

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

VINCE DEEDS, current Senator
for District 10,

Petitioner,

v.

CIVIL ACTION NO.:
Judge:

KRIS WARNER, West Virginia
Secretary of State; MICHELLE HOLLY,
Fayette County Clerk; ROBIN YATES
LOUDERMILK, Greenbrier County Clerk;
JEREMY MEADOWS, Monroe County Clerk;
ROBERT PAINTER II, Nicholas County Clerk;
LYNN REED, Summers County Clerk; and
ROBERT SHIRLEY LOVE, Candidate for
State Senate in the 10th Senatorial District
of West Virginia,

Respondents.

**EMERGENCY PETITION FOR DECLARATORY JUDGMENT, WRIT OF
MANDAMUS, AND INJUNCTIVE RELIEF**

COMES NOW Petitioner, Vince Deeds, by and through his counsel, Bowles Rice LLP,
and files the instant Emergency Petition for Declaratory Judgment, Writ of Mandamus, and
Injunctive Relief, seeking a declaratory judgment that Robert Shirley Love is ineligible to appear
on the ballot as a candidate for the West Virginia Senate for District 10 and associated injunctive
and mandamus relief as outlined below. In support thereof, Petitioner alleges as follows:

NATURE OF ACTION

The purpose of this Petition is to seek a declaration from this Court that Robert Shirley
Love is constitutionally ineligible to appear on the ballot as a candidate for the West Virginia
Senate for Senatorial District 10 because he has not been a citizen of the State of West Virginia
for the five years preceding the November 3, 2026 general election, as required by Article IV,
Section 4 of the West Virginia Constitution. Petitioner further seeks an order: (1) directing the

Secretary of State to withdraw certification of Love's candidacy; (2) directing the relevant county clerks and boards of ballot commissioners not to include Love on any applicable election ballots; (3) directing all election officials involved in administering the election to refrain from tallying, tabulating, certifying, or returning any vote cast for Robert Shirley Love, whether by absentee ballot, early voting, election-day voting, write-in vote, or otherwise; and (4) requiring election officials to provide notice to voters that Robert Shirley Love is constitutionally ineligible to serve as State Senator for District 10.

PARTIES

1. Petitioner Vince Deeds is the current State Senator representing West Virginia Senatorial District 10 and is a resident and registered voter in the State of West Virginia.

2. Respondent Kris Warner is the duly elected Secretary of State of West Virginia and is responsible for overseeing elections in the State of West Virginia, including the certification of candidates and administration of election procedures.

3. Respondent Michelle Holly is the Fayette County Clerk and serves as an elected official responsible for administering elections within Fayette County, West Virginia.

4. Respondent Robin Yates Loudermilk is the Greenbrier County Clerk and serves as an elected official responsible for administering elections within Greenbrier County, West Virginia.

5. Respondent Jeremy Meadows is the Monroe County Clerk and serves as an elected official responsible for administering elections within Monroe County, West Virginia.

6. Respondent Robert Painter II is the Nicholas County Clerk and serves as an elected official responsible for administering elections within Nicholas County, West Virginia.

7. Respondent Lynn Reed is the Summers County Clerk and serves as an elected official responsible for administering elections within Summers County, West Virginia.

8. Respondent Robert Shirley Love is a candidate seeking election to the West Virginia Senate representing Senatorial District 10.

JURISDICTION AND VENUE

9. This Court has original and general jurisdiction of this matter pursuant to W. Va. Code §§ 51-2-2 and 55-13-1.

10. Venue is proper with this Court pursuant to W. Va. Code § 56-1-1.

OPERATIVE FACTS

11. On or about August 29, 2025, Respondent Robert Shirley Love filed a Pre-Candidacy Registration seeking election to the West Virginia Senate for Senatorial District 10. *See Exhibit 1.*

12. In that filing, Love listed his address as 1051 Gatewood Road, Fayetteville, West Virginia 25840. *See id.*

13. By letter dated September 3, 2025, Respondent Kris Warner, in his capacity as Secretary of State of the State of West Virginia, notified Love that his Pre-Candidacy Registration had been successfully processed and accepted by the Office of the Secretary of State. *See Exhibit 2.*

14. On January 8, 2026, Love filed a Certificate of Announcement seeking election to the West Virginia Senate for Senatorial District 10 in the May 12, 2026 primary election. *See Exhibit 3.*

15. In that filing, Love again listed his address as 1051 Gatewood Road, Fayetteville, West Virginia 25840. *See id.*

16. Article IV, Section 4 of the West Virginia Constitution requires that a candidate for the office of State Senator must have been a citizen of the State of West Virginia for five years preceding the election.

17. The general election for the office at issue is scheduled to occur on November 3, 2026.

18. Public voter registration records demonstrate that Robert Shirley Love first registered to vote in the State of Georgia on July 12, 2008. *See Exhibit 4.*

19. Those records list Love's residence as 921 Bridgegate Dr. NE, Marietta, Georgia 30068. *See id.*

20. Those records further show that Love most recently voted in the State of Georgia in the December 6, 2022 election. *See id.*

21. Georgia law requires that a voter be a resident of Georgia and of the county in which the voter registers to be entitled to vote. See O. C. G. A. §21-2-216.

22. By maintaining voter registration and voting in Georgia in December 2022, Love represented to the State of Georgia that he was a resident of the State of Georgia at that time.

23. Additional publicly available information further confirms that Love resided in Georgia during the relevant time period.

24. In a December 6, 2023 Facebook post, Love represented that he and his wife were then moving from Georgia to West Virginia. *See Exhibit 5.*

25. Love's LinkedIn profile represents that he lived in Atlanta, Georgia from 2008 through 2024 and moved to Gatewood, West Virginia on January 8, 2024. *See Exhibit 6.*

26. A social media post from a third party likewise references Love's return to West Virginia in 2024 after previously residing and operating a business in the South. *See Exhibit 7.*

27. These records demonstrate that Love resided in Georgia until at least December 2022, and by his own statements, did not move to West Virginia until late 2023 or early 2024.

28. Each of these dates falls within the five-year period preceding the November 3, 2026 general election.

29. As a result, Love has not been a citizen of the State of West Virginia for the five years preceding the November 3, 2026 election as required by Article IV, Section 4 of the West Virginia Constitution.

30. Unless the Court grants relief, Love's name will appear on ballots for the 2026 election cycle, including the May 12, 2026 primary election, despite his constitutional ineligibility to hold the office he seeks.

31. Allowing Love's name to appear on the ballot would permit voters to cast votes for a candidate constitutionally barred from serving, thereby undermining the constitutional qualifications for office and the integrity of the election process.

