

**VIRGINIA**

**IN THE CIRCUIT COURT FOR RICHMOND CITY**

**PAUL GOLDMAN,** )  
**et al.,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** ) **Case No. CL21-36**  
 )  
**VIRGINIA DEPARTMENT OF ELECTIONS,** )  
**et al.,** )  
 )  
**Defendants.** )

**PROPOSED CONSENT DECREE**

The parties agree upon the below, given the state of the COVID-19 pandemic and the difficulty for Plaintiffs to collect in-person signatures during such pandemic.

1. 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.
2. Whereas, on March 30, 2020, in Executive Order 55 (EO 55), Governor Northam directed that, subject to limited exceptions, “[a]ll individuals in Virginia shall remain at their place of residence, except as provided below by this Order and Executive Order 53.”
3. Though the Governor has issued subsequent Executive Orders, they have not substantially changed the restrictions imposed by EO 55.
4. Whereas, on December 22, 2020, Plaintiffs Goldman and Carter (“Plaintiffs”) filed a complaint against the above-named Respondents challenging enforcement during the ongoing public health crisis caused by the spread of COVID-19, of Virginia’s requirement, pursuant to Chapter 6 of Title 24.2 of the Code of Virginia, that every candidate for statewide office must collect 10,000 signatures, including 400 signatures

from each of Virginia's eleven congressional districts, and that each signature must be witnessed by a petition circulator.

5. Whereas, federal guidelines state: “[everyone should] . . . avoid close contact” by “keeping distance from others.” Centers for Disease Control and Prevention, *Coronavirus Disease 2019: How to Protect Yourself & Others*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last visited January 23, 2021).
6. Whereas, in light of the data that supports the Plaintiffs' concerns about the safety of petition circulators and petition signers if they are required to interact with others in order to cast their ballot in the 2021 statewide primary, Plaintiffs and Respondents (collectively, the “Consent Parties”) agree that a resolution of this matter in the manner encompassed by the terms of this Consent Decree is in the best interests of the health, safety, and constitutional rights of the citizens of the Commonwealth of Virginia, and therefore in the public interest.
7. Whereas, the Consent Parties request dismissal of the present case except for the issue of the placement of candidates' names on the ballot, as set out in Plaintiffs' request under paragraph (D) on page 11 of their Complaint, and that this issue may be heard prior to ballot ordering in March.
8. Whereas, Plaintiff Carter no longer wishes to pursue the relief requested under paragraph (D) on page 11 and requests to be dismissed from the present case if the other matters addressed within this consent decree are resolved by this Court.

9. Whereas, Plaintiffs made a sufficiently strong showing on the merits of the claim, as shown in their complaint, to further support the fairness, adequacy, and reasonableness of this Consent Judgment and Decree.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED FOR THE REASONS STATED ABOVE IN PARAGRAPHS 1-8 THAT:**

A. Any individual seeking to qualify for candidacy for any statewide office to be elected during 2021 may gather petition signatures as prescribed under Chapter 6 of Title 24.2, to-wit the petition signer will sign the petition in the presence of a petition circulator. Under these circumstances, the provision of the last four digits of the petition signer's social security is optional as indicated on the petition signature form. Alternatively, the individual seeking to qualify may gather signatures using the new form being developed and published under paragraph (B).

B. The Department of Elections will develop and publish not later than February 5, 2021, a form to be used for petition circulation that permits a qualified petition signer to sign a candidate's petition while not in the presence of a petition circulator. The form will require the petition signer to provide the following:

- i. Affirmation that the signer is who they attest they are;
- ii. Affirmation that the signer is a resident of their jurisdiction, including a statement of their address; and
- iii. The last four digits of the signer's social security number.

C. If an individual signs a petition form published by the Department of Elections as required under paragraph (B) of this consent decree, that individual shall transmit that form, either by mail or electronically, to the candidate or that candidate's campaign.

- D. Any individual seeking to qualify for candidacy for any statewide office to be elected during 2021 may gather petition signatures as prescribed under Chapter 6 of Title 24.2 or under the method described in paragraph (B).
- E. Any individual seeking to qualify for candidacy for any statewide office to be elected during 2021, will be required to collect a minimum of 2,000 signatures statewide, including the signatures of at least 50 qualified voters from each congressional district in the Commonwealth.
- F. For individuals seeking to qualify for the primary ballot for statewide office in 2021, not later than March 25, 2021 at 5:00pm, each such individual shall transmit the requisite petition signatures to the Department of Elections.
- G. This action, except for the claim relating to placement of candidates' names on the ballot, as set out in paragraph (D), page 11, of Plaintiffs' Complaint relating to Virginia Code § 24.2-529 is dismissed.
- H. This Court shall set a date prior to March 25, 2021 to hear remaining Plaintiff's arguments regarding Virginia Code § 24.2-529.
- I. Plaintiff Lee Jin Carter voluntarily seeks leave to be dismissed from this suit in light of the above requested relief, including Plaintiff Paul Goldman's claim regarding Virginia Code § 24.2-529.


IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound, have caused this Consent Decree to be executed as of the date set forth below.


**SO ORDERED** this 25 th day of January, 2021.

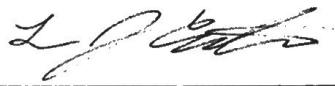
  
Circuit Court Judge

**AGREED AND CONSENTED TO:**

MARK R. HERRING  
Attorney General of Virginia

By:   
CAROL L. LEWIS (VSB #92362)  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
[clewis@oag.state.va.us](mailto:clewis@oag.state.va.us)  
*Attorney for Respondents*

  
MARK PAULLIN (VSB 27893)  
Paullin Law Firm, PC  
575 Southlake Boulevard, Suite A  
North Chesterfield, Virginia 23236  
804-423-7423 (telephone)  
804-423-7424 (facsimile)  
[mark.paullin@paullinlaw.com](mailto:mark.paullin@paullinlaw.com)  
*Attorney for Plaintiff Paul Goldman*

  
24 January, 2021  
DELEGATE LEE JIN CARTER  
P.O. Box 243  
Manassas, Virginia 20108  
[lee@carterforvirginia.com](mailto:lee@carterforvirginia.com)  
*Pro se*