endorsed HENSON in reaction to Plaintiff LITTLE's May 12, 2023, article re DUNNE, taunted LITTLE via social media implying that she should accept the results of the Democratic Primary as final 2023 general election results and support HENSON. *See* Surovell Tweet (Exhibit V).

38. On July 3, 2023, nine (9) business days after the Democratic Primary, Plaintiff LITTLE traveled to Richmond, VA, to visit Defendant VIRGINIA DEPARTMENT OF ELECTIONS in-person to inquire about the complaint process. Plaintiff LITTLE was advised that she would have to appeal to either Defendant DPVA or to this Court to resolve her complaint, and that the parties can make changes to the ballots up to sixty (60) days before the general election when the ballots are produced. *See also* LITTLE Declaration (Exhibit A).

39. On July 3, 2023, Plaintiff LITTLE submitted a written appeal to Defendant DPVA, and copied members of Defendant VIRGINIA DEPARTMENT OF ELECTIONS. *See* Little Appeal to DPVA (Exhibit W).

40. As of July 3, 2023, HENSON had a 49-vote lead over Plaintiff LITTLE for VA HD-19. *See* VA HD-19 Election Results (Exhibit X).

41. Plaintiff LITTLE's appeal outlined actions taken by officials and members of Defendant DPVA which violated DPVA Policy and the U.S. Constitution, and, if proven true,

would have a probable impact on the outcome of the election, as outlined in Title 24.2, Chapter 8, Article 2 of the Code. In fact, Plaintiff LITTLE submits that those actions likely changed the outcome of the election. *See* Early Voting and Fundraising Data (Exhibit Y).

42. On July 5, 2023, Plaintiff LITTLE traveled to Richmond, VA, to attend Defendant VIRGINIA STATE BOARD OF ELECTIONS' meeting in-person.<sup>6</sup> Neither Defendant VIRGINIA DEPARTMENT OF ELECTIONS, Defendant VIRGINIA STATE BOARD OF ELECTIONS, nor Defendant DPVA acknowledged Plaintiff LITTLE's appeal during the meeting although Plaintiff LITTLE read it aloud during comments. *See* 2023 Virginia Mercury and Cardinal News articles (Exhibit Z).

43. Since Defendant VIRGINIA STATE BOARD OF ELECTIONS voted to certify the results of the election at the July 5, 2023 meeting, and to defer extension request decisions to Defendant VIRGINIA DEPARTMENT OF ELECTIONS, Plaintiff LITTLE also requested an extension to file as an Independent since she had no good-faith opportunity to qualify as the Democratic Nomination for VA HD-19 based on the misconduct of DPVA leadership and members. *See* 2023 Virginia Mercury and Cardinal News articles (Exhibit Z).

44. Defendant VIRGINIA DEPARTMENT OF ELECTIONS declined all extensions but, upon conclusion of the meeting, advised Plaintiff LITTLE that it did not have the authority to extend the deadline for ballot petition filings. *See* VBOE meeting agenda (Exhibit AA). *See also* LITTLE Declaration (Exhibit A).

45. On July 8, 2023, KLAKOWITZ requested Plaintiff LITTLE resign from the Woodbridge Magisterial District Committee in response to news of Plaintiff LITTLE's appeal read to Defendant VIRGINIA STATE BOARD OF ELECTIONS, and advised that

---

<sup>6</sup> <https://youtu.be/jahJOVtMTU0>

KLAKOWITZ would be “freezing [Plaintiff LITTLE’s] membership” with an opportunity to rejoin in December 2023. *See* Klakowitz’s email (Exhibit AB).

46. Throughout late June and early July 2023, multiple members of PWCDC and FCDC contacted Plaintiff LITTLE to inquire about her alleged “write-in campaign,” future political plans/options, and mental health. On July 11, 2023, a member of FCDC contacted Plaintiff LITTLE to inquire as to if she would be interested in a Coordinated Campaign Manager role for \$5,000/month and advised that FCDC was also looking for “2 black people to be field organizers.” *See* FCDC/PWCDC screenshots (EXHIBIT AC).

47. On July 21, 2023, Plaintiff LITTLE consulted with a former Assistant Special Agent in Charge, Richmond Division, Federal Bureau of Investigation (herein “FBI”), regarding additional discoveries made by Plaintiff LITTLE, and was advised to refer concerns to Washington Field Office, FBI. Complaint was made by Plaintiff LITTLE at 9:11 am on July 21, 2023. *See* LITTLE Declaration (Exhibit A).

48. As of the date of this filing, Defendant DPVA has yet to acknowledge or respond to the written complaint of Plaintiff LITTLE. *See* LITTLE Declaration (Exhibit A).

