

Montgomery Circuit Court
MACEDO, PETER

Vs

Case No.:CL25002361-00
MONTGOMERY CO. ELECTORAL
BOARD

TABLE OF CONTENTS		
Document Index	Date Filed	Page
PETITION	11/20/2025	1 - 4
Receipt_25000005884.pdf		5 - 5
SPECIAL PROCESS SERVER - COMPLAINT - MONTGOMERY CO. ELECTORAL BOARD	11/20/2025	6 - 11
SPECIAL PROCESS SERVER - COMPLAINT - SUTPHIN, MICHAEL D	11/20/2025	12 - 17



VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

PETER MACEDO,
Petitioner

v.

MONTGOMERY COUNTY ELECTORAL BOARD

SERVE: Connie Viar

Director of Elections and General Registrar

1546 N. Franklin ST

Christiansburg, Virginia 24073

viarcm@montgomerycountyva.gov

govote121@montgomerycountyva.gov

electoralboard@montgomerycountyva.gov

Respondent.

Case No. _____

ALSO SERVE:

Michael D. Sutphin

2719 Chelsea Court

Blacksburg, Virginia 24060

**PETITION FOR RECOUNT OF BALLOTS FOR
THE OFFICE OF MAYOR FOR THE TOWN OF BLACKSBURG**

Peter Macedo, by counsel, hereby appeals the Montgomery County Electoral Board's certification of the November 4, 2025, General Election results declaring Michael D. Sutphin the prevailing candidate in the election for Mayor of the Town of Blacksburg, and requests that this Court "have the ballots in the election recounted," pursuant to Virginia Code §§ 24.2-800, *et seq.* Virginia Code § 24.2-801(B). In support of this Petition, Macedo states the following:

1. Peter Macedo (Macedo) was a candidate for Mayor for the Town of Blacksburg in the November 4, 2025, General Election.
2. Macedo was one of two (2) candidates for Mayor on the ballot.

3. The Montgomery County Electoral Board certified the results of the Mayoral election on November 14, 2025.

4. The certified results are:

Michael D. Sutphin (Sutphin)	5,573
Peter Macedo	5,555
Write In	164

See Virginia Department of Elections website:

<https://enr.elections.virginia.gov/results/public/montgomery-county/elections/2025-November-General/ballot-items/01000000-1238-16ac-801d-08ddfb9ff4e4>, last visited November 20, 2025, at 11:29 AM, and see Virginia Code § 24.2-801(B).

5. According to the certified results, Sutphin received the most votes, besting Macedo by 18 votes: the Electoral Board certified Sutphin as winner of the election. *Id.*

6. The Code of Virginia provides that “the defeated candidate may appeal from the determination of ... the electoral board for a recount of the vote as set forth in this article,” when there exists “a difference of not more than one percent of the total vote cast for the two such candidates as determined by ... the electoral board[.]” Virginia Code § 24.2-800(B).

7. “[O]ne percent of the total vote cast for the two such candidates” is 303.83 (*i.e.*, $5,573 + 5,555 = 11,128 \times 0.01 = 111.28$). *Id.*

8. The difference between the votes cast for Sutphin and for Macedo, 18, is less than 111.28. Therefore, the “difference [is] not more than one percent of the total vote cast for the two such candidates as determined by ... the electoral board,”

thereby entitling Macedo to “appeal from the determination of ... the electoral board for a recount of the vote.” *Id.*

9. The Code of Virginia provides further that, when “between the candidate apparently ... elected and the candidate petitioning for the recount [there is] a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the ... electoral board prior to the recount,” then the “[c]osts of the recount shall be assessed against the count[y] ... comprising the election district.” Virginia Code § 24.2-802.3(A).

10. “[O]ne half of one percent of the total vote cast for the two such candidates” is 55.64 (*i.e.*, $11,128 \times 0.005 = 55.64$). *Id.*

11. The difference between the votes cast for Sutphin and for Macedo, 18, is less “than one-half of one percent of the total vote cast for the two such candidates,” (*i.e.*, $18 < 55.64$). *Id.*

12. Therefore, the “[c]osts of the recount shall be assessed against the count[y] ... comprising the election district,” *i.e.*, Montgomery County, Virginia. *Id.*

13. This Petition is filed within 10 days of the “day ... the electoral board certifie[d] the result of the election” Virginia Code § 24.2-801(A).

WHEREFORE, Peter Macedo petitions this Court to order that:

- A. The ballots in the November 4, 2025, General Election for the office of Mayor of the Town of Blacksburg be recounted; and
- B. The “[c]osts of the recount shall be assessed against” Montgomery County, Virginia and not against Macedo, pursuant to Virginia Code § 24.2-802.3(A).

