

## **RIGHTS RESTORATION IN VIRGINIA**

### **I. DISENFRANCHISEMENT AND RESTORATION PROCESSES**

#### **Who does Virginia disenfranchise?**

Virginia disenfranchises people who are currently incarcerated or on probation and parole.<sup>118</sup>

#### **What is Virginia's restoration process for people with felony convictions?**

Individuals must complete an application for the governor to restore their rights on an individual basis. Anyone can apply regardless of the offense and there is no waiting period to apply after completing supervision. The application can be completed online, via phone, or through a mail-in application. The person will receive a personalized order verifying restoration.

#### **What state resources are available to assist people in registering in vote?**

The state has created a Restoration of Rights Office to assist with the restoration process.<sup>119</sup>

### **II. IMPACT**

#### **How many people are directly impacted by disenfranchisement and mass incarceration?**

As of 2016, Virginia's felony disenfranchisement laws disenfranchised 7.8% of its population, and 21.9% of the African American population.<sup>120</sup> Virginia incarcerated 29,336 people and had 69,626 under supervision as of November 1, 2019.<sup>121</sup>

Virginia's incarceration rate per 100,000 people is higher than the national average by almost 70 people, according to 2017 data from the National Institute of Corrections.<sup>122</sup>

#### **Who are the impacted people?**

African Americans account for less than 20% of Virginia's total population, but are incarcerated at a rate more than seven times higher than whites.<sup>123</sup>

### III. STRATEGIES TO EXPAND RIGHTS RESTORATION

What are key legal and policy rights restoration strategies tried as of February 2020?

	Legislation	Litigation	Executive Order	Ballot Initiative	Administrative Advocacy
Measures Attempted in the State	✗		✗	✗	✗

#### Legislation

Advocates are introducing a resolution in the 2020 session that would amend the Virginia constitution to end felony disenfranchisement. The measure must first pass in two consecutive legislative sessions and then pass by a majority of voters. The first round of the legislation is expected to pass in this session.

#### Ballot Initiative

Advocates are working toward a 2022-23 ballot initiative that would end felony disenfranchisement in Virginia. They are beginning the first round of legislation this year.

#### Executive Order

In 2016, the governor created a process for rights restoration on an individual basis. Anyone who completes their sentence, including probation and parole, may petition the governor for restoration of rights.

#### Administrative Advocacy (Rulemaking/Regulations)

Local organizations host trainings and information sessions to assist citizens with applying for restoration of their voting rights.

#### What is the process for bringing forward a ballot initiative in Virginia?

Legislature: Amendments to the Virginia constitution must first be passed by a majority in each of the two legislative houses. The proposed amendment must then be passed again in both houses of the succeeding elected legislature. The amendment then goes on the general ballot and becomes enacted into the constitution if approved by a majority of the voters.<sup>124</sup>

### IV. KEY ISSUES/WHERE THE FIGHT IS

Advocates would like to have a constitutional amendment on the ballot in 2022-23 that would essentially eliminate felony disenfranchisement in Virginia. The measure must first pass in two consecutive legislative sessions and then pass by a majority of voters.