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HOUSE JOINT RESOLUTION NO. 28

Offered January 12, 2022

Prefiled January 11, 2022

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to qualifications of voters and the right to vote; persons not entitled to vote.

Patron—Herring

Referred to Committee on Privileges and Elections

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the special session I of 2021 and referred to this, the next regular session held after the 2021 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 1 of Article II of the Constitution of Virginia as follows:

ARTICLE II

FRANCHISE AND OFFICERS

Section 1. Qualifications of voters.

(a) In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in ~~this section~~ subsection (b), and shall be registered to vote pursuant to this article. *Every person who meets these qualifications shall have the fundamental right to vote in the Commonwealth, and such right shall not be abridged by law, except that:*

(1) No person who has been convicted of a felony shall be ~~qualified~~ *entitled* to vote ~~unless his civil rights have been restored by the Governor or other appropriate authority.~~ *during any period of incarceration for such felony conviction, but every such person, upon release from incarceration for that felony conviction and without further action required of him, shall be invested with all political rights, including the right to vote; and*

~~As prescribed by law, no~~ (2) No person who has been adjudicated ~~to be mentally incompetent~~ *by a court of competent jurisdiction to lack the capacity to understand the act of voting* shall be ~~qualified~~ *entitled* to vote ~~during such period of incapacity until his competency capacity has been reestablished as prescribed by law.~~

(b) The residence requirements shall be that each voter shall be a resident of the Commonwealth and of the precinct where he votes. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide for persons who are employed overseas, and their spouses and dependents residing with them, and who are qualified to vote except for relinquishing their place of abode in the Commonwealth while overseas, to vote in the Commonwealth subject to conditions and time limits defined by law. The General Assembly may provide for persons who are qualified to vote except for having moved their residence from one precinct to another within the Commonwealth to continue to vote in a former precinct subject to conditions and time limits defined by law. The General Assembly may also provide, in elections for President and Vice President of the United States, alternatives to registration for new residents of the Commonwealth.

(c) Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

INTRODUCED

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