

**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 ERIK SPEER IN SUPPORT OF  
PLAINTIFFS' MOTION TO ENFORCE**

I, Erik Speer, 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. I am a U.S. citizen and reside in Portsmouth, Virginia. I am retired, but teach sailing lessons and volunteer frequently with the Onesimus House and other re-entry and rehabilitation programs.
3. In 2022, I was convicted of attempted sexual battery, Va. Code § 18.2-67.1. Prior to this conviction, I had been convicted of other offenses but had my voting rights restored by the Governor's Office in 2016. It is therefore my 2022 conviction that is the basis of my disenfranchisement. I came home from incarceration in 2024.
4. After moving to Portsmouth, Virginia in 2025, I believe my parole officer submitted a rights restoration application on my behalf. I was told by my officer that my rights were restored, but I never received a confirmation letter and the application does not show up on the Secretary of the Commonwealth's rights restoration online portal. Because of this, I do not believe that my rights have been restored by the Governor.
5. I understand the Court's order in *King v. O'Bannon* requires Virginia not to deny the registration of people who were convicted of felonies except for those which were felonies at common law in 1870. I also understand that the court certified this case as a class action. I believe that my recent conviction was not a felony at common law in 1870 and I should be eligible to register to vote now as a member of the class action subject to the Court's order.
6. I am mentally competent and have not registered to vote in another state. I do not plan to vote in another state. I would like to vote in the upcoming and future elections, but I am

not sure how to do that, and I have not received any instructions or guidance from the Commonwealth about how to register as a member of the class action.

7. In June 2026, after hearing about this Court's order, I tried to register to vote online but was unable to 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 I have no record of a successful rights restoration after my most recent conviction. 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.
8. I don't believe my registration was put on "hold" for further review because I was not able to submit a registration application at all. To the best of my knowledge, my application could not be submitted because of how I answered the questions as presented on the application. A screenshot of my application form answers and the automated response I received are included below.

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.

9. I believe I have the right to vote with this Court’s order, but I do not want to change my answers or submit what I believe may be 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.” A screenshot of this language is included below.

To begin your voter registration application, please enter the following information:

Virginia Driver's license or state ID\*


I do not have a Virginia Driver's license or state ID.

Social Security Number\*

No SSN was ever issued.

Date of birth\*

I consent for my DMV signature to be used to register to vote and apply for an absentee ballot.\*

I have read the terms of the Privacy Act Notice\* 

**WARNING: 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.**

10. I am not sure what I am supposed to do now in order to register to vote.

11. Voting is important to me because I know voting creates change. I have learned from my past and I want to help change my community. I believe peer-to-peer mentorship is an important way for people to share their wisdom, and our communities do not benefit from that wisdom if people with prior felony convictions are not given a voice in elections.

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.



---

Erik Speer