

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

TATI ABU KING and TONI HEATH JOHNSON,

Plaintiffs,

v.

JOHN O'BANNON, *in his official capacity as Chairman of the State Board of Elections for the Commonwealth of Virginia*; ROSALYN R. DANCE, *in her official capacity as Vice Chair of the State Board of Elections for the Commonwealth of Virginia*; GEORGIA ALVIS-LONG, *in her official capacity as Secretary of the State Board of Elections for the Commonwealth of Virginia*; DONALD W. MERRICKS, *in his official capacity as a member of the State Board of Elections for the Commonwealth of Virginia*; MATTHEW WEINSTEIN, *in his official capacity as a member of the State Board of Elections for the Commonwealth of Virginia*; SUSAN BEALS, *in her official capacity as Commissioner of the Department of Elections for the Commonwealth of Virginia*; ERIC SPICER, *in his official capacity as the General Registrar of Fairfax County, Virginia*; and SANDY C. ELSWICK, *in her official capacity as the General Registrar of Smyth County, Virginia,*

Defendants.

Case No. 3:23-cv-00408 (JAG)

**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION TO ENFORCE THE COURT'S ORDER**

This matter comes before the Court on a motion by Plaintiffs. On June 18, 2026, Plaintiffs filed a motion to enforce the Court's January 22, 2026 Final Order (ECF No. 223). The Court GRANTS Plaintiffs' motion to enforce the Court's Final Order. By July 10, 2026, Defendants are ordered to:

1. Revise all versions of the voter registration form to replace the current questions asking whether applicants have “ever been convicted of a felony” and whether their rights have been “restored by the Governor” to accurately reflect the eligibility criteria in the Final Order—that applicants are disqualified only for convictions corresponding to the eleven enumerated common-law felonies in the Final Order. The revised form shall ask only whether the applicant has been convicted of an offense corresponding to one of the eleven common-law felonies set forth in the Final Order and, if so, whether the applicant’s civil rights have been restored. The revised form shall not ask whether the applicant has been convicted of any other felony or otherwise state or imply that conviction of any other felony renders an applicant ineligible to register.
2. Modify the Virginia Election and Registration Information System (VERIS), and any related voter registration systems, online portals, or third party interfaces, including the Citizen Portal at elections.virginia.gov and the Department of Motor Vehicles registration interface, to ensure that voter registrations are not blocked, rejected, placed on hold, delayed, or cancelled on the basis of any prior felony convictions other than for an offense that corresponds to one of the eleven common-law felonies enumerated in the Final Order.
3. Maintain a single, publicly available list of disqualifying offenses limited to present-day Virginia felonies that correspond to the eleven common-law felonies, excluding any offense lacking a common-law analog; and apply that list only to applicants whose registration application affirms, or whose Virginia State Police felony record reflects, a conviction for one of the enumerated common-law felonies; and discontinue any process—however denominated, and whether implemented through internal advisory,

supplemental form, hopper, queue, ticketing system, or referral to the Office of the Attorney General—by which a voter registration application is placed on hold, denied, delayed, or subjected to a case-by-case evaluation to determine whether the applicant’s underlying conviction corresponds to one of the eleven enumerated common-law felonies. Nothing in this paragraph shall prevent Defendants from collecting information about an applicant’s prior convictions or cross-referencing that information against records maintained by the Virginia State Police or against the list maintained pursuant to this paragraph.

4. Ensure uniform and lawful processing of voter registrations by registrars by issuing binding written instructions to all general registrars, deputy registrars, and election officials, directing that they shall accept and process applications consistent with the Final Order and this Order; promptly register any applicant who attests that they have not been convicted of any offense corresponding to one of the eleven common-law felonies set forth in the Final Order, or whose rights have been restored; and refrain from denying, refusing, delaying, or placing any application “on hold” pending further evaluation of whether the applicant’s conviction corresponds to one of the eleven enumerated common-law felonies. Provided that registrars may verify a reported or recorded conviction against the eleven common-law felonies set forth in the Final Order and may confirm restoration of rights through the Office of the Secretary of the Commonwealth.
5. Correct all materials and communications to prevent misinformation. Specifically, Defendants shall review and revise all voter registration forms, eligibility criteria, written guidance, internal instructions, webpages, and other voter-facing or

- registrar-facing materials and processes to ensure that they accurately reflect the eligibility criteria set forth in the Final Order and do not state or imply that individuals with felony convictions are categorically ineligible to vote, and shall further ensure that any notices, correspondence, or communications provided to individuals in connection with criminal convictions, incarceration, or release do not misinform class members regarding their eligibility or loss of voting rights.
6. Provide affirmative notice to potentially affected voters by disseminating information to those individuals regarding the eligibility criteria set forth in the Final Order and the steps required to register, consistent with Defendants' commitments in the Joint Stipulation.
 7. Register Plaintiffs Tati Abu King and Toni Heath Johnson to vote, consistent with this Court's prior determination that their convictions do not fall into any of the eleven common-law felonies enumerated in the Final Order and that they are being unlawfully disenfranchised as a result.
 8. Take any other steps necessary to comply with the Final Order and this Order, including to ensure compliance with applicable federal law and equal treatment of all qualified voters under Virginia law, and to administer the voter registration form's eligibility-disclosure requirement concerning prior felony convictions on the same terms as Defendants administer the form's other eligibility requirements, including citizenship, age, residency, and competency.
 9. Within fourteen days (14) of this Order, file a status report with the Court, and serve a copy on Plaintiffs' counsel, describing the specific steps taken to comply with each of the foregoing directives.

It is SO ORDERED.

Let the Clerk send a copy of this order to all counsel of record.

Date: _____
Richmond, VA

John A. Gibney, Jr.
Senior United States District Judge