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SENATE JOINT RESOLUTION NO. 404

Offered January 20, 1999

Establishing a joint subcommittee to study the voting rights of felons in Virginia.

Patrons—Hanger, Howell, Miller, K.G. and Norment; Delegates: Callahan, Melvin and Murphy

Referred to Committee on Rules

WHEREAS, Article II, Section 1 of the Constitution of Virginia provides that "[n]o person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority"; and

WHEREAS, the term "other appropriate authority" has been construed by the Attorney General of Virginia to mean the President, other governors, certain pardon boards and state laws which automatically restore the right to vote to felons who have successfully completed their sentence; and

WHEREAS, currently, felons convicted in Virginia must petition the Governor of Virginia in order to have their civil rights restored; and

WHEREAS, petitioning the Governor is an onerous process, often requiring the assistance of a lawyer and the expenditure of a considerable time and effort; and

WHEREAS, in 1996, only 113 of the over 240,000 felons who resided in the Commonwealth were successful in having their civil rights restored by the Governor; and

WHEREAS, approximately 60 percent of the current felon population is comprised of African-American males, a group that has historically and disproportionately been disenfranchised by other constitutional barriers to voting, including poll taxes and literacy tests; and

WHEREAS, felons who have paid their debt to society and have resumed their responsibilities as taxpaying citizens have an equal and vested interest in the outcome of elections and the decisions made by elected officials; and

WHEREAS, 37 states recognize the importance of voting to a felon's' readjustment to society and therefore either allow the felon to retain his voting rights or provide for the automatic restoration of those rights upon parole; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the voting rights of felons in Virginia. The joint subcommittee shall be composed of six members, which shall include five legislative members as follows: three members of the House of Delegates, to be appointed by the Speaker of the House; two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and the Secretary of the State Board of Elections to serve ex officio.

In conducting its study, the joint subcommittee shall (i) determine the original purpose for the constitutional ban on voting by felons; (ii) examine the effect of the disqualification of felons and the procedures for restoring their voting rights on minority groups; (iii) assess the societal impact of permanently disenfranchising felons; and (iv) examine procedures that allow felons to retain or restore their voting rights in other states.

The direct costs of this study shall not exceed \$ 3,750.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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