

**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 TONI HEATH JOHNSON IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE**

I, Toni Heath Johnson, 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 Smyth County, Virginia.
2. Before this Court's January 2026 injunction, I had not been able to register to vote due to prior drug-related felony convictions. Voting has been something I've wanted to do for a

very long time. Now that I'm working again, I care even more about voting because, as a taxpayer, I want a say in how my government works and how my hard-earned tax dollars are spent. After the Court entered its injunction in this case, I have been excited about finally being able to register to vote since my prior convictions were not common law felonies when the Virginia Readmission Act was passed, so it's been my understanding that I have been qualified to register to vote since at least June 1, 2026.

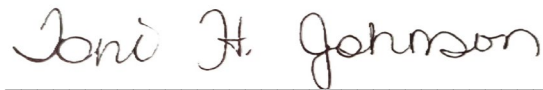
3. On June 15, 2026, I went with one of my lawyers to the Smyth County Elections Office to register to vote.
4. When we arrived at the Elections Office, I obtained a voter registration form from the election worker staffing the front desk. The registration form contained two questions that I found confusing given the Court's prior order 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 is true that I had a prior felony conviction. Second, the form asked: "If YES, has your right to vote been restored?" I was confused by the questions because my rights had not been restored by the Governor, but, I thought my voting rights were restored by the Court's injunction. So I checked "NO" for the restoration question.
5. After I completed the registration form and signed it, I gave the form back to the election worker. We asked the worker about the next steps. After looking at my form, the worker told my attorney and me that the election office was still waiting for information from the state about how to process applications that, like mine, had checked "YES" for felony convictions and "NO" for rights restoration. We asked the worker if that meant my

application was now on hold, and she told us “probably.” She then offered to speak with the registrar of voting to confirm. She briefly left the room to speak with the registrar.

6. When the election worker returned from speaking to the registrar, she confirmed that they were still waiting for guidance from the Commonwealth about how to process voter applications like mine, and told us that my application would be on hold. My attorney asked what this would mean if I wanted to participate in early voting, which I understand begins June 18. She told us that my application would be on hold until they receive the necessary guidance from the Commonwealth.
7. We asked the worker if they had any additional information for me or if I should expect any follow up. The election worker just told me that if my application was eventually processed, I would get a card and if it was rejected, I would get a denial letter.

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.



Toni Heath Johnson