49. Since no Republican or Independent candidates have filed to challenge the Democratic nomination for VA HD-19 to date, all Plaintiffs have no viable alternative for whom to vote in the 2023 general election which negatively impacts their First, Fourteenth, and Fifteenth Amendment rights.

50. According to Section 5.6 of the DPVA Policy, complaints associated with discrimination and requiring investigation are allotted thirty (30) days. *See* DPVA Policy (Exhibit C).

51. Although a good faith opportunity for investigation and resolution under Defendant DPVA's authority has been given by the Plaintiffs, Title 24.2, Chapter 8, Article 2 of the Code dictates this matter be brought before this Court sooner than the thirty (30) days DPVA Policy allocates.

52. This matter is time-sensitive and swift judgment is prudent as to not violate the First, Fourteenth, and Fifteenth Amendment rights of all Plaintiffs, and to ensure that this matter is adjudicated prior to the printing of ballots for Virginia's November 2023 general election.

53. The Plaintiffs bring this matter before this Court due to the refusal of Defendant DPVA to promptly enforce its own DPVA Policy or set aside the nomination of HENSON, in accordance with Va. Code § 24.2-539, due to his misuse of position and the misconduct of his campaign and PWCDC leadership, which resulted in voter suppression, voter manipulation, and voter disenfranchisement.

54. Since Defendant VIRGINIA BOARD OF ELECTIONS is required by Va. Code § 24.2-103(A) to ensure that major risks to election integrity are addressed as necessary to promote election uniformity, legality, and purity, this Court is empowered to void the VA HD-19 election of any person in accordance with Va. Code § 24.2-812, and it is imperative this Court grant relief to restore the civil and Constitutional rights of all Plaintiffs.

55. There are no emergency provisions in Va. Code § 24.2-500 et seq. and absent intervention by this Court, many 2023 General Assembly candidates' Constitutional rights, including Plaintiff LITTLE's, will be unreasonably and irreparably infringed.

56. Va. Code § 24.2-813 is known as the "Sore Loser Law" because it provides that if a candidate for elective office has run in a primary election conducted by a political party, if that candidate does not win the primary election, they are forbidden from having their name printed

on the official ballot as a candidate for that office. Under the facts and circumstances set forth *supra*, this Virginia law violates Plaintiff LITTLE's constitutional rights because it permits a political party to engage in actions violative of Va. Code § 24.2-103(A) without any penalty for doing so. Furthermore, without any assurances of a fair, legal and pure nomination process, perceived party outsiders throughout the Commonwealth are discouraged from pursuing elected office by way of a party nomination which violates the constitutional rights of all Virginians.

### **U.S. CONSTITUTIONAL LAW**

57. The First Amendment declares that Congress shall make no law abridging the freedom of speech. U.S. Const. Amend. I. *See also Citizens United v. FEC*, 558 U.S. 310, 336 (2010). This restriction against governmental power is applied to the states through the Fourteenth Amendment. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

58. "It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech." *NAACP v. Alabama*, 357 U.S. 449, 460 (1958).

59. The Supreme Court has further ruled, "whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters... state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny" *Id.* at 460-61.

60. The fundamental right to "voluntary political association... is an important aspect of the First Amendment freedom" that the Supreme Court of the United States "has consistently found entitled to constitutional protection." *Lefkowitz v. Cunningham*, 431 U.S. 801, 808 (1977).

61. People’s ability to exercise their rights under the First Amendment is “[u]ndeniably enhanced by group association.” *Buckley v. Valeo* 424 U.S. 1, 15 (1976) (quoting *NAACP v. Alabama*, 357 U.S. at 460).

62. The First and Fourteenth Amendments guarantee the “freedom to associate with others for the common advancement of political beliefs and ideas...” *Kusper v. Pontikes*, 414 U.S. 51, 56 (1973)); *see also Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983) (“[T]he right of individuals to associate for the advancement of political beliefs... rank[s] among our most precious freedoms.”) (quoting *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968)).

63. While Virginia is entrusted with administering its elections and imposing reasonable restrictions “in exercising their powers of supervision over elections... the States may not infringe upon basic constitutional protections.” *Kusper v. Pontikes*, 414 U.S. 51, 57 (1973).

64. Ballot restrictions that severely burden the right to vote and associate violate the First Amendment to the Constitution. *See Storer v. Brown*, 415 U.S. 724, 728-29 (1974).

65. “[Ballot] Access restrictions also implicate the right to vote because, absent recourse to referendums, voters can assert their preferences only through candidates or parties or both.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979).

