

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NAACP VIRGINIA STATE
CONFERENCE,

Plaintiff,

v.

JOHN O'BANNON, in his official capacity as
a member of the Virginia State Board of
Elections, et al.,

Defendants.

Case No. 1:25-cv-01937

CONSENT DECREE

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In this litigation, Plaintiff NAACP Virginia State Conference (“Plaintiff”) challenges the rejection of voter registration applications and same day registration provisional ballots completed by otherwise eligible students who attend a Virginia college or university and provide a valid campus address but not a dormitory name, dorm room, campus mailing address, and/or mail box number.

Plaintiffs allege that the denial of voter registration applications and same day registration provisional ballots under these circumstances violate the fundamental right to vote protected by the First and Fourteenth Amendments to the U.S. Constitution, the Equal Protection Clause of the Fourth Amendment, the Materiality Provision and the Different Standards, Practices, or Procedures Provision of the Civil Rights Act, 52 U.S.C. §§ 10101(a)(2)(A), 10101(a)(2)(B), and 42 U.S.C. § 1983. ELECT Defendants deny these allegations.

Plaintiffs and ELECT Defendants have concluded that this lawsuit should be settled in accordance with this Consent Decree, without any admission of liability by Defendants, to avoid the distraction of further litigation, and to avoid incurring substantial expense and inconvenience that would inevitably result from continuing this litigation. This Consent Decree represents the parties' commitment to ensure that all eligible citizens of the Commonwealth of Virginia, including eligible students attending Virginia colleges and universities, have an equal opportunity to participate in the electoral process. ELECT Defendants intend to fully implement this Consent Decree as part of their ongoing efforts to ensure that all eligible voters have equal access to the ballot box. Plaintiffs and Defendants agree that this lawsuit should be resolved through the terms of this Consent Decree, waive a hearing and entry of findings of fact and conclusions of law on all issues involved in this matter, and consent to the entry of this Consent Decree.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. ELECT Defendants shall not impose eligibility requirements, beyond those required by Article II, § 1 of the Constitution of Virginia, by Virginia statutes and regulations, and by the terms of this Consent Decree set forth herein, upon voter registration applicants who attend a Virginia college or university and provide a valid campus address on their application. All of ELECT Defendants' policies, practices, and procedures with respect to voter registration and the maintenance of an accurate and current voter registration list shall comply with the First and Fourteenth Amendments to the U.S. Constitution, the Equal Protection Clause of the Fourth Amendment, the Materiality Provision and the Different Standards, Practices, or Procedures Provision of the Civil Rights Act, 52 U.S.C. §§ 10101(a)(2)(A), 10101(a)(2)(B), and 42 U.S.C. § 1983.

2. Prior to August 4, 2026, Election Day for the statewide primary, State Defendants will inform registrars that they must accept valid voter registration applications (including same-day voter registration applications) and provisional ballots from eligible applicants who reside at a Virginia college or university and provide an address on their voter registration application that is sufficient to place them in a defined precinct. State Defendants will also provide to registrars the following guidance related to any eligible applicant who submits a voter registration application that lists a college or university campus address as their residence address:

- a. If the applicant provides at least their dormitory/residence hall name, the registrar must accept the application unless there is affirmative evidence that the applicant does not reside at that given address or is otherwise ineligible.
- b. If the applicant does not provide a dormitory/residence hall name, but the entire college or university campus is located within a single precinct, the registrar must accept the application unless there is affirmative evidence that the applicant does not reside on the college or university campus or is otherwise ineligible.
- c. If the applicant does not provide a dormitory/residence hall name, and the college or university campus contains multiple precincts, notify the applicant of the omission and ask for the necessary additional information to complete the application, consistent with Article II, § 1 of the Constitution of Virginia, Virginia statutes and regulations, and the terms of this Consent Decree set forth herein.
- d. Cease rejecting applications due solely to a failure to provide an address that includes a dormitory/residence hall room number, campus mailing address, and/or campus mail box number;

3. Prior to November 3, 2026, Election Day for the statewide general election, Defendant ELECT will provide guidance—through (i) an advisory sent to all Virginia registrars, (ii) updates to its election handbook, and (iii) updates to any other training or educational materials on college student voter registration practices—that includes the requirements listed in Paragraph

1. The following language must be included in this guidance:

Virginia registrars must accept otherwise valid voter registration applications from applicants who reside at a Virginia college or university and provide an address on their voter registration application sufficient to place them in a defined precinct. Virginia registrars may not reject college student voter registration applications due to a failure to provide a dormitory/residence hall room number, campus mailing address, and/or campus mail box number if the application includes residence information sufficient to place a voter in a defined precinct. A dormitory/residence hall name, when required to place a student in their requisite precinct, is sufficient to establish residency pursuant to 1 VAC 20-40-30(A).