COUNT I—WRIT OF MANDAMUS

32. Petitioner incorporates by reference the preceding paragraphs of this Petition as if fully set forth herein.

33. West Virginia courts have recognized that mandamus is the proper mechanism to compel election officials to enforce constitutional eligibility requirements and prevent ineligible candidates from appearing on the ballot. *See, e.g., State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 585, 542 S.E.2d 405, 406 (2000); Syl. Pt. 5, *State ex rel. Maloney v. McCartney*, 159 W. Va. 513, 223 S.E.2d 607 (1976); *White v. Manchin*, 173 W. Va. 526, 532–34, 318 S.E.2d 470, 476–78 (1984); *State ex rel. Boley v. Tennant*, 228 W. Va. 812, 724 S.E.2d 783 (2012).

34. This Court, too, has recognized and exercised such authority in a circumstance virtually identical to that presented here. *See* Order Granting Emergency Writ of Mandamus, *State of W. Va. ex rel. Alicia Stine v. Mac Warner, Secretary of State of the State of W. Va. & Andrea Kiessler*, Civ. Act. No. 22-P-151 (Kanawha Cnty. Cir. Ct. May 4, 2022), attached hereto as **Exhibit 8**.

35. Petitioner, therefore, seeks a writ of mandamus directing:
- a. The Secretary of State to withdraw certification of Robert Shirley Love’s candidacy for West Virginia Senate District 10;
 - b. The relevant county clerks and boards of ballot commissioners not to include Love on any applicable election ballots;
 - c. Election officials involved in administering the election to refrain from tallying, tabulating, certifying, or returning any vote cast for Robert Shirley Love, whether by absentee ballot, early voting, election-day voting, write-in vote, or otherwise;
 - d. The Secretary of State to direct the county clerks in all affected counties to post clear notice at all polling locations and early voting sites informing voters that Robert Shirley Love has been determined to be ineligible as a candidate for State Senate for District 10 and that any vote cast for him will not be counted; and
 - e. The Secretary of State and county election officials to take any additional actions necessary to implement this Court’s order and ensure that Robert Shirley Love’s name does not appear on any ballot and that any votes cast for him are not counted.

COUNT II—DECLARATORY JUDGMENT

36. Petitioner incorporates by reference the preceding paragraphs of this Petition as if fully set forth herein.

37. Article IV, Section 4 of the West Virginia Constitution provides:

No person, except citizens entitled to vote, shall be elected or appointed to any state, county or municipal office; but the governor and judges must have attained the age of thirty, and the attorney general and senators the age of twenty-five years, at the beginning of their respective terms of service; and ***must have been citizens of the state for five years next preceding their election*** or appointment, or be citizens at the time this constitution goes into operation.

W. Va. Const. art. IV, § 4 (emphasis added).

38. The Supreme Court of Appeals has upheld the constitutionality of the five-year citizenship requirement. *See* Syl. Pt. 1, *State ex rel. Harden v. Hechler*, 187 W. Va. 670, 421 S.E.2d 53 (1992) (“Compelling state interests are served by article IV, section 4 of the West Virginia Constitution, which provides that a candidate for senator must be a citizen of the State for five years next preceding the election, and therefore, that constitutional provision does not violate a candidate’s rights to equal protection . . .”).

39. Article II, Section 3 of the West Virginia Constitution provides that “[a]ll persons *residing in th[e] state*, born, or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of th[e] state.” W. Va. Const. art. II, § 3 (emphasis added).

40. Public records reflect that Love maintained voter registration in the State of Georgia and voted in a Georgia election in December 2022. *See Exhibit 4*.

41. Representations from Love, himself, further reference a move to West Virginia in late 2023 or early 2024. *See Exhibits 5 & 6*.

42. A social media post from a third party also references a 2024 move to West Virginia. *See Exhibit 7*.

43. Petitioner, therefore, seeks a declaration from this Court that Robert Shirley Love is constitutionally ineligible to appear on the ballot as a candidate for the West Virginia Senate for District 10 because he has not been a citizen of the State of West Virginia for the five years preceding the November 3, 2026 general election, as required by Article IV, Section 4 of the West Virginia Constitution.

COUNT III—INJUNCTIVE RELIEF

44. Petitioner incorporates by reference the preceding paragraphs of this Petition as if fully set forth herein.

45. Unless restrained by this Court, Respondents will continue administering the upcoming election in a manner that permits the name of Robert Shirley Love to appear on ballots for the office of West Virginia Senator for District 10, despite his constitutional ineligibility.

46. The election calendar for the 2026 election cycle requires ballots to be prepared, printed, and distributed in advance of the May 12, 2026 primary election, including the mailing of absentee ballots and the commencement of early voting.

47. Absent immediate judicial intervention, voters may cast ballots for a candidate who is constitutionally ineligible to serve in the office he seeks.

48. Permitting the name of a constitutionally ineligible candidate to appear on the ballot would cause irreparable harm to the integrity of the election process and to voters who may unknowingly cast ballots for a candidate who cannot lawfully serve if elected.

49. For these reasons, Petitioner seeks temporary, preliminary, and permanent injunctive relief directing Respondents to:

- a. Remove Robert Shirley Love's name from any ballots prepared or distributed for the election of State Senator for District 10;
- b. Refrain from including Love's name on any ballots not yet printed or distributed;
- c. Refrain from counting, tallying, tabulating, certifying, or returning any votes cast for Robert Shirley Love, whether by absentee ballot, early voting, election-day voting, write-in vote, or otherwise;
- d. Provide appropriate notice to voters at all polling locations and early voting sites that Robert Shirley Love is ineligible to serve as State Senator for District 10 and that any votes cast for him will not be counted; and

- e. Take any additional actions necessary to implement the Court's directives and ensure that Robert Shirley Love's name does not appear on any ballot and that any votes cast for him are not counted.

50. Such injunctive relief is necessary to ensure compliance with the constitutional qualifications for public office and to protect the integrity of the election process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Vince Deeds respectfully requests that this Court grant the following relief:

- a. Issue a Rule to Show Cause directing Respondents to appear and respond to this Petition;
- b. Enter an expedited briefing schedule in light of the upcoming election deadlines;
- c. Issue a writ of mandamus directing the Secretary of State to withdraw certification of Robert Shirley Love's candidacy for West Virginia Senate District 10;
- d. Enter a declaratory judgment that Robert Shirley Love is constitutionally ineligible to appear on the ballot as a candidate for the West Virginia Senate for Senatorial District 10 because he has not been a citizen of the State of West Virginia for the five years preceding the November 3, 2026 general election, as required by Article IV, Section 4 of the West Virginia Constitution;
- e. Order the Secretary of State to direct the county clerks and boards of ballot commissioners in the affected counties to not include Robert Shirley Love on any ballots prepared or distributed for the election of State Senator for District 10;
- f. Order the Secretary of State to direct all election officials involved in administering the election, including county clerks, boards of ballot commissioners, election commissioners, poll clerks, and other officials, to refrain from tallying, tabulating, certifying, or returning any vote cast for Robert Shirley Love, whether by absentee ballot, early voting, election-day voting, write-in vote, or otherwise;
- g. Order the Secretary of State to direct the county clerks in the affected counties to post clear notice at all polling locations and early voting sites informing voters that Robert Shirley Love has been determined to be ineligible as a candidate for State Senator for District 10 and that any vote cast for him will not be counted;
- h. Order the Secretary of State and county election officials to take any additional actions necessary to implement this Court's ruling;

- i. Grant temporary, preliminary, and permanent injunctive relief consistent with the declarations and directives set forth herein; and
- j. Grant such other and further relief as this Court deems just and proper.