66. The primary concern of courts is “with the tendency of ballot access restrictions to limit the field of candidates from which voters might choose.” *Anderson v. Celebrezze*, 460 U.S. 780, 786 (1983) (quoting *Bullock v. Carter*, 405 U.S. 134, 143 (1972)).

67. “By limiting the choices available to voters, the State impairs the voters’ ability to express their political preferences.” *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979).

68. When evaluating the constitutionality of a ballot access restriction, courts apply the framework articulated in *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and refined in *Burdick v. Takushi*, 504 U.S. 428 (1992). The *Anderson-Burdick* framework directs courts “first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule.” *Marcellus v. Va. State Bd. of Elections*, 849 F.3d 169, 175 (4th Cir. 2017).

69. Accordingly, “[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms. If the State has open to it a less drastic way of satisfying its legitimate interests, it may not choose a legislative scheme that broadly stifles the exercise of fundamental personal liberties.” *Kusper v. Pontikes*, 414 U.S. 51, 59 (1973) (internal quotation marks and citations omitted).

70. Therefore, in recognition that States must enact election codes for orderly, fair, and honest elections, courts reviewing challenges to ballot access cases impose a flexible standard. *Burdick v. Takushi*, 504 U.S. 428, 433-34 (1992). If the election regulation imposes a severe burden, then the regulation must survive strict scrutiny. *Id.* at 434. By contrast, if the election regulation imposes a light burden, rational basis or intermediate scrutiny applies. *Id.*

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### ***Temporary Injunctive Relief***

71. The Plaintiffs incorporate by reference paragraphs 1-70 as if fully restated herein.

72. This Court has the jurisdiction to award injunctions pursuant to Va. Code § 8.01-620.



73. In order to award a temporary injunction, the Court must be satisfied of Plaintiffs' equity pursuant to Va. Code § 8.01-628.

74. Currently, the Virginia Supreme Court is awaiting comments from members of the Bar concerning a proposed rule 3:26 that would codify the standards for entering preliminary injunctive relief. That rule has not yet been enacted.

75. Currently, a plaintiff seeking a temporary injunction must establish (1) that she is likely to succeed on the merits, (2) that she is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in her favor, and (4) that an injunction is in the public interest. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008).

76. In order to be awarded a temporary injunction, all four requirements set forth in paragraph 75 above must be satisfied. *The Real Truth about Obama v. Federal Election Commission*, 575 F.3d 342, 346 (4<sup>th</sup> Cir. 2009).

77. Based upon the facts and circumstances set forth in detail *supra*, Plaintiffs submit that all four requirements to be awarded a temporary injunction have been satisfied.

78. Accordingly, Plaintiffs' request that the Court enjoin the Defendants VIRGINIA BOARD OF ELECTIONS and VIRGINIA DEPARTMENT OF ELECTIONS from printing any general election ballots within VA HD-19 until this civil action is resolved

## **COUNT II**

### ***Declaration of Unconstitutionality***

79. The Plaintiffs incorporate by reference paragraphs 1-78 as if fully restated herein.

80. Va. Code § 24.2-813 precludes a losing candidate in a primary election administered by a political party from having their name printed on the general election ballot.

81. This provision of the Code is unconstitutional because it provides no remedy for the losing candidate who lost in the primary election as a result of the actions of the political party that administered the primary election in a manner which grossly violated Va. Code § 24.2-103(A). Thus, Va. Code § 24.2-813 violates the First, Fourteenth, and Fifteenth Amendments of the U.S. Constitution.

82. Accordingly, Plaintiffs are entitled to a declaration by this Court that Va. Code § 24.2-813 is unconstitutional at least under the facts and circumstances of this matter.

### **COUNT III**

#### ***Damages against the Democratic Party of Virginia***

83. The Plaintiffs incorporate by reference paragraphs 1-82 as if fully restated herein.

84. Through its actions and inactions, the Defendant DPVA deprived Plaintiff LITTLE of the right to a full and fair election bearing the “legality and purity” required by Va. Code § 24.2-103(A).

85. As a result of Defendant DPVA’s actions and inactions, Plaintiff LITTLE asserts that her campaign was deprived of campaign contributions she otherwise would have received which would have helped facilitate her victory in the primary election that was conducted on June 20, 2023.

86. For the reasons set forth in paragraph 84 and as supported by the factual representations in this complaint, Plaintiff LITTLE’s campaign is entitled to receive damages in the form of monetary compensation to be determined at trial.

