

IN THE SUPREME COURT OF VIRGINIA

RECORD NO. 170697

RIMA FORD VESILIND, *et al.*,
Plaintiffs-Appellants,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
Defendant-Appellees,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,
Defendants-Intervenors.

**MOTION OF THE LEAGUE OF WOMEN VOTERS OF VIRGINIA FOR
LEAVE TO FILE BRIEF *AMICUS CURIAE***

ANNA E. BODI
MOLLY E. DANAHY
(*Pro Hac Vice* Pending)
Campaign Legal Center
1411 K St. NW, Ste. 1400
Washington, DC 20005
Tel: (202) 736-2200
Fax: (202) 736-2222
abodi@campaignlegalcenter.org
mdanahy@campaignlegalcenter.org

RYAN C. MORRIS
Bar No.: 74291
Sidley Austin LLP
1501 K St. NW
Washington, DC 20005
Tel: (202) 736-8940
Fax: (202) 736-8711
rmorris@sidley.com

TACY F. FLINT
(*Pro Hac Vice* Pending)
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
Tel: (312) 853-7875
Fax: (312) 853-7036
tflint@sidley.com

Counsel for Amicus Curiae The League of Women Voters of Virginia

JUNE 30, 2017

The League of Women Voters of Virginia, by counsel, and pursuant to Rules 5:4 and 5:30(c) of the Rules of the Supreme Court of Virginia, respectfully moves this Court for leave to file the attached Brief *Amicus Curiae* in support of plaintiffs-appellants. Counsel for plaintiffs-appellants consented to our *amicus* participation. Counsel for defendant-appellees indicated that they do not intend to oppose our motion to file an *amicus curiae* brief. Counsel for defendants-intervenors appellees indicated that they cannot consent to our motion to file an *amicus curiae* brief, as they believe it is untimely.

As grounds for this motion, *amicus* would show unto the Court that:

1. *Amicus* The League of Women Voters of Virginia (LWV-VA) is a nonpartisan, nonprofit, membership organization that works on voting rights and redistricting issues in Virginia.

2. LWV-VA provides its members and the public with information about voting laws and practices, fosters civic engagement, and works to ensure that all eligible voters, particularly those from traditionally underrepresented or underserved communities, have the opportunity and information they need to exercise their right to vote.

3. LWV-VA has been active in efforts to bring about a nonpartisan process for drawing legislative lines and participates in the Redistricting Coalition of Virginia to help educate and inform voters about the importance of redistricting.

4. LWV-VA has a demonstrated interest in voting rights and redistricting in Virginia.

5. LWV-VA submits that its *amicus curiae* brief will aid the Court in offering information and analysis that may be useful to the Court in understanding the context of the ongoing threat of partisan gerrymandering to the democratic process. Specifically, the proposed *amicus curiae* brief explains the undemocratic and unconstitutional nature of partisan gerrymandering, illustrates the critical threat posed by the surgical nature of gerrymandering today, and examines the danger partisan gerrymandering poses to the effectiveness of the democratic process.

6. Further, LWV-VA submits that its *amicus curiae* brief will aid the Court in offering information and analysis that may be useful to the Court in understanding how partisan gerrymandering has impacted Virginia. Specifically, the proposed *amicus curiae* brief demonstrates the egregious nature of partisan gerrymandering in the 2011 Virginia General Assembly

plan and the harms associated with partisan gerrymandering that Virginia has suffered as a result of the undemocratic nature of the 2011 plan.

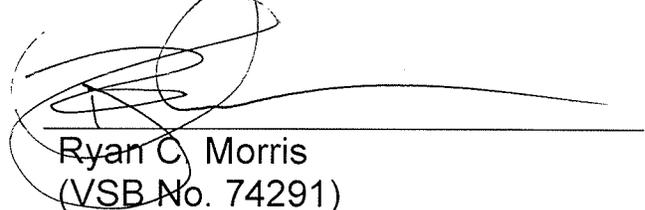
7. Pursuant to Rule 5:30(c), counsel for plaintiffs-appellants, defendant-appellees, and defendants-intervenors appellees were contacted about their consent to filing of the attached brief. Counsel for plaintiffs-appellants consented to our *amicus* participation. Counsel for defendant-appellees indicated that they do not intend to oppose our motion to file an *amicus curiae* brief. Counsel for defendants-intervenors appellees indicated that they cannot consent to our motion to file an *amicus curiae* brief, as they believe it is untimely.