RESPECTFULLY SUBMITTED,
PETER MACEDO

/s/ Melvin E. Williams
Of Counsel

Melvin E. Williams (VSB No. 43305)
mel@williamsstrickler.com
Meghan A. Strickler (VSB No. 88556)
meghan@williamsstrickler.com
WILLIAMS & STRICKLER, PLC
1320 Third Street, SW
Roanoke, Virginia 24016
540-266-7800
540-206-3857 *facsimile*
Counsel for Peter Macedo

COURT ADDRESS:
55 E MAIN ST., SUITE 1
CHRISTIANSBURG, VA 24073-3073
PHONE #: 540-382-5760 (EXTN #: 7)



CREDIT CARD NUMBER (LAST 4 DIGITS): 3007
CARD TRANSACTION DATE : 11/20/2025 14:49:59

OFFICIAL RECEIPT
MONTGOMERY COUNTY CIRCUIT COURT
CIVIL

DATE : 11/20/2025 **TIME :** 14:49:59
RECEIPT # : 25000005884 **TRANSACTION # :** 25112000017
CASHIER : ALL **REGISTER # :** EFL

CASE # : 121CL2500236100
FILING TYPE : DECL **PAYMENT :** FULL PAYMENT

CASE COMMENTS : MACEDO, PETER V. MONTGOMERY CO. ELECTORAL

SUIT AMOUNT : \$0.00

ACCOUNT OF : MACEDO, PETER

PAID BY : MEL WILLIAMS PLC

CREDIT/DEBIT CARD : \$93.60

DESCRIPTION 1 : PLAINTIFF: MACEDO, PETER
2 : NO HEARING SCHEDULED

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$5.00	219	LAW LIBRARY	\$4.00
106	TECHNOLOGY TRST FND	\$5.00	229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$2.00
123	LEGAL AID SERVICES	\$9.00	304	CIVIL FILING FEE (LAW & EQUITY)	\$50.00
147	INDIGENT ASSISTANCE (INA)	\$1.00	426	EFLING COPY FEES	\$4.00
170	COURT TECHNOLOGY FUND	\$10.00	407	CONVENIENCE FEE	\$3.60

TENDERED : \$ 93.60
AMOUNT PAID : \$ 93.60

SERVICE OTHER THAN BY VIRGINIA SHERIFF

COMMONWEALTH OF VIRGINIA

VA. CODE §§ 8.01-293, 8.01-320, 8.01-325

Case No. CL25002361-00

Service No. 2 (Clerk's use only)

MONTGOMERY

Circuit Court

MACEDO, PETER

v.

MONTGOMERY CO. ELECTORAL BOARD

MONTGOMERY CO. ELECTORAL BOARD, GR CONNIE VIAR, 1546 N. FRANKLIN ST, CHRISTIANSBURG, VA 24073-

is the name and address of the person upon whom service of the following is to be made:

☐ Summons and Complaint

☒ COMPLAINT

I, the undersigned, swear/affirm that

1. ☐ I am an official or an employee of an official who is authorized to serve process of the type described in the attached Proof of Service and my title and bailiwick are as follows:

or,

- ☐ I am a private process server (list name, address and telephone number below).

or,

- ☐ I am an investigator employed by an attorney for the Commonwealth or the Indigent Defense Commission and have retired or resigned from my prior position as a law-enforcement officer in good standing. I affirm that the sheriff for the jurisdiction where process was served has agreed that such investigators may serve process. (List name, title and agency below.)

2. I am not a party to, or otherwise interested in, the subject matter in controversy in this case.
3. I am 18 years of age or older.
4. I served, as shown below, the above-named person upon whom service of process was to be made with copies described above.

— Date and time of service:

— Place of service:

— Method of service:

STREET ADDRESS, CITY AND STATE

☐ Personal Service

☐ Not Found

☐ Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivery to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of person to be served after giving information of its purport.
List name, age of recipient, and relation of recipient to party

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode (other authorized recipient not found).

☐ (Garnishment Summons Only, § 8.01-511) Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.

DATE OF MAILING

DATE

SIGNATURE

State/Commonwealth of , ☐ City ☐ County of

Subscribed and sworn to/affirmed before me this day of , 20

by

PRINT NAME OF SIGNATORY

TITLE

DATE

NOTARY PUBLIC (My commission expires

Registration No.

COMMONWEALTH OF VIRGINIA



SUMMONS – CIVIL ACTION RULE 3:5; VA. CODE § 8.01-2

Case No. CL25002361-00

MONTGOMERY

Circuit Court

55 EAST MAIN STREET, SUITE 1, CHRISTIANSBURG 24073-

ADDRESS

TO:

MONTGOMERY CO. ELECTORAL BOARD, GR CONNIE VIAR

1546 N. FRANKLIN ST

CHRISTIANSBURG, VA 24073-

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia.

NOVEMBER 20, 2025
DATE

COUCH, TIFFANY M

Clerk

by /S/ LUNDBERG, AMANDA

DEPUTY CLERK

Instructions:

Hearing Official: