

**IN THE UNITED STATES DISTRICT COURT
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 JARED ROSE IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE**

I, Jared Rose, hereby declare:

1. I am over the age of eighteen and fully competent to make this declaration. I have personal knowledge of the facts stated herein and declare the following to be true and correct to the best of my knowledge.

2. This declaration is made in my personal capacity as a Virginia resident, and it is not intended to, nor does it represent, the position of my employer.
3. I am a U.S. citizen and reside in Radford, Virginia. I am also a disabled veteran and served in the U.S. Army from 2008 to 2009.
4. In 2021, I was convicted of distributing a controlled substance, Va. Code § 18.2-248, possessing a controlled substance, Va. Code § 18.2-250, and possessing a gun with drugs, Va. Code § 18.2-308.4.
5. Prior to these convictions, I was registered to vote and had voted.
6. I have tried three times to get my voting rights restored since coming home from incarceration. I applied twice in 2023 and never heard anything back. I also applied in March 2026; my application is still listed as pending.
7. To the best of my knowledge, each application has been denied, and I was ineligible to vote in the 2024 presidential election; the 2025 gubernatorial election; and intervening congressional, state legislative, and local elections.
8. I understand that the Court's order in *King v. O'Bannon* directed the Commonwealth not to deny the attempted registration of all individuals who were convicted of felonies except those which were felonies at common law in 1870.
9. I believe I am a member of the class certified by the court in *King v. O'Bannon* because I have been disqualified from voting because of felony convictions that were not felonies at common law in 1870. I believe that my drug and gun convictions are not felonies at common law and I should therefore be eligible to register to vote.
10. I am mentally competent and have not registered to vote in another state. I do not plan to vote in another state.

11. I would have exercised my right to vote previously and would in the future do so, if not for the current uncertainty around my eligibility. I have not received any information from the Commonwealth telling me that I am eligible to register under the Court's order and what process I should use to register. I am confused by the information listed on the Commonwealth's website and nervous that if I make a mistake and my registration is improper, I may inadvertently be committing a crime. I am very careful about not breaking the law, as I sincerely do not want to get into any trouble.
12. With guidance from class counsel, I tried to register to vote online on June 15, 2026, through the Virginia Department of Elections Online Voter Registration Form, available at <https://vote.elections.virginia.gov/Registration/DmvLookup>. Online voter registration is more convenient for me because I am a working professional, so it can be difficult to make it to my county registrar's office to register to vote during their operating hours.
13. My online voter registration attempt was unsuccessful because I could not complete the online form. After filling in my basic identification and citizenship information, I answered "Yes" to the question "Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote?" I answered "No" to the question "Has your right to vote been restored?" because my restoration application is still pending. When I selected "No", an error message appeared stating "This is required for voters with a felony or mental incapacitated judgment." I was not able to continue with the voter registration application past this step. A screenshot of my application form answers and the message I received are included below.

Voting Eligibility

Are you a citizen of the United States of America? *

- Yes
 No

What is your residency status? *

- I am residing in the U.S. and am a legal Virginia resident.
 I live outside the U.S. and Virginia was my last U.S. residence.
 I am not a resident of Virginia.

Are you currently registered to vote in any another state? *

- No, I am not currently registered in another state.
 Yes, I am registered to vote in another state.

Indicate state of previous registration.

Select a State 

Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote?*

- Yes
 No

Has your right to vote been restored?

- Yes
 No

This is required for voters with a felony or a mental incapacitated judgement.

14. I believe I have the right to vote with this Court's order, but I do not want to submit false information on my voter registration application, especially because the online application contains this language: "INTENTIONALLY VOTING MORE THAN ONCE IN AN ELECTION OR MAKING A MATERIALLY FALSE STATEMENT ON THIS APPLICATION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL

AND/OR FINED UP TO \$2,500.” I am not sure how to proceed now that my online application has been rejected.

15. Voting is important to me because I do a lot of advocacy work, so I see firsthand how important it is to have the right leaders in the right positions. I am also now a business owner and have engaged a lot with public policy in starting that business. I am eager to voice my opinion in elections and want to have a say in how my community is governed.

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

Executed on June 17, 2026.



Jared Rose