

November 2, 2016

Jonathan S. Berkon
JBerkon@perkinscoie.com
D. +1.202.434.1669
F. +1.202.654.9684

Mr. Joe Morrissey
Elect Joe Morrissey
2302 Chamberlayne Ave
Richmond, VA 23222

Re: Cease and Desist Distributing Misleading Sample Ballots

Dear Mr. Morrissey:

We are counsel to Stoney for RVA and the Democratic Party of Virginia (“DPVA”). We write with regard to the sample ballots being distributed by your campaign as the “Democratic Party Sample Ballot.”¹ These ballots fail to include a disclaimer as required by Virginia law and they falsely imply that the Democratic Party of Virginia and/or one of its local committees is backing the advertisement and your campaign. Because these sample ballots are deliberately misleading to voters, we respectfully demand that you and your campaign immediately stop distributing them.

First, sample ballots are treated as advertisements under Virginia law and are therefore required to carry a “paid for by” disclaimer stating who authorized and paid for the communication. Va. Code Ann. §§ 24.2-622; 24.2-956. The sample ballots being distributed by your campaign plainly violate Virginia law by failing to include the required disclaimer. Second and relatedly, by incorrectly labeling the advertisements as the “Democratic Party Sample Ballot,” the ballots intentionally mislead voters into thinking that your campaign has been endorsed by Democratic party organizations and that Democratic party organizations are behind the advertisement. To the contrary, as you know, neither the DPVA nor the local Richmond Democratic Committee have endorsed your campaign. Likewise neither organization had anything to do with the sample ballot advertisement. Accordingly, the sample ballots are misleading to voters and provide voters with false information.

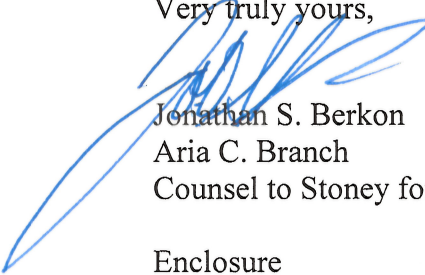
Because the sample ballots being distributing by your campaign are false and misleading, your campaign must cease the distribution of the advertisement immediately. Please provide us with immediate written confirmation that your campaign will no longer distribute these sample ballots to voters.

We can be reached at (202) 654-6338. Thank you for your prompt attention to this matter.

¹ A copy of the sample ballot is enclosed.

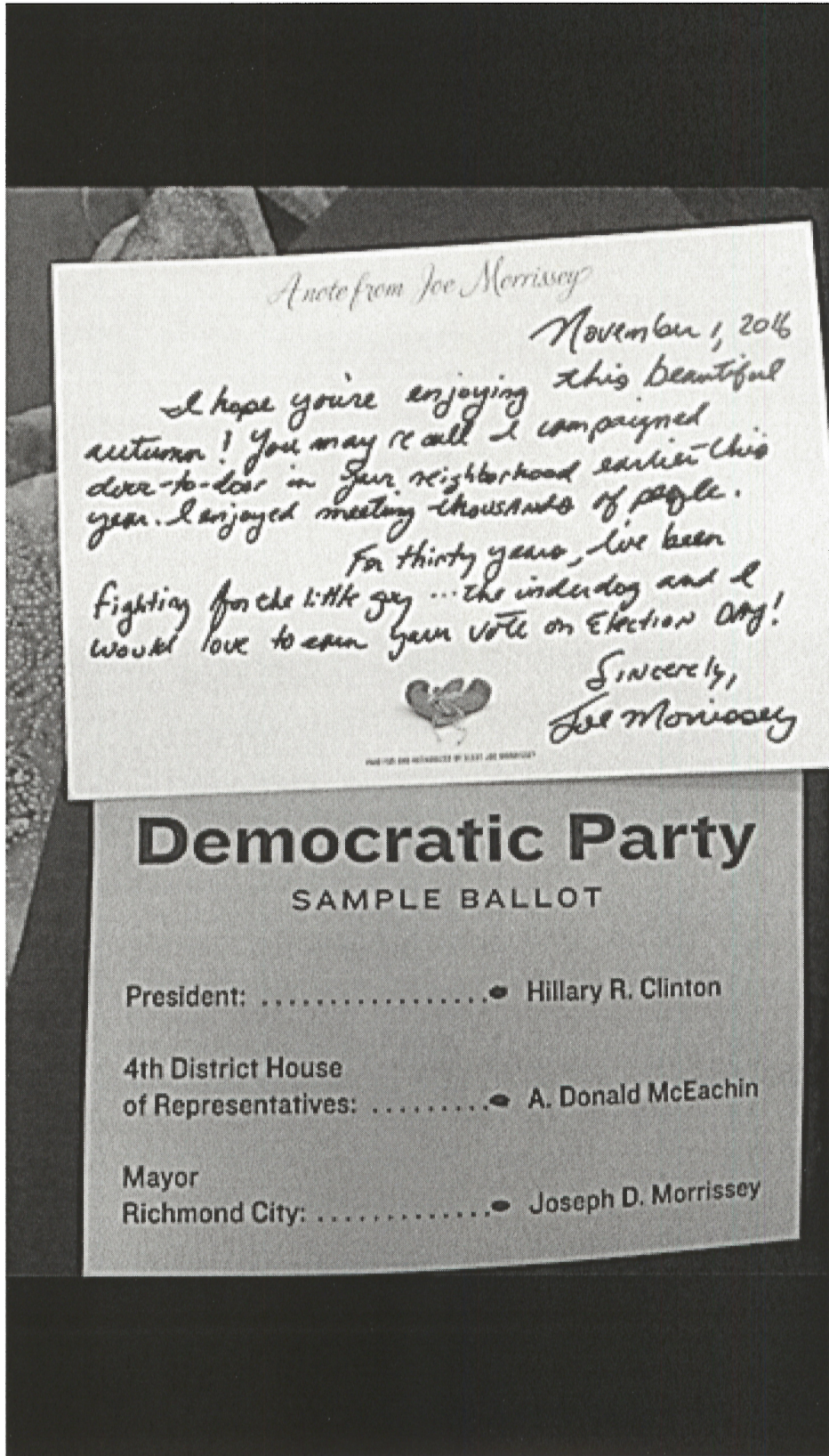
Joe Morrissey
November 2, 2016
Page 2

Very truly yours,



Jonathan S. Berkon
Aria C. Branch
Counsel to Stoney for RVA and the DPVA

Enclosure



Note from Joe Morrissey

November 1, 2016

I hope you're enjoying this beautiful autumn! You may recall I campaigned door-to-door in your neighborhood earlier this year. I enjoyed meeting thousands of people.

For thirty years, I've been fighting for the little guy ... the underdog and I would love to earn your vote on Election Day!

*Sincerely,
Joe Morrissey*



MADE FOR THE NEEDLES OF SEAT JOE MORRISSEY

Democratic Party

SAMPLE BALLOT

President: Hillary R. Clinton

4th District House
of Representatives: A. Donald McEachin

Mayor
Richmond City: Joseph D. Morrissey