

**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)

**DECLARATION OF TATI ABU KING IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE**

I, Tati Abu King, hereby declare as follows:

1. I am a named plaintiff and one of the court-designated class representatives in the above-captioned case. I currently reside in Fairfax County, Virginia.
2. Before this Court's January 2026 injunction, I had not been able to register to vote due to a prior drug-related felony conviction. Voting has been a dream of mine for a very long time. As a father and grandfather, I want to make my voice heard on how our government works so I can help ensure a better future for my family and be a role model for my kids and their kids. Since the Court entered its injunction in this case, I have been excited about finally being able to register to vote because my prior convictions were not common law felonies when the Virginia Readmission Act was passed. It's been my understanding that I have been qualified to register to vote since at least June 1, 2026.
3. On June 2, 2026, I went with one of my lawyers to the Fairfax County Elections Office to register to vote. I also brought my fiancée with me because it was such an important day for me; I wanted her there with me to commemorate the occasion. But unfortunately, I was not able to have my registration completed that day.
4. When we arrived at the Elections Office, I told the election worker on duty at the front desk that I wanted to register to vote. She provided me with the Virginia Voter Registration Application. The registration form contained two questions that I found confusing given the Court's injunction in this case. First, the form asked: "Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote?" I checked the "YES" box because it's true that I had a prior felony conviction. Second, the form asked: "If YES, has your right to vote been restored?" I similarly found this question confusing because, on one hand, my voting rights had not been restored by the Governor but, on the other hand, I thought my rights were restored by the Court's

injunction. Nevertheless, because I wanted to be accurate and was concerned about potential legal consequences if I checked the wrong box, I checked “NO” because my rights had not been restored by the Governor.

5. After I completed the registration form and signed it, I gave the form back to the front desk attendant. The attendant then started to review my form and appeared to begin inputting the information into a computer. The attendant initially told me that my registration form would be accepted and that I would be receiving a voter registration card in the mail.
6. At this point, my lawyer and I flagged the portion of the form where I had indicated I had a prior felony conviction and asked the election worker to confirm my registration was completed as she had just said. The election worker reviewed the form once again and apologized, saying she had not seen that I had checked “YES” on the first felony question. She then asked me whether my rights had been restored. I explained to her that my rights had not been restored by the Governor but that under this Court’s January order, it was my understanding that I was able to register effective June 1. She then instructed me that my understanding was not correct, that my registration form would be “voided,” and that I would need to call the Secretary of the Commonwealth to request my rights be restored before I could register. She then gave me a piece of paper with the website for “restoration of rights” (www.restore.virginia.gov) and a corresponding telephone number (804-692-0104). She told me that I would have to call that number and seek restoration of my voting rights that way before being able to register. At this point, my lawyer asked the attendant to confirm whether the registration form I had given her

was voided or whether it would be reviewed by someone else before being voided. She told us that my form was void until my voting rights were restored.

7. We told the attendant that we were confused about why it would be voided given this Court's January 2026 decision, and so the worker went to get a supervisor to help speak with us. The supervisor informed us that their office was still waiting for guidance from the Commonwealth about how to process voter registration forms for people with felony convictions who might qualify to vote under this Court's January order. The supervisor told us that he understood the Commonwealth would, at some point, provide them with a "prohibited list" that lists who cannot register to vote under the Court's order. But the supervisor told us that his office was still waiting on guidance for how to process voter registrations for people who were not on this "prohibited list." The supervisor also told us that there might be a "supplemental form" that people are asked to fill out if they had prior felony convictions but weren't already on the prohibited list, but he was not sure whether such a form would actually be required or how I would be informed if such a form were required.
8. The supervisor then informed us that my registration form would be put "on hold" until they got further information from the Commonwealth about how to process voter applications like mine. At this point, the election worker whom I'd originally spoken to (who was sitting nearby) pushed back and said that it was her understanding that my form still had to be voided and was not on "on hold." The supervisor reiterated that my application was not void and was just "on hold."
9. We asked the supervisor if there was any additional information he could provide or that we should provide to help my application be processed. The supervisor told us no, that

they were just waiting for more guidance from the Commonwealth, and gave me his contact information. The supervisor didn't provide me with any kind of receipt or instructions about next steps.

10. At this point, I have not received any further information from the Commonwealth about the status of my voter registration application or any next steps. I have been checking my mail and have not received any form or follow-up instructions.
11. Registering to vote is an intimidating process because, as I understand it, there are legal risks that come with saying the wrong thing, even if it's an accident. I found it confusing that I had to check the "YES" box on the felony question notwithstanding this Court's January order. Having my lawyer there helped me feel comfortable asking the follow-up questions to staff. I am not sure what would have happened if I had not had my lawyer there. If he was not there, I fear that my registration would have just been voided outright as the first election worker said they were going to do.
12. I have been hoping to register in time to be able to participate in the August 4 primary elections and due to my job, I had hoped to have the opportunity to vote early when it begins on June 18. But now I am not sure whether I will be able to vote.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 18, 2026.



Tati Abu King