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HOUSE BILL NO. 2498

Offered January 20, 1997

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 felonies; restoration of right to vote.

 Patron—Robinson

 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 for persons convicted of felonies.

Any person convicted of a felony, whereby the right to register and vote has been forfeited, shall have his right to vote restored and be entitled to register to vote upon the occurrence of any one of the following conditions:

1. 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. The restoration of his right to vote pursuant to this provision by completion of the sentence imposed for the felony conviction. Evidence of completion of the sentence may be shown by a certificate of the clerk of the court which imposed the sentence that the sentence has been completed.

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. 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

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