4. Prior to November 3, 2026, Election Day for the general election, State Defendants will develop a resource for colleges and universities to provide to students that (a) informs them of the information needed to complete a voter registration application, and (b) requests that they submit residence information that includes a dormitory/residence hall name. State Defendants will take reasonable steps to provide the resource to Virginia state colleges and universities, update relevant webpages on State Defendants' election websites to make the resource publicly available, and post updates on any and all of State Defendants' social media pages directing members of the public to those websites.

5. Within one year of the entry of this Consent Decree, Defendant ELECT will present to the State Board of Election Defendants a proposed rulemaking consistent with the Virginia Administrative Code, that includes language codifying Defendant ELECT's guidance (referenced in paragraph 3 above).

6. Within one year of the entry of this Consent Decree, State Defendants will update the Virginia Voter Registration Application to revise and supplement the instructions on page 2 of the application with language clarifying what “Residence Address” means for people living in group quarters housing, such as students living in a dormitory. The instructions will specifically inform students that they should provide the address of their on-campus housing, including the dorm/residence hall-related information. Within one year of the entry of this Consent Decree, State Defendants will also add language to the first page of Virginia’s voter registration application that directs residents of group housing, such as dormitories or nursing homes, to look at the instructions on the second page (or on the reverse side where such applications are printed without page numbers on one double-sided sheet of paper). Within one year of the entry of this Consent Decree, State Defendants will insert corresponding instructions, where appropriate, as part of its provision of other voter registration services, including motor voter registration and online registration through ELECT’s website.

7. Within one year of the entry of this Consent Decree, State Defendants shall provide training to registrars in Virginia regarding the relief agreed to in Paragraphs 1 through 6 of this Consent Decree.

8. State Defendants will provide, on a one-time basis, written notice to Plaintiffs’ counsel within 10 (ten) days of completing the substantive requirements of this agreement as identified in each of the preceding paragraphs.

9. The parties acknowledge that the Court, in its discretion, may allow Plaintiffs a reasonable attorney’s fee as part of the costs of the litigation. Plaintiffs and ELECT Defendants are continuing to negotiate the amount of Plaintiffs’ total reasonable attorney’s fees and costs that have been accrued through the date of presentation of this Consent Decree to the Court for approval.

Plaintiffs and ELECT Defendants retain their respective rights with respect to this issue but seek to amicably resolve this issue pursuant to a separate agreement.

10. Plaintiffs' counsel may seek reasonable attorney's fees and costs for work performed on any motion to enforce this Consent Decree that is granted in whole or in part.

11. ELECT Defendants alone shall bear any fees or costs incurred by ELECT Defendants for the purposes of complying with this Consent Decree. ELECT Defendants must furnish any college student registration-related documents requested by Plaintiffs' counsel pursuant to the Virginia Freedom of Information Act, § 2.2-3700 et seq., for four years free of charge. ELECT Defendants need only furnish information consistent with the requirements of Virginia statutes and regulations. ELECT Defendants are entitled to reasonable costs when responding to requests for all other documents pursuant to the Virginia Freedom of Information Act.

12. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment as to all claims of the Plaintiffs against ELECT Defendants arising from the circumstances alleged in the Plaintiffs' Complaint, Dkt. 1, and Plaintiffs' First Amended Complaint, Dkt. 88.

13. The terms of this Consent Decree apply to all federal, state, and local elections supervised by the ELECT Defendants.

14. This Consent Decree fully and finally resolves Plaintiffs' claims against the ELECT Defendants as alleged in Plaintiffs' Complaint, Dkt. 1, and Plaintiffs' First Amended Complaint, Dkt. 88.

15. The undersigned representatives of the parties certify that they are fully authorized to enter into the terms and conditions of this Consent Decree, and to execute and legally bind the

parties to this document.

16. The agreement shall carry the continuing force of law, binding the Parties and their successors in office.

17. The Court shall retain jurisdiction of this case to enter further relief or such orders as may be necessary for the effectuation of the terms of this Consent Decree and to ensure compliance with the United States Constitution, the Civil Rights Act of 1964, and 42 U.S.C. § 1983.

Agreed to this 29th day of May, 2026.

For Plaintiffs:

By: /s/ Murad S. Hussain

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IT IS SO ORDERED, ADJUDGED, AND DECREED:

Dated: 6/4/2026

/s/

Patricia Tolliver Giles
United States District Judge