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SENATE JOINT RESOLUTION NO. 223
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Norment
on February 3, 2017)

(Patrons Prior to Substitute—Senators Norment and Hanger [SJR 272])

Proposing amendments to Section 1 of Article II and Section 12 of Article V of the Constitution of Virginia, relating to the qualification of voters and executive clemency.

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 1 of Article II and Section 12 of Article V of the Constitution of Virginia as follows:

ARTICLE II

FRANCHISE AND OFFICERS

Section 1. Qualifications of voters.

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, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor, *in accordance with Article V, Section 12 of this Constitution*, or other appropriate authority. *However, a person convicted of a felony involving election fraud shall be ineligible to have his civil rights restored.* As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

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.

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.

ARTICLE V
EXECUTIVE

Section 12. Executive clemency.

The Governor shall have power to remit fines and penalties under such rules and regulations as may be prescribed by law; to grant reprieves and pardons after conviction except when the prosecution has been carried on by the House of Delegates; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution *under such rules and regulations as may be prescribed by law*; and to commute capital punishment.

The Governor may remove the political disabilities of a person convicted of a violent felony, as defined by the General Assembly, upon application by such person. No person convicted of a violent felony shall be eligible for the removal of his political disabilities pursuant to this section until he has completed (i) the payment in full of any restitution, fines, costs, and fees assessed against him as a result of his conviction and (ii) service of his sentence and any modification of his sentence, including any period or condition of probation, parole, or suspension of sentence, and at least five years have passed since he completed such payment and service of sentence without any new felony convictions or any misdemeanor convictions involving moral turpitude.

The Governor shall automatically remove the political disabilities of a person convicted of any other felony, excluding election fraud, who has completed service of his sentence and any modification of that sentence, including any period or condition of probation, parole, or suspension of sentence, and has met any other conditions as may be prescribed by law.

He The Governor shall communicate to the General Assembly, at each regular session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.