VINCE DEEDS

By Counsel,

/s/ J. Mark Adkins

J. Mark Adkins (WVSB #7414)
Richard R. Heath, Jr. (WVSB #9067)
Brittany L. O'Saile (WVSB #14296)
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State of West Virginia PRE-CANDIDACY REGISTRATION FORM

For all statewide, legislative, county, and municipal offices.

Check this box if this is an amendment

1 Your Name, Committee Name, and Party
Provide your full legal name, candidate committee name, and political party.

Last name Love First name Robert
Middle name Shirley Suffix _____
Committee name Love for WV Political Party Republican

2 Office, District, Election

Undeclared
Office State Senate District/Division 10 Election Year 2026

3 Residential Address
Provide the address where you currently live.

Address (not P.O. Box) 1051 Gatewood Rd
City or Town Fayetteville State WV Zip 25840 County Fayette

4 Candidate Mailing Address
Provide the address where you receive mail.

Same as residential address in section 3
Address or P.O. Box _____
City or Town _____ State _____ Zip _____

5 Candidate Contact Information
For public use.

Phone 304-377-8500 Email robertlovewv@gmail.com
Alternate Phone _____

6 Treasurer or Financial Agent Name
Check the box if you will serve as your own treasurer or enter the full legal name of your treasurer.

I will serve as my own treasurer.
Important: A judicial candidate is not permitted to act as his or her own treasurer.

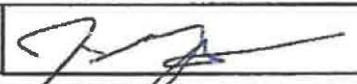
Last name Long First name Jerry
Middle name _____ Suffix _____

7 Treasurer or Financial Agent Information
Provide the address where your treasurer or financial agent receives mail and a phone and email where he or she may be reached. For public use.

Mailing address same as candidate in section 4
Address or P.O. Box 1133 Country Club Rd
City or Town Oak Hill State WV Zip 25901
Phone 304-673-3995 Email jlong_4@yahoo.com

8 Signature of Pre-candidate and Treasurer or Financial Agent

By filing out and signing this form, I hereby certify and attest that I will accept contributions and spend money toward possible candidacy for public office, as permitted by W. Va. Code §3-8-5e.
I understand that every financial transaction related to my pre-candidacy or candidacy is subject to the requirements of the W. Va. Code and the Rules and Regulations promulgated by the Secretary of State, including, all reporting requirements.
This document will serve as the oath for all electronically filed reports associated with the above listed campaign, if applicable.

Pre-Candidate, sign here and date
X  Date (mm/dd/yyyy) 8/29/25
Treasurer, sign here and date
X  Date (mm/dd/yyyy) 08/29/25



Published by:
Secretary of State's Office
State Capitol Building 1
Charleston, WV 25305
304-558-6000
elections@wvsos.gov

How to return this form
Mail or drop off your completed and signed form to:

- Secretary of State if a pre-candidate for a statewide, legislative, or judicial office, excluding magistrate.
- County Clerk if a pre-candidate for county office, including magistrate.
- Municipal Clerk/Recorder if a pre-candidate for a municipal (city or town) office.

GoVoteWV.com
County clerk addresses, deadlines, CFRS, forms, guides, and more.



OFFICIAL FORM F-1
REVISED 5/9/2025

**EXHIBIT
1**



Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Kris Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

September 03, 2025

Jerry Long
Robert Shirley Love
1051 Gatewood Rd
Fayetteville, WV 25840

RE: Confirmation of Final Acceptance of Registration

Dear Mr. Long,

The registration for Robert Shirley Love filed on September 03, 2025, has been successfully processed and accepted by the Office of the West Virginia Secretary of State.

If you are new to the Campaign Finance Reporting System, your User ID and password will be emailed to you. If you already have login credentials, you can use them to access your new committee. Once logged in, you can start entering your transactions and file reports during the campaign finance periods. Remember to keep your credentials secure to prevent unauthorized access.

The Secretary of State's Office encourages you to review the rules and filing instructions, which can be found on the Campaign Finance page of our website at sos.wv.gov.

Should you have any questions or concerns, please contact the Elections Division at (304) 558-6000 or campaignfinance@wvsos.gov.

Thank you,

Elections Division
The Office of the West Virginia Secretary of State

EXHIBIT
2



My Information

Your Personal information as shown in our system

GA My Voter Page is populated with data in Georgia's statewide voter registration database, operated by the Office of Georgia Secretary of State Brad Raffensperger. Your voter registration & election information is maintained by COBB County

Personal Information

Name ROBERT SHIRLEY LOVE	Gender MALE	Race WHITE	Voter Registration Number 07596703
Registration Date 07/12/2008	Status INACTIVE	Status Reason CROSS STATE	Last Election Date Voted 12/06/2022

Address

Residence Address 921 BRIDGEGATE DR NE MARIETTA GA 30068	Mailing Address 921 BRIDGEGATE DR NE MARIETTA GA 30068-2206
---	--

EMAIL MY PRECINCT CARD [View My Precinct Card](#)

[VIEW MY SAMPLE BALLOT](#) [UPDATE VOTER INFORMATION](#)

Polling Information

Precinct Information

Precinct Name
FULLERS PARK RECREATION CENTER-FP01 (FP01)

Election Day Polling Place
3499 ROBINSON RD MARIETTA, GA 30068 0000

07:00 AM - 07:00 PM | [Direction to polling place](#)

EXHIBIT
4



Robert Shirley Love is 🙏 feeling blessed.

December 6, 2023 · 🌐

Take Me Home, Country Roads! BIG NEWS! Dr. Amanda Paige Love and I are moving to the New River Gorge in Almost Heaven, West Virginia!

We have loved our Georgia life and all the many blessings it has included, AND we couldn't be more excited to start this new chapter! We will miss all of our friends, colleagues and patients... y'all don't be strangers! AND we are ecstatic to make new connections as we answer this calling to the Mountains!

Stay tuned friends! Big things are coming!