87. The actions and inactions of Defendant DPVA deprived Plaintiffs of their fundamental right under the First Amendment to the U.S. Constitution to voluntary political association. *See Lefkowitz v. Cunningham*, 431 U.S. 801, 808 (1977).

88. The Defendant DPVA violated Plaintiffs' rights by not conducting the primary election with the required "legality and purity" as set forth by Va. Code § 24.2-103(A). It is unquestionable that the actions and inactions of the Defendant DPVA fall well outside the definition "purity" set forth in paragraph 19 above.

89. Accordingly, Plaintiff LITTLE's campaign is entitled to monetary compensation.

**PRAYER FOR RELIEF**

A. Declare Va. Code § 24.2-813 unconstitutional based on the facts and circumstances set forth *supra* in which Plaintiffs have demonstrated that the Defendant DPVA put its finger on the scale to favor one candidate over Plaintiff LITTLE where the favored candidate was an official of the DPVA and retained that position for a significant period of time during the campaign and where officials of the DPVA took affirmative steps to block Plaintiff LITTLE from having her political views shared with potential voters, and order Defendants VIRGINIA DEPARTMENT OF ELECTIONS and the VIRGINIA BOARD OF ELECTIONS to vacate the primary election of June 2023 for VA HD-19.

B. Enjoin the VIRGINIA STATE BOARD OF ELECTIONS by ordering them to refrain from printing ballots for precincts within VA HD-19 that do not include the name of Plaintiff LITTLE pending the outcome of this civil action.

C. Order that the deadline for submission of all paperwork and petition signatures, as mandated by the Code of Virginia, Title 24.2, Chapter 5, Article 1 and 2, be moved to the latest date feasible for timely ballot production for Independent General Assembly candidates in this particular November 2023 election to restore the First, Fourteenth, and Fifteenth Amendment rights of all General Assembly candidates denied ballot access by the actions or inactions of

DPVA for any reason and voters within the Commonwealth, and to deter DPVA from taking any actions in future elections of the type and manner documented herein.

D. Transmit to the Attorney General of Virginia the Court's conclusion that there is reasonable cause to believe a violation of an election law has occurred such that the Attorney General may commence a civil action in the appropriate circuit court for appropriate relief pursuant to Va. Code § 24.2-104.1, to assist the Attorney General in finding sufficient basis to file a civil action against DPVA, and seek any appropriate injunctive relief pursuant to Va. Code § 24.2-104.1 B.1, assess a civil penalty pursuant to Va. Code § 24.2-104.1 B.2, and award Plaintiff LITTLE's campaign reasonable attorney fees and cost pursuant to Va. Code § 24.2-104.1 B.3.

E. Find that the Defendant DPVA has violated Plaintiff LITTLE's rights under the First, Fourteenth, and Fifteenth Amendments of the U.S. Constitution as well as Va. Code § 24.2-807 and award Plaintiff LITTLE's campaign fund the sum of \$100,000 or such other amount the court deems appropriate.

F. Awards punitive damages to all Plaintiffs to the statutory limit in an amount to be determined at trial to deter DPVA from taking any actions in future elections of the type and manner documented herein.

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

Respectfully submitted:



---

Makya Renée Little  
15000 Potomac Town Place, Suite 100-801  
Woodbridge, VA 22191  
(703) 786-7987; [info@makyalittle.com](mailto:info@makyalittle.com)  
*Pro Se Plaintiff*

**Verification Pursuant to the Code of Virginia, Section 8.01-4.3**

I, Makya Renée Little, have reviewed the factual allegations in the Verified Complaint and I can swear under penalty of perjury that those statements are true and correct to the best of my knowledge.



---

Makya Renée Little  
*Pro Se* Plaintiff

**Verification Pursuant to the Code of Virginia, Section 8.01-4.3**

I, Steven L. Jacobs, have reviewed the factual allegations in the Verified Complaint and I can swear under penalty of perjury that those statements are true and correct to the best of my knowledge.

  
Steven L. Jacobs  
*Pro Se* Plaintiff

**Verification Pursuant to the Code of Virginia, Section 8.01-4.3**

I, Ruby Bermudez Martinez, have reviewed the factual allegations in the Verified Complaint and I can swear under penalty of perjury that those statements are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Ruby Bermudez Martinez  
*Pro Se* Plaintiff

**Verification Pursuant to the Code of Virginia, Section 8.01-4.3**

I, Andrea Salgado, have reviewed the factual allegations in the Verified Complaint and I can swear under penalty of perjury that those statements are true and correct to the best of my knowledge.

A handwritten signature in cursive script that reads "ASalgado".

---

Andrea Salgado  
*Pro Se* Plaintiff