

Governor McAuliffe's Restoration of Rights policy
August 22, 2016

Restoring the rights of individuals who have served their time and reentered society is the right thing to do. Virginia's felon disenfranchisement policy is rooted in a tragic history of voter suppression and marginalization of minorities, and it needs to be overturned. While Virginians continue to wait for the General Assembly to pass a constitutional amendment to permanently repeal this policy, the Governor is committed to doing everything in his power to restore the rights of Virginians who have completed their sentences.

The Constitution of Virginia grants the Governor the sole authority to restore the rights of individuals who have been convicted of a felony. While it is our position that the Governor's April 22nd action was clearly constitutional by any reasonable standard, he will proceed with individual restorations in accordance with the Virginia Supreme Court's order and the precedent of governors before him.

Today, the Governor is announcing next steps to proceed with individually restoring the rights of persons who have served their time and completed supervised release. This process is fair and transparent and fully complies with the restrictions outlined in the July 22nd Supreme Court decision. These actions stem from Governor McAuliffe's belief in the power of second chances and his determination that our Commonwealth will no longer treat these individuals like second class citizens.

It is the Governor's hope that this will be the last phase of this battle over the civil rights of these individuals, and that opponents of these actions will recognize his clear authority as well as the morality behind it. As we have seen, there are some in our society who believe people who commit felonies should lose their rights forever, despite having served the sentence that a judge and jury imposed for their crime. And there are others who believe a subjective evaluation of the severity of a person's crime should determine whether that individual is worthy to have his or her rights restored. As his actions demonstrate, Governor McAuliffe has faith in our criminal justice system and its ability to impose different sentences on different individuals in relation to the particular nature and circumstances of their offenses. After offenders serve those sentences, he believes they should have equal access under the law to have their rights restored. If a person is judged to be safe to live in the community, he or she should have a full voice in its governance.

Any action of this size and historic nature is difficult to perform without some administrative error. As the information below demonstrates, identifying these individuals (some of whom have been disenfranchised for decades) and restoring their rights is a significant undertaking of numerous state agencies that maintain information in different ways. The process we designed includes a multi-step review to ensure that the individuals being considered for restoration fully meet the Governor's criteria. However, it is possible that there will be discrepancies from time to time, and we will work to fix them as soon as they are identified. The difficulty of this administrative undertaking is not an excuse, however, for leaving hundreds of thousands of people disenfranchised.

The Governor's process moving forward is outlined below.

STEP 1: Re-restoring the rights of individuals who had their voter registration canceled as a result of the Virginia Supreme Court's decision:

- Following the July 22nd Supreme Court decision, the Department of Elections and Secretary of the Commonwealth (SOC) quickly complied with the Court's order for the Secretary of the Commonwealth to delete from the records any individuals who had their rights restored under these orders, and for the

Department of Elections to cancel the voter registration of any individual whose rights were restored under these orders. All individuals who registered to vote pursuant to Governor McAuliffe's April 22, May 31 and June 24 orders were mailed a cancellation notice from the Department of Elections.

- Since then, the SOC led a thorough review of the individuals who had their voter registration canceled to determine whether each individual meets the Governor's standards for restoration of rights and provided a recommendation to the Governor.
- On August 15, Governor McAuliffe approved the restoration of rights of nearly 13,000 people. Certain individual cases remain under review.
- Individual restoration orders were printed with the Governor's signature under the Seal of the Commonwealth and mailed on Friday, August 19, to those newly restored individuals.
- Individuals whose rights were restored on or after August 15 have been updated in the SOC's database and communicated to the Department of Elections to remove those individuals from the prohibited voter list.
- SOC will release the names of newly restored individuals monthly. The list will be made available by request. The full list will also be included in Senate Document 2 (SD2) as it has been historically.

STEP 2: Restoring the rights of other qualified individuals.

- SOC is giving priority consideration to individuals who request restoration of their civil rights. Those wishing to expedite restoration of their own rights may contact the SOC through the website www.commonwealth.virginia.gov/orr.
- In addition, the Secretary of the Commonwealth's office has identified individuals who may meet the Governor's standards for restoration: individuals who have been convicted of a felony and are no longer incarcerated or under active supervision by the Department of Corrections (DOC) or other state agency.
- Prioritizing by date since release from supervision and starting with those who have been released from supervision the longest, SOC will conduct a thorough review of each of these individuals, checking their records with Virginia State Police, DOC, State Compensation Board, Department of Juvenile Justice, Department of Criminal Justice Service, and Department of Behavioral Health and Developmental Services to ensure the individual meets the Governor's standards for restoration of rights.
- In addition to confirming completion of incarceration and supervised release, the SOC considers factors such as active warrants, pre-trial hold, and other concerns that may be flagged by law enforcement. Individuals in these circumstances or any with concerns about the accuracy of information analyzed from law enforcement will be held from our streamlined consideration process for further review.
- Upon completion of its review, SOC will make recommendations to the Governor to restore the rights of individuals who have been determined to meet his standards.
- The Governor will review SOC's analysis of each individual's record and will make the final decision on proposed candidates for restoration of rights.
- Upon the Governor's approval, SOC will issue and mail personalized restoration orders.
- SOC will release the names of newly restored individuals monthly. The list will be made available by request. The full list will also be included in Senate Document 2 (SD2) as it has been historically.

If you know of individuals who wish to have their rights restored, please have them submit a request on the Secretary of the Commonwealth's website www.commonwealth.virginia.gov/orr . Individuals without internet access can call the SOC at 804-692-0104 or mail-in a contact form.