#AlmostHeaven #AscendWV #takemehomecountryroads
#georgiaonmymind #newrivergorgenationalpark





Jeff Eldridge



Benjean Rapp



Brian Helton

Life events

[See all](#)



Atlanta 2008-2024

July 8, 2024



Moved to Gatewood,
West Virginia

January 8, 2024

Friday
singin
It's a g



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EXHIBIT
6



Robert (Robby) Pauley 

October 21, 2025 · 

...

Sometimes you don't forget your roots and where you come from I know one individual who returned here from having a successful business down in the south as a chiropractor and opened up his business here over the last year, getting reconnected with his friends, loved ones and family, caring for the area and always taking the extra mile to ensure happiness. I know who I'm voting for as senator in the upcoming election.  [Robert Shirley Love](#) 



EXHIBIT

7

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel. ALICIA STINE,
Petitioner,

v.

MAC WARNER, SECRETARY OF STATE
OF THE STATE OF WEST VIRGINIA, and
ANDREA KIESSLING,
Respondents.

Civil Action No. 22-P-151
Judge Louis H. Bloom

FILED
2022 MAY -4 PM 3:17

COURT'S CLERK
KANAWHA COUNTY CIRCUIT COURT

ORDER GRANTING EMERGENCY WRIT OF MANDAMUS

On April 29, 2022, the Petitioner, the State of West Virginia ex rel. Alicia Stine, filed an Emergency Petition for Writ of Mandamus, by counsel Anthony J. Majestro. The Petition argues that the Respondent, Andrea Kiesslering, is ineligible to be a candidate in State Senatorial District 8. The Petition seeks various orders against the Respondent Secretary of State, Mac Warner, regarding Ms. Kiesslering's ineligibility for the State Senate Office in District 8. On April 29, 2022, the Court entered an Order for Respondents to Show Cause, setting this action for an evidentiary hearing via Microsoft Teams on May 3, 2022, at 9:30 a.m. On May 3, 2022, came the Petitioner by counsel, Anthony J. Majestro, the Respondent Marc Warner, West Virginia Secretary of State by counsel, David Pogue, and the Respondent Andrea Kiesslering by counsel, Marc Williams, and presented evidence on the Petitioner's Emergency Petition for a Writ of Mandamus.

The Court, having considered the Petition and the evidence presented at hearing, and considering the exigent circumstances that this ruling affects the May 10, 2022, primary election that is currently in early voting, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Petitioner Alicia Stine is a registered voter residing in Kanawha County within West Virginia Senatorial District 8 and intends to vote in the Republican primary. Respondent Andrea Kiessling is a Republican Party candidate for the District 8 Senate Seat. District 8 contains portions of Kanawha, Putnam, Jackson, Roane and Clay Counties.

In filing for office, Ms. Kiessling listed her address as 97 Batten Run, Spencer, West Virginia 25276 (the “Spencer address”), an address within District 8. Petitioner’s Exhibit #1.

In 2012, Ms. Kiessling resided in Kanawha County, West Virginia. That year she moved to Charlotte, North Carolina. **Hrg. Transcr. 4:4-5 (May 3, 2022)**. Ms. Kiessling testified that she had no intention to return to her residence in Kanawha County at the time she left. **Hrg. Transcr. 14:15-23, 21:13-15**. Ms. Kiessling’s husband’s family resided in North Carolina.

Upon moving to Charlotte, North Carolina, Ms. Kiessling registered to vote in North Carolina. Ms. Kiessling is currently registered to vote in North Carolina and, as of 2022, the North Carolina State Board of Elections Mecklenburg County, North Carolina, voter registration information indicates that Ms. Kiessling is an “ACTIVE” registered voter in that county and that state. Petitioner’s Exhibit #2. The “ACTIVE” Mecklenburg County, North Carolina voter registration information from the North Carolina State Board of Elections evidences that Ms. Kiessling’s address is 728 Wingrave Drive, Charlotte, North Carolina 28270. *Id.* North Carolina State Board of Elections voting history records show that Ms. Kiessling has voted in the general election in Mecklenburg County, North Carolina in 2012, 2014, 2016, 2018 and 2020. *Id.* Ms. Kiessling testified that she understood that she could only vote in North Carolina if she were a resident of North Carolina. **Hrg. Transcr. 12:14-17, 4:12-21**.

Upon moving to North Carolina, Ms. Kiessling purchased real property, a townhouse, in Charlotte, North Carolina. Ms. Kiessling continues to own that property located at 1336 Queens Road, Charlotte, North Carolina 28207 and has and continues to pay real property taxes on that property in North Carolina. **Hrg. Transcr. 9:17-24, 17:17-20, 25:18 through 26:3.**

Ms. Kiessling resided in the Charlotte townhouse until 2017. **Hrg. Transcr. 10:1-4.** She then moved to rental property in Charlotte because her family had outgrown the townhouse; Ms. Kiessling lived with her family in the rental property until the summer of 2019. **Hrg. Transcr. 15:18 through 17:13.**

From 2012 to 2019, Ms. Kiessling's motor vehicles were registered in North Carolina. **Hrg. Transcr. 8:2-5.** From 2012 to 2021, Ms. Kiessling possessed a North Carolina driver's license. **Hrg. Transcr. 8:15-17.**

From 2012 to 2019, Ms. Kiessling paid North Carolina property tax and income tax. **Hrg. Transcr. 8:24 through 9:5, 9:17-24.** Also, during this same time period, her federal tax returns listed North Carolina as her residence address. **Hrg. Transcr. 9:6-16.**

From 2012 through at least 2019 Ms. Kiessling owned and operated businesses in North Carolina. **Hrg. Transcr. 4:22 through 5:9, 6:9-20.** She testified one of the reasons she chose Charlotte was due to its convenient airport. **Hrg. Transcr. 24:15-20.**

In an April 8, 2019, Facebook post by Ms. Kiessling, she stated to a friend (who was hoping that she was moving "north") that she was still in "CLT", indicating her Charlotte, North Carolina location and requested that the friend come visit her there. Petitioner's Exhibit #13.

