

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

ex rel. **ERIC TARR,**

Petitioner,

v.

Civil Action No. 26-C-1254

KRIS WARNER,
Secretary of State for the
State of West Virginia, and
ZACHARY ABBOTT,

Respondents.

AGREED ORDER

On October 13, 2026, Petitioner filed a Verified Petition for Writ of Mandamus requesting this Court Order Respondent Secretary of State to withdraw Respondent Abbott's Candidate Certificate of Acceptance and remove Respondent Abbott from the ballot in Senatorial District 4. This Court entered a Rule to Show Cause on October 14, 2026 and set a Hearing for the Respondents to Show Cause on Monday October 19, 2026 at 1:00.

Respondent Abbott, by his signature on this Agreed Order, states that he has agreed that he will not challenge or otherwise contest the Petition and agrees that the requested relief should be granted without conceding any of the factual allegations contained in the Petition. The Respondent Secretary of State agrees to this Order as well.

Thus, under due consideration, this Court **GRANTS** Petitioner's Writ and **ORDERS** Respondent Secretary of State to withdraw the certification of candidacy of Respondent Abbott. The Secretary of State is **ORDERED**, pursuant to the authority granted by W. Va. Code, § 3-1A-

6(a), to direct the respective county clerks and ballot commissioners for the District 4 Counties to strike, omit, or otherwise remove the name of Respondent Abbott from the official ballots to be used in the general election to be conducted in 2026 and to direct all election officials, county commissioners, clerks of county commissioners, 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 Abbott.

There being nothing further, the Court **ORDERS** that the Hearing on October 19 be cancelled and removed from the Court's docket and this action be **STRICKEN** from the docket of this Court and further **DIRECTS** the Clerk of this Court to provide a certified copy of this order to the parties.

ENTERED this ^{16th} ___ day of October, 2026.



Kenneth D. Ballard
Circuit Court Judge

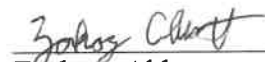
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