

002103460

## SENATE BILL NO. 254

Offered January 17, 2000

*A BILL to amend the Code of Virginia by adding a section numbered 24.2-400.1, relating to voter qualifications; registration of persons convicted of certain felonies; restoration of right to vote.*

Patrons—Marsh, Byrne, Howell, Lambert, Lucas, Miller, Y.B., Puckett, Puller, Ticer and Whipple;  
Delegates: Baskerville, Crittenden, Jones, J.C., Melvin, Robinson, Spruill and Stump

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 24.2-400.1 as follows:**

*§ 24.2-400.1. Restoration of right to vote to persons convicted of certain felonies.*

*Any person convicted of a felony, whereby the rights to register and vote have been forfeited, shall have his rights to register and vote restored in the following cases:*

*1. After the restoration of his civil rights by the Governor pursuant to his powers of executive clemency and for the removal of political disabilities under Article V, Section 12 of the Constitution of Virginia.*

*2. If the felony conviction occurred in this Commonwealth and the conviction is not for a violent felony offense listed under subsection C of § 17.1-805, upon his discharge after completion of service of his sentence and service of any related period of probation or parole. The order, certificate, or other instrument of discharge given to a person sentenced for such felony upon his discharge after completion of service of his sentence and service of any related period of probation or parole shall state that the defendant's right to vote, of which he was deprived on conviction of the felony, is thereby restored. The authority issuing the discharge shall file a copy of the discharge instrument with the clerk of the court of conviction.*

*3. With regard to any person convicted of a crime against the United States, evidence that his civil rights have been restored by the appropriate authority of the United States.*

*4. With regard to any person convicted of a crime in another state, evidence that his civil rights have been restored by the appropriate authority of that state.*

**2. That the General Assembly makes the following findings in support of the enactment of this law:**

**1. Article II, Section 1 of the Constitution of Virginia provides that a person convicted of a felony shall not be qualified to vote "unless his civil rights have been restored by the Governor or other appropriate authority."**

**2. The General Assembly may provide by law for the restoration of the right to vote to a person convicted of a felony upon completion of sentence as a proper exercise of its legislative power under Article IV, Section 14 of the Constitution of Virginia, which power extends "to all subjects of legislation not herein forbidden or restricted." Section 14 provides that "a specific grant of authority in this Constitution upon a subject shall not work a restriction" on the legislative authority of the General Assembly. Therefore, the grant of executive clemency powers to the Governor does not limit the legislative authority of the General Assembly with respect to the restoration of the right to vote.**

**3. The term in Article II, Section 1, "other appropriate authority," may be properly construed to include a statute providing for the restoration of the right to vote upon completion of sentence, probation, and parole. The Attorney General of Virginia has advised the Secretary of the Commonwealth that the restoration of the right to vote may be accomplished for persons convicted of a felony in another state by a statute providing for the automatic restoration of the right to vote upon completion of sentence. He stated: "I find that statutes from other states restoring civil rights to a statutory classification of persons constitute other appropriate authority for purposes of Article II, Section 1 of the Virginia Constitution." (Report of the Attorney General 1979-1980, pp. 153-155.)**

**4. The restoration of the right to vote by a reasonable statutory classification should be equally available to persons seeking restoration of the right to vote who have been convicted of a felony in the Commonwealth or in another state.**

INTRODUCED

SB254