Ms. Kiessling testified that in the Summer of 2019 she bought a house in Minnesota and moved to Minnesota due to her husband taking a new job there. **Hrg. Transcr. 10:23 through**

11:8, 11:14-20, 27:1-12. She testified that she returned to Charlotte from Minnesota to vote. **Hrg. Transcr. 27: 24 through 28:4.**

Ms. Kiessling testified that she sold the house that she had purchased in Minnesota in the Summer of 2020. **Hrg. Transcr. 11:18-20.**

Ms. Kiessling testified that she has had a West Virginia driver's license since August 2021. **Hrg. Transcr. 8:9-11.** Ms. Kiessling testified that in the last two years, she filed state income tax returns in West Virginia. **Hrg. Transcr. 8:24 through 9:1.**

Ms. Kiessling testified that she split time equally between West Virginia and North Carolina from 2012 to the beginning of the COVID-19 pandemic. **Hrg. Transcr. 10:5 through 11:13.** When she stayed in West Virginia, her husband did not accompany her. **Hrg. Transcr. 28:23 through 29:4.** Until Ms. Kiessling and her husband purchased their current residence, she stayed with her parents in Spencer when she came to West Virginia. **Hrg. Transcr. 18:1-7, 28:23 through 29:1, 32:3-9.** Her family furniture was not moved to West Virginia until the purchase of her current residence. **Hrg. Transcr. 34:23 through 35:4.**

Ms. Kiessling testified that she moved to West Virginia due to the pandemic. **Hrg. Transcr. 18:1-4.** However, in an October 9, 2020, Facebook post, which Ms. Kiessling confirmed was from her Facebook account, Ms. Kiessling stated that, "My family will be spending the next few months in Spencer". Petitioner's Exhibit #14. In that same Facebook post string in response to Ms. Kiessling's friend Kolby Lynne's question, "You're coming home?", Ms. Kiessling stated, "We just sold our house and spending some time in WV while we look for another – so not sure how long we'll be here." *Id.* This statement contradicts Ms. Kiessling's testimony at the hearing that in October 2020 it was her intent to remain in West Virginia.

The Court **FINDS** that from 2012 through – at the earliest – 2019, Ms. Kiessling was a resident of and had her domicile in Charlotte, North Carolina. The Court credits the undisputed objective evidence listed above over her aspirational testimony that she always intended to return to West Virginia. The Court notes that Ms. Kiessling was a credible witness who presented honest testimony with a forthcoming and candid demeanor. None of these findings are intended to cast doubt on Ms. Kiessling’s credibility as a witness.

CONCLUSIONS OF LAW

At the outset, the Court notes that the State Supreme Court has specified how time should be calculated in determining a primary candidate’s domicile. The Supreme Court explained,

In construing West Virginia Constitution art. VIII, § 23, now West Virginia Constitution art. IX, § 10, governing the election of county commissioners, this Court held in the single Syllabus Point of *Fansler v. Rightmire*: “The word ‘election,’ as used in section 23, article 8, Constitution of West Virginia, has reference to general elections—the final choice of the entire electorate—and not to the selection of candidates in a primary.” As noted by the Court in *Fansler*, “Candidates at the time of the adoption of our present Constitution were chosen by party conventions. A primary was not contemplated.” Likewise, the word “election,” as used in West Virginia Constitution art. VI, § 12, refers to general elections and not to the selection of candidates in a primary. Therefore, in order to meet the durational residency requirement found in this constitutional provision, the respondent candidates must have established domicile in the senatorial district and the county which they respectively seek to represent one year prior to the impending November general election.

White v. Manchin, 173 W. Va. 526, 542, 318 S.E.2d 470, 486-87 (1984) (internal citations omitted). The Court notes that the State Supreme Court was considering the one-year district residency rule. However, this Court finds that the same logic applies to the five-year West Virginia citizenship rule, as both are constitutional provisions relating to the same subject matter. The Court thus concludes that the State Supreme Court’s holding regarding the calculation of time in *White v. Manchin* shall apply to the five-year calculation performed herein. Accordingly, despite

Petitioner’s argument to the contrary, Ms. Kiessling’s domicile will be measured according to the general election set to occur on November 8, 2022, not from the May 10, 2022, primary election.

Article 4, sec. 4 of the West Virginia Constitution provides that any person “elected or appointed to any state, county or municipal office. . . must have been citizens of the state for five years next preceding their election or appointment.” This Court emphasizes the importance of the term “next preceding,” as candidates are required to be citizens of West Virginia for the five years “next preceding,” or immediately before, their elections. This is in contrast to a provision that would permit candidates to have simply been West Virginia citizens for five years throughout their lives, not necessarily the five years prior to the election.

The Supreme Court of Appeals of West Virginia has upheld the constitutionality of this requirement:

Compelling state interests are served by article IV, section 4 of the West Virginia Constitution, which provides that a candidate for senator must be a citizen of the State for five years next preceding the election, and therefore, that constitutional provision does not violate a candidate’s rights to equal protection.

Syl. pt. 1, *State ex rel. Harden v. Hechler*, 187 W.Va. 670, 421 S.E.2d 53 (1992).

The requisites of West Virginia citizenship are contained in article 2, section 3, of the West Virginia Constitution which grants citizenship to “[a]ll persons residing in this state.” In the context of the determination of residency for the purpose of elections, the Supreme Court has equated residence with domicile: “[i]n West Virginia, the term ‘residence’ is synonymous with the term ‘domicile’ for election law purposes.” Syllabus Point 7, *White v. Manchin*, 173 W.Va. 526, 318 S.E.2d 470 (1984).

“A [person] may live in several different places but he [or she] can have only one domicile. Domicile is a place a person intends to retain as a permanent residence and go back to ultimately after moving away.” Syllabus Point 2, *Shaw v. Shaw*, 155 W.Va. 712, 187 S.E.2d 124 (1972).

However, as the Court noted in *White*, intention alone is insufficient: “Residence is thus made up of fact and intention, the fact of abode and the intention of remaining, and is a combination of acts and intention. Neither bodily presence nor intention alone will suffice to create a residence. There must be a combination and concurrence of these elements and when they occur, a residence is created.” *White*, 173 W. Va. at 538, 318 S.E.2d at 482 (internal quotations omitted).

Finally, “[t]he important facts in determining the domicile of a person who has more than one residence are the physical character of each, the time spent and the things done in each place, and whether or not there is an intention to return to the original domicile.” Syllabus Point 4, *Shaw v. Shaw*, 155 W.Va. 712, 187 S.E.2d 124 (1972).

In making the determination, the Court must be guided by objective evidence: “Intent to change domicile, which requires an intent not to return to the old domicile, is to be inferred from facts and circumstances, not from self-serving representations.” *White*, 173 W. Va. at 542, 318 S.E.2d at 486; *State v. Stalaker*, 186 W. Va. 233, 236, 412 S.E.2d 231, 234 (1991). The party alleging a change of domicile has the burden of proof. *State v. Stalaker, supra*.

The Court **CONCLUDES** that Petitioner has met her burden of establishing that Ms. Kiessling established a domicile in North Carolina in 2012 when she moved there from Kanawha County. She purchased a residence and a business, registered as a North Carolina voter, voted several times in North Carolina elections from 2012 through 2020, obtained a driver’s license, registered her vehicles, and paid taxes in North Carolina.

