

Adequate Polling Place Resources

Virginia State Conference of NAACP Branches v. Kaine
 (Richard L. Williams and Dennis W. Dohnal,
 E.D. Va. 3:08-cv-692)

Eight days before the 2008 general election, the Virginia NAACP and three voters filed a federal complaint in the Eastern District of Virginia’s Richmond courthouse against Commonwealth of Virginia election officials, charging Virginia with allocating polling place resources improperly.¹ On the following day, the plaintiffs filed a motion for a preliminary injunction.² Local Republican Party organizations moved to intervene on the third day.³

The court assigned the case to Judge Richard L. Williams, and it was his practice to refer civil cases to Magistrate Judge Dennis W. Dohnal for preliminary matters and settlement discussions.⁴ Judge Dohnal held a settlement conference on the case’s third day, October 29.⁵ As a result of assurances that the plaintiffs received at the settlement conference, they decided to withdraw their motion for a preliminary injunction.⁶ On the case’s fifth day, however, the plaintiffs again sought a preliminary injunction.⁷ Judge Williams set a hearing on the motion for the next court day, the day before election day.⁸

At the hearing, Judge Williams granted intervention⁹ and denied injunction.¹⁰ Judge Williams ordered Virginia to post by that evening the availability of curbside voting and the fact that any voter in line by 7:00 p.m. would be allowed to vote.¹¹ “Additional dissemination of this information will reduce confusion and help ensure as many Virginians as possible can vote in this election.”¹²

1. [Complaint](#), Va. State Conference of NAACP Branches v. Kaine, No. 3:08-cv-692 (E.D. Va. Oct. 27, 2008), D.E. 1; see Rob Johnson & Michael Sluss, *Concerns Dog Prep for Voting*, Roanoke Times-Dispatch, Oct. 29, 2008, at B1; Tyler Whitley & Olympia Meola, *Voter-Protection Group Sues on NAACP’s Behalf*, Oct. 28, 2008, at A6.

2. [Preliminary Injunction Motion](#), Va. State Conference of NAACP Branches, No. 3:08-cv-692 (E.D. Va. Oct. 28, 2008), D.E. 4.

3. [Intervention Motion](#), *id.* (Oct. 29, 2008), D.E. 7.

4. Interview with Dennis W. Dohnal, Oct. 26, 2012. Tim Reagan interviewed retired Judge Dohnal for this report by telephone.

Judge Williams died on February 19, 2011. Federal Judicial Center Biographical Directory of Federal Judges, <http://www.fjc.gov/history/home.nsf/page/judges.html>.

5. [Docket Sheet](#), Va. State Conference of NAACP Branches, No. 3:08-cv-692 (E.D. Va. Oct. 27, 2008).

6. [Order](#), *id.* (Oct. 30, 2008), D.E. 13; [Motion](#), *id.* (Oct. 30, 2008), D.E. 12; see Tyler Whitley, *NAACP Drops Voting Lawsuit*, Richmond Times-Dispatch, Oct. 31, 2008, at A8.

7. [Preliminary Injunction Motion](#), Va. State Conference of NAACP Branches, No. 3:08-cv-692 (E.D. Va. Oct. 31, 2008), D.E. 17.

8. [Order](#), *id.* (Oct. 31, 2008), D.E. 19.

9. [Intervention Order](#), Va. State Conference of NAACP Branches, No. 3:08-cv-692 (E.D. Va. Nov. 3, 2008), D.E. 44; [Minutes](#), *id.* (Nov. 3, 2008), D.E. 43.

10. [Injunction Denial](#), *id.* (Nov. 3, 2008), D.E. 45; [Minutes](#), *supra* note 9.

11. [Injunction Denial](#), *supra* note 10; [Minutes](#), *supra* note 9.

12. [Injunction Denial](#), *supra* note 10.

The plaintiffs dismissed their action voluntarily on November 17.¹³

13. [Order](#), *Va. State Conference of NAACP Branches*, No. 3:08-cv-692 (E.D. Va. Nov. 18, 2008), D.E. 51.