

Exhibit D

May 18, 2026

By Electronic Mail

RE: *King v. O'Bannon*, No. 3:23-cv-408-JAG (E.D. Va.)

Dear Attorney General Jones and Solicitor General Breckenridge:

We write to follow up regarding Defendants' implementation of the Court's injunction and the parties' recent discussion regarding the current implementation framework.



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First, we understand that Defendants do not intend to revise the voter registration form by June 1 or at any time before the November election and instead plan to rely on newly-eligible voters to complete and submit the existing registration form on which they must affirm they have a felony conviction for which they have not been restored. At that point, registrars will be required to first confirm that the prospective registrant's name is not on the reconstituted prohibited table. If the prospective registrant is on the prohibited table, they will be mailed a voter registration denial letter without further inquiry. On the other hand, if they are not on the prohibited table, registrars will contact them by mail to ask whether they have been convicted of any out-of-state or federal felony convictions, and if so, to provide information about those convictions. Individuals who respond to the mailing and notify their registrar that they have no such convictions will be registered to vote. Individuals who do not respond to the mailing will not be registered. And individuals who send information about additional out-of-state or federal convictions will in at least some cases have that information forwarded to the Attorney General's office, which will make an individualized determination as to whether the prospective registrant may be registered to vote, which determination will be sent back to the registrar.

Please let us know if we have accurately summarized the state's plan and provide any additional operational details not captured above, including any proposed guidance to registrars and other election officials for implementing this plan. Please indicate also whether this proposal would permit eligible class members to utilize same-day registration and voting and, if so, what will that look like in practice?

Plaintiffs are concerned that Defendants' cumbersome proposal risks substantially undermining the court-ordered relief. The current form risks conveying incomplete and inaccurate information regarding voter eligibility and, in practice, will chill and deter voter registration by eligible class members. Further, this approach will require individualized adjudication of eligibility in a non-trivial number of cases, risking inconsistent outcomes and resulting in the delay if not outright denial of registration of eligible class members who are able to navigate this multi-step registration process.

Please explain in writing the basis for Defendants' position that revisions to the form were not feasible to make, including any technical or operational constraints, the timing and manner in which Defendants learned of such constraints, and any efforts taken by Defendants to revise the form and address those constraints. Please also identify any alternative measures Defendants intend to implement to mitigate the risks identified above. Please further provide (i) the categories of convictions

Defendants anticipate will require individualized review by the Attorney General, (ii) the standards Defendants intend to implement to govern such determinations, and (iii) the measures Defendants intend to implement to ensure uniform and timely application of those standards across localities.

Separate from any measures to mitigate any disenfranchisement of eligible voters resulting from Defendants' decision not to modify the registration form, we believe it is necessary for Defendants to implement, at a minimum, the following measures in the near term:

- Clear and consistent public-facing guidance across all platforms where registration materials are provided, including affirmative statements that individuals with prior felony convictions may be eligible to vote under the Court's injunction;
- A coordinated outreach effort, including direct mailings and phone outreach where possible, to ensure that class members are informed of their eligibility in advance of upcoming elections, including persons who were previously on the prohibited table due to a felony at common law whose names were removed from the reconstituted prohibited table;
- A uniform, statewide process by which individuals may attest to their eligibility, to ensure that eligible class members are not denied or discouraged from participation pending final resolution of implementation details; and
- Clear and consistently applied guidance to officials governing the use of the prohibited table and any case-by-case determinations, to minimize the risk of inconsistent or erroneous outcomes.

Finally, as requested in our last conversation, please let us know whether and when we can expect to receive the following materials:

1. Any guidance or written materials regarding the creation of the new prohibited table.
2. Names and contact information of people who were previously on the prohibited table due to a felony at common law whose names were removed from the reconstituted prohibited table, which Plaintiffs understand to constitute a subset of class members. If Defendants' position is that they may not legally share that information with Plaintiffs, please provide the basis for that position.
3. Any public education plan regarding the implementation of this order, including any guidance the Commonwealth is planning to share with voters and election officials.

With the June 1 deadline rapidly approaching, timely resolution of the issues identified above is critical to Defendants' ability to comply with the Court's injunction. Failure to meet the deadline may leave Plaintiffs with no choice but to seek appropriate relief from the Court.

We appreciate your recognition in our recent discussion that it is in the best interests of the Commonwealth and its citizens to ensure that the Court's injunction is faithfully and fully implemented, and we remain committed to working in



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partnership with your office to that end. However, we are increasingly concerned with the progress Defendants have made toward implementation of the Court's injunction, which was ordered in January, and with our ability to adequately inform the class about their rights as of June 1. The parties agreed to extend the implementation deadline from May 1 to June 1 to facilitate orderly compliance, not to defer or delay it. And the possibility of a future constitutional amendment does not alter Defendants' present obligations under the Court's judgement.

Please provide a written response to the inquiries outlined above by this Friday, May 22, 2026.

Sincerely,



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