These acts are sufficient to establish domicile in North Carolina. In *Harden*, the Supreme Court found the following facts sufficient to find a candidate for senate was not a West Virginia resident:

The evidence presented to this Court, some of which was presented at oral argument and was not disputed by Mr. Russell, is that Mr. Russell did not pay income tax in

this State during the years of 1987 and 1988. He did not register to vote in West Virginia until October 17, 1989. Mr. Russell did not have a West Virginia driver's license until November of 1989, and his 1987 Dodge automobile was titled and registered in the District of Columbia until November of 1989. Finally, he did not purchase a home in this State until August of 1989.

Harden, 187 W. Va. 670, 67, 421 S.E. 2d 53, 56. Here, Ms. Kiessling clearly mirrors each of these facts found by the State Supreme Court to be highly persuasive, if not dispositive, in *Harden*. Ms. Kiessling has not paid income tax in West Virginia for the five years next preceding the November 2022 election. She was not registered to vote in West Virginia for these five years, as she voted in North Carolina as recently as November 2020. Ms. Kiessling obtained a West Virginia driver's license in August 2021, clearly later than five years prior to the election. Her automobiles were registered and titled in North Carolina as recently as 2019. Finally, Ms. Kiessling did not purchase a home in West Virginia until 2021.

The Court **CONCLUDES**, pursuant to *State ex rel. Harden v. Hechler*, that the totality of the circumstances indicates that Ms. Kiessling has not been domiciled in West Virginia for five years next preceding the November 2022 general election. The Court expresses no opinion regarding an exact time when Ms. Kiessling's West Virginia domicile began after leaving North Carolina, but it cannot be disputed that her West Virginia domicile has not been established for the requisite five years prior to the November 2022 general election.

In making this conclusion, the Court finds it significant that prior to 2021, Ms. Kiessling did not have a residence of her own in West Virginia. Even if the Court credits her testimony about the amount of time she spent in West Virginia, the Court finds it unlikely that a self-sufficient, married person with children who owned her own businesses considered her parents' West Virginia home to be her domicile. The State Supreme Court has rejected similar subjective

testimony. *White, supra* (rejecting room where candidate slept as domicile when candidate had a fully furnished apartment outside the district).

The Court is particularly troubled by the fact that Ms. Kiessling claims domicile in West Virginia having voted in a North Carolina election as recently as 2020. Under North Carolina law, voting requires that a person register to vote in the place where “the person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning.” N.C. Gen. Stat. Ann. § 163-57(1). While at the hearing Ms. Kiessling denied that she met this test, the Court finds that the act of voting in North Carolina constitutes an admission by her that she had a fixed habitation in North Carolina where she had an intention of returning.

Moreover, the Court finds persuasive the fact that while residing outside North Carolina, Ms. Kiessling voted in North Carolina elections. The Court notes that the focus here is determining when Ms. Kiessling was domiciled in West Virginia. Ms. Kiessling’s voting in North Carolina clearly evidences a belief that North Carolina was her fixed domicile. Ms. Kiessling may have voted in North Carolina while residing in North Carolina out of convenience. However, it cannot be said that voting in North Carolina elections while residing elsewhere is convenient in any respect. If the physical locus of her voting was determined by where she was located and thus where she could most easily vote, Ms. Kiessling would have registered to vote in Minnesota when she purchased a home there. However, Ms. Kiessling did not, instead remaining registered to vote in North Carolina. The Court finds this to reflect a clear belief that although Ms. Kiessling may have resided elsewhere, she continued to consider North Carolina to be her domicile and the proper state in which she should vote as a citizen thereof.

In *Sutton v. Sutton*, 128 W.Va. at 296–97, 36 S.E.2d at 612, the Court rejected a contention similar to Ms. Kiessling’s, that economic, cultural, and civic ties with a particular community are sufficient to establish domicile, stating:

A man may remove from his place of residence and establish a domicile or residence elsewhere, and still own property, have important business or financial connections, leave his investments undisturbed, and even plan for his own burial, in a community in which he lived for a long period of time, without continuing to be a resident of the locality which he has left with the intention of staying away indefinitely.

Here the objective evidence establishes that Ms. Kiessling left West Virginia in 2012 with her husband and established a new domicile in North Carolina. As late as 2020, there is evidence that she had no intent to return to West Virginia. While she may now have established a domicile in West Virginia, the Court concludes, based on her actions, that she was domiciled in North Carolina through at least 2019. Consequently, she is ineligible as a candidate for the West Virginia Senate because she fails to meet the five-year residency requirement of Art. 4, sec. 4 of the West Virginia Constitution.

“In West Virginia a special form of mandamus exists to test the eligibility to office of a candidate in either a primary or general election.” Syl. pt. 5, in part, *State ex rel. Maloney v. McCartney*, 159 W.Va. 513, 223 S.E.2d 607 (1976). Thus, “[b]ecause there is an important public policy interest in determining the qualifications of candidates in advance of an election, this Court does not hold an election mandamus proceeding to the same degree of procedural rigor as an ordinary mandamus case.” Syl. pt. 2, *State ex rel. Bromelow v. Daniel*, 163 W.Va. 532, 258 S.E.2d 119 (1979); syl. pt. 3, *State ex rel. Carenbauer v. Hechler*, 208 W.Va. 584, 585, 542 S.E.2d 405, 406 (2000). This relaxed standard was first adopted in the context of cases where the petitioner sought to preserve the right to vote or to run for political office, *see, e.g., syl. pt. 3, State ex rel. Sowards v. County Comm’n of Lincoln Co.*, 196 W.Va. 739, 474 S.E.2d 919 (1996); *State ex rel.*

Sandy v. Johnson, 212 W.Va. 343, 348, 571 S.E.2d 333, 338 (2002), and has been expanded to cases seeking to prohibit a candidate from running:

While we countenanced easing the standard for issuing extraordinary relief in the context of “preserving” the right to run for political office in *Sowards*, the issues raised in this case, although aimed at prohibiting a candidacy, suggest similar exigencies which require immediate, rather than deferred, resolution. Moreover, as we explained in *Bromelow*, “[t]he principal purpose of the liberalized election mandamus proceeding is to provide an expeditious pre-election hearing to resolve eligibility of candidates, so that voters can exercise their fundamental rights as to all eligible candidates.” *Id.* at 536, 258 S.E.2d at 122; *see also State ex rel. Maloney v. McCartney*, 159 W.Va. 513, 527, 223 S.E.2d 607, 616 (1976) (stating that “intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election” and recognizing that “some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery....”).

State ex rel. Carenbauer v. Hechler, 208 W.Va. at 588, 542 S.E.2d at 409. As the West Virginia Supreme Court has recognized, prompt resolution of candidate eligibility disputes furthers important public policies:

A consistent line of decisions of this Court during the last fifteen years clearly recognizes that the intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election. Consequently this Court has recognized that some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery.

