

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA**

**NANCY SINGLETON CASE, and  
DEBORAH A. MCGEE**

*Individual Contestors Below, Petitioners,*

v.

**Case No.: 19-2019-P-136  
(Honorable Debra McLaughlin)**

**HARDWICK SMITH JOHNSON,  
CHARLOTTE WARD THOMPSON,  
CHRISTIAN PECHUEKONIS,  
MARJORIE FLINN YOST,  
BARBARA HUMES,  
JAY PREMACK, and  
CORPORATION OF HARPERS FERRY,**

*Individual Contestees Below, Respondents.*

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**MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE**

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Mac Warner, Secretary of State of the State of West Virginia, in his official capacity (the “Secretary”), by and through counsel, respectfully moves for any necessary leave to submit a brief as *amicus curiae* in support of the relief sought by Petitioners, Nancy Singleton Case and Deborah A. McGee. The Secretary has interest in the matter presented in this case in his capacity as the state’s chief election officer.

The brief of the Secretary, as the State’s chief election official, presents desirable, relevant information for the Court’s consideration. The Secretary seeks to ensure uniform application of West Virginia election laws and to promote the franchise of eligible voters.

For these reasons, this motion should be granted. In the alternative, if the Court is unwilling to accept the Secretary’s brief as *amicus curiae*, then the Secretary moves to intervene as an

additional party, consistent with West Virginia Rule of Civil Procedure 2(b), as the statutes at issue in this action are “administered by” the Secretary as a “state governmental officer.”

Respectfully submitted,

MAC WARNER, SECRETARY OF STATE  
OF THE STATE OF WEST VIRGINIA

By Counsel,

PATRICK MORRISEY  
ATTORNEY GENERAL

*/s/ Curtis R. A. Capehart*

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*Counsel for Mac Warner, Secretary of State of the  
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DATE: October 17, 2019

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**CERTIFICATE OF SERVICE**

I caused a true copy of the foregoing “*Motion for Leave to File Brief as Amicus Curiae*” to be served on the following counsel electronically via the West Virginia E-Filing system and by depositing in the United States Postal Service a copy this 17<sup>th</sup> day of October:

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*/s/ Curtis R. A. Capehart*  
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