8. The filing of this motion with the accompanying brief is timely. Under the Rules of the Supreme Court of Virginia, the brief of an *amicus* “will be accepted only if filed on or before the date on which the brief of the party supported is required to be filed.” Va. Sup. Ct. R. 5:30(d). In this case, the party being supported by LWV-VA is Vesilind, *et al.* “[A] petition for appeal must be filed with the clerk of this Court . . . in the case of an appeal direct from a trial court, not more than three months after entry of the order appealed from.” *Id.* 5:17(a). In this case, the trial court entered the order and opinion on March 31, 2017. See *Vesilind v. Virginia State Board of Elections*, No. CL15-3886 (Va. Cir. Mar. 31, 2017). The brief of Vesilind

was therefore required to be filed on Friday, June 30, 2017 (the last day of the third month). Accordingly, the instant motion and brief are being filed on that date.

Wherefore, *amicus* movant respectfully requests that the Court grant leave to file the attached Brief *Amicus Curiae* in support of plaintiffs-appellants.

Respectfully submitted,



Anna E. Bodi
Molly E. Danahy
(*Pro Hac Vice* Pending)
Campaign Legal Center
1411 K St. NW, Ste. 1400
Washington, DC 20005
Tel: (202) 736-2200
Fax: (202) 736-2222
abodi@campaignlegalcenter.org
mdanahy@campaignlegalcenter.org

Ryan C. Morris
(VSB No. 74291)
Sidley Austin LLP
1501 K St. NW
Washington, DC 20005
Tel: (202) 736-8940
Fax: (202) 736-8711
rmorris@sidley.com

Tacy F. Flint
(*Pro Hac Vice* Pending)
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
Tel: (312) 853-7875
Fax: (312) 853-7036
tflint@sidley.com

Counsel to Amicus Curiae
The League of Women Voters of Virginia

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2017, the required copies of the foregoing Motion were filed with this Court, and a copy was sent via U.S. mail, postage prepaid, to the following counsel of record:

Wyatt B. Durette, Jr.
Christine A. Williams
DURRETTECRUMP PLC
1111 East Main Street
Richmond, VA 23219
wdurette@durettecrump.com
cwilliams@durettecrump.com

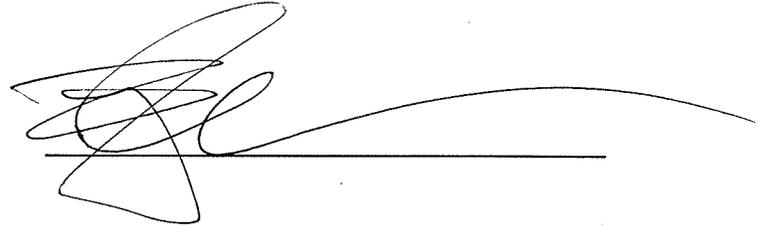
Counsel to Appellants

Joshua D. Heslinga
Anna T. Birkenheier
OFFICE OF ATTORNEY GENERAL
202 North Ninth Street
Richmond, VA 23219
jheslinga@oag.state.va.us
abirkenheier@oag.state.va.us

Counsel to Appellees

Katherine L. McKnight
E. Mark Braden
Richard B. Raile
BAKER & HOSTETLER LLP
1050 Connecticut Ave., NW, Ste. 1100
Washington, DC 20036
Telephone: (202) 861-1500
Fax: (202) 861-1783
kmcknight@bakerlaw.com
mbraden@bakerlaw.com
rraile@bakerlaw.com

*Counsel to Appellees (Defendants-
Intervenors), the Virginia House of
Delegates and the Honorable Speaker
William J. Howell*

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Ryan C. Morris