State ex rel. Maloney v. McCartney, 159 W.Va. at 526-27, 223 S.E.2d at 616; *see also White v. Manchin*, 173 W.Va. at 532-534, 318 S.E.2d at 476-478 (1984).

The Supreme Court has consistently recognized that mandamus to the Secretary of State is appropriate to strike an ineligible candidate from the ballot prior to the election. Syl. pt. 3, *State ex rel. Carenbauer v. Hechler*, 208 W.Va. 584, 585, 542 S.E.2d 405, 406 (2000); *State ex rel. Maloney v. McCartney*, 159 W.Va. 513, 527, 223 S.E.2d 607, 616 (1976); *White v. Manchin*, 173 W.Va. 526, 532-534, 318 S.E.2d 470, 476-478 (1984).

W. Va. Code, § 3-1A-6(a) authorizes the Secretary of State, as chief election official, to issue orders to all election officials, county commissions, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners and poll clerks who are required to abide by any orders that may be issued. As such, a writ directed at the Secretary of State is sufficient to provide the relief required by this Petition. This was the same procedure used successfully in *State ex rel. Boley v. Tennant*, 228 W. Va. 812, 818, 724 S.E.2d 783, 789 (2012).

DECISION

The Court **CONCLUDES** that Petitioner has established that Respondent Andrea Kiessling has not been a resident of the State of West Virginia for the five years next preceding the November 2022 general election. The Court hereby **GRANTS** the Petition to Issue a Writ of Mandamus and **ORDERS** the following:

(1) the Respondent Secretary of State is **ORDERED** to withdraw his certification of candidacy of Respondent Andrea Kiessling declaring her ineligible to run for the West Virginia Senate District 8;

(2) the Secretary of State is **ORDERED**, pursuant to W. Va. Code, § 3-1A-6(a), to direct all election officials, county commissioners, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners, and poll clerks associated with the administration of the primary elections to disregard and refrain from tallying, tabulating, certifying, or returning any vote cast, absentee, write-in, or otherwise, for Respondent Andrea Kiessling, and

(3) the Secretary of State is **ORDERED** to direct the county clerks in Kanawha, Putnam, Jackson, Roane and Clay counties to post a sign at all polling places stating that the Respondent Andrea Kiessling is ineligible as a candidate for Senate District 8. In his Post-Hearing

Memorandum, Respondent Secretary of State Mac Warner noted, “[t]he Secretary suggests that any such sign be posted on the polling place door, or possibly the check-in table where voters sign the poll book and receive their ballot.” Pursuant to the Secretary of State’s suggestion, the Court **ORDERS** that all signs be posted on the polling place door.

The objections and exceptions of the parties to the rulings of the Court made herein are hereby noted and preserved. There being nothing further, the Court **ORDERS** that this action be **STRICKEN** from the docket of this Court. The Court further **DIRECTS** the Clerk of this Court to provide a certified copy of this Order to all counsel of record.

ENTERED: May 4, 2022



Honorable Louis H. “Duke” Bloom
Thirteenth Judicial Circuit

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 04
DAY OF May, 2022
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

VINCE DEEDS, current Senator
for District 10,

Petitioner,

v.

CIVIL ACTION NO.: 26-P-104
Judge Keneth Ballard

KRIS WARNER, West Virginia
Secretary of State; MICHELLE HOLLY,
Fayette County Clerk; ROBIN YATES
LOUDERMILK, Greenbrier County Clerk;
JEREMY MEADOWS, Monroe County Clerk;
ROBERT PAINTER II, Nicholas County Clerk;
LYNN REED, Summers County Clerk; and
ROBERT SHIRLEY LOVE, Candidate for
State Senate in the 10th Senatorial District
of West Virginia,

Respondents.

**MOTION FOR EXPEDITED PROCEDURE AND CONSIDERATION AND
INCORPORATED MEMORANDUM IN SUPPORT**

COMES NOW Petitioner, Vince Deeds, by and through his undersigned counsel, and respectfully moves this Honorable Court to expedite the briefing, consideration, and disposition of Petitioner's Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief. As set forth in the accompanying Petition, this action seeks enforcement of the constitutional eligibility requirements governing candidates for the West Virginia Senate and requests relief preventing the inclusion of a constitutionally ineligible candidate on the ballot.

Expedited consideration is necessary because the issues raised in the Petition arise in the context of imminent election deadlines. The general election is scheduled for November 3, 2026, and the primary election is scheduled for May 12, 2026. Under the election calendar administered by the West Virginia Secretary of State, absentee ballots must be printed and delivered to county clerks by March 27, 2026, after which those ballots will be mailed to voters who have requested

absentee voting. Sample ballots for early voting must be published between April 16 and April 22, 2026, and early voting will occur between April 29 and May 9, 2026. Because ballots are currently being prepared and will soon be distributed for the primary election, prompt resolution of the issues presented in the Petition is necessary to avoid voter confusion and disruption to the election process.

Courts in this State have repeatedly recognized that mandamus is the appropriate mechanism to compel election officials to enforce constitutional eligibility requirements and remove ineligible candidates from the ballot prior to an election. *See, e.g., State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 585, 542 S.E.2d 405, 406 (2000); Syl. Pt. 5, *State ex rel. Maloney v. McCartney*, 159 W. Va. 513, 223 S.E.2d 607 (1976); *White v. Manchin*, 173 W. Va. 526, 532–34, 318 S.E.2d 470, 476–78 (1984); *State ex rel. Boley v. Tennant*, 228 W. Va. 812, 724 S.E.2d 783 (2012). Consistent with this authority, courts such as this one have considered such challenges on an expedited or emergency basis. *See Order Granting Emergency Writ of Mandamus, State ex rel. Stine v. Warner*, Civ. Act. No. 22-P-151 (Kanawha Cnty. Cir. Ct. May 4, 2022) (granting expedited mandamus relief where a candidate failed to satisfy the five-year in-state residency requirement for the office of State Senator).

The legal issues presented in the Petition are straightforward and capable of prompt resolution. The constitutional provision governing eligibility for the office of State Senator is clear, and the evidence submitted with the Petition is likewise clear. Accordingly, this matter is well-suited for expedited judicial consideration so that the constitutional eligibility question may be resolved prior to the distribution of ballots and the commencement of early voting in the primary election.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion for Expedited Procedure and Consideration, establish an expedited briefing schedule for the Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief, and grant such other and further relief as this Court deems just and proper.

VINCE DEEDS

By Counsel,

/s/ J. Mark Adkins

J. Mark Adkins (WVSB #7414)
Richard R. Heath, Jr. (WVSB #9067)
Brittany L. O'Saile (WVSB #14296)
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CERTIFICATE OF SERVICE

I, the undersigned counsel for Petitioner, hereby states that the foregoing *Motion for Expedited Procedure and Consideration and Incorporated Memorandum in Support* will be served upon all parties along with copies of Petitioner's Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief.

/s/ J. Mark Adkins
J. Mark Adkins (WVSB #7414)

In the Circuit Court of Kanawha County, West Virginia

Vince Deeds,
Plaintiff,

v.

Case No. CC-20-2026-P-104
Judge Kenneth Ballard

Kris Warner,
Michelle Holly,
Robin Yates Loudermilk,
Jeremy Meadows,
Robert Painter II ET AL,
Defendants

ORDER TO SHOW CAUSE

On this day, the above-named Petitioner, Vince Deeds, current Senator for District 10, by and through his counsel, Bowles Rice LLP, came and filed an *Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief* seeking an Order: (1) directing the Secretary of State to withdraw certification of Robert Shirley Love's candidacy for State Senate; (2) directing the relevant county clerks within District 10 and boards of ballot commissioners not to include Robert Shirley Love on any applicable election ballots; (3) directing all election officials involved in administering the election to refrain from tallying, tabulating, certifying, or returning any vote cast for Robert Shirley Love, whether by absentee ballot, early voting, election-day voting, write-in vote, or otherwise; and (4) requiring election officials to provide notice to voters that Robert Shirley Love is constitutionally ineligible to serve as State Senator for District 10.

Following careful review of the Petition, the Court does hereby **ORDER** the Respondents **SHOW CAUSE** why the relief sought should not be granted and to appear for an evidentiary hearing before this Court at the Kanawha County Judicial Building located at 111 Court Street, 6th Floor, Charleston, West Virginia 25301, on **Monday**,

March 16, 2026, at 1:00 p.m. to respond to the Petition.

The Court further **ORDERS** that the Petitioner is responsible for ensuring that all Respondents receive notice of the hearing, and Petitioner shall effectuate service of this Order and the *Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief* and its exhibits upon all Respondents in this matter as soon as practicably possible.

The Circuit Clerk shall send certified copies of this Order to all counsel and parties of record.

ENTER: March 9, 2026

/s/ Kenneth Ballard
Circuit Court Judge
8th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.

Robert Shirley Love
1051 Gatewood Rd.
Fayetteville, WV 25840
(304) 377-8500
robertlovewv@gmail.com

March 13, 2026

RE: *Vince Deeds, current Senator for District 10 v. Kris Warner, WV Secretary of State, et al;*
Kanawha County Circuit Court; Case No. 26-P-104

To whom it may concern,

My wife was served notice of these proceedings on my behalf on this Monday, March 9th, 2026. Since receiving this notice I have been attempting to gain legal representation but have yet to be able to find and sign counsel. I have been an announced candidate since early last Fall (2025) and filed my official announcement on the first day of filing, Monday, January 12th. Senator Deeds and his team have had months to prepare and file this. I have had less than a week. Would the court be willing to grant me some extra time to gain representation and prepare, please?

Please reach out to me via email or cell phone at the contact information provided above.

Thank you,

A handwritten signature in black ink, appearing to read 'R. S. Love', written in a cursive style.

Dr. Robert S. Love

Cc: Bowels Rice, WV Sec of State Kris Warner

FAX

TO:

Name: Kanawha County Circuit Court

Fax Number: (304) 357-0473

of Pages: 2
(including cover sheet)

FROM:

Name: Dr. Robert Love

Fax Number: (304) 968-6028

Subject: Case No 26-P-104

Message:

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

VINCE DEEDS, current Senator
for District 10,

Petitioner,

v.

CIVIL ACTION NO.: 26-P-104
Judge Keneth Ballard

KRIS WARNER, West Virginia
Secretary of State; MICHELLE HOLLY,
Fayette County Clerk; ROBIN YATES
LOUDERMILK, Greenbrier County Clerk;
JEREMY MEADOWS, Monroe County Clerk;
ROBERT PAINTER II, Nicholas County Clerk;
LYNN REED, Summers County Clerk; and
ROBERT SHIRLEY LOVE, Candidate for
State Senate in the 10th Senatorial District
of West Virginia,

Respondents.

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENT ROBERT SHIRLEY
LOVE'S MOTION FOR ADDITIONAL TIME**

In his March 13, 2026 motion, Respondent Love requests additional time to obtain counsel and prepare a response to the *Emergency Petition for Declaratory Judgment, Writ of Mandamus, and Injunctive Relief*, stating that he received notice of this action on March 9, 2026 and has not yet secured legal representation. However, this matter concerns the constitutional eligibility of a candidate appearing on the ballot for the upcoming 2026 election cycle, and the Court's prompt resolution of that issue is necessary to prevent disruption to the election process.

The election calendar requires that absentee ballots be printed and prepared imminently, with early voting and other election administration deadlines quickly approaching. Delaying consideration of this matter risks interfering with ballot preparation and distribution and could result in voters casting ballots for a candidate whose eligibility to serve is constitutionally disputed.

Courts routinely recognize that election disputes must be resolved on an expedited basis in order to protect the integrity of the electoral process and avoid unnecessary disruption to election administration. *See, e.g.*, Order Granting Emergency Writ of Mandamus, *State ex rel. Stine v. Warner*, Civ. Act. No. 22-P-151 (Kanawha Cnty. Cir. Ct. May 4, 2022) (granting expedited mandamus relief where a candidate failed to satisfy the five-year in-state residency requirement for the office of State Senator). Granting Respondent’s request for additional time would undermine that need for prompt resolution.

As reinforced in his motion, Respondent Love has been an announced candidate since 2025, and the constitutional eligibility requirement at issue in this case is clearly set forth in the West Virginia Constitution. Respondent has been aware of his candidacy and the requirements for office for months, while election deadlines are now imminent.

For these reasons, and in light of the urgent election-related deadlines, Petitioner respectfully requests that the Court deny Respondent Love’s request for additional time and proceed with the expedited consideration of this matter and hearing set for Monday, March 16, 2026.

Dated this 13th day of March, 2026.

/s/ J. Mark Adkins

J. Mark Adkins (WVSB #7414)
Richard R. Heath, Jr. (WVSB #9067)
Brittany L. O’Saile (WVSB #14296)
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brittany.osaile@bowlesrice.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, the undersigned counsel for Petitioner, hereby state that the foregoing *Petitioner's Response in Opposition to Respondent Robert Shirley Love's Motion for Additional Time* was filed via the Court's E-Filing system, which will give notification to all counsel of record. A copy was also faxed and emailed to Respondent Robert Shirley Love at the following:

robertlovewv@gmail.com
Facsimile: (304) 968-6028

/s/ J. Mark Adkins
J. Mark Adkins (WVSB #7414)