

Felon Disenfranchisement in Virginia



Virginia Organizing supports legislation that authorizes the General Assembly, in addition to the authority of the Governor, to provide by law for the automatic restoration of civil rights for persons convicted of felonies who have completed service of their sentences.

An estimated 378,000 citizens in Virginia are barred from exercising their right to vote due to a felony conviction.

Virginia is one of only two states that permanently disenfranchise every individual with a felony conviction, leaving it to the Governor to decide whose right to vote will be restored. Thirty-seven states restore voting rights to all former felons upon completion of incarceration, parole or probation. Nine restore rights to most former felons, requiring either a waiting period or excluding only those who have committed the most offensive crimes. Two states—Maine and Vermont—never remove voting rights.

The vast majority of disenfranchised persons in Virginia and the U.S. are no longer incarcerated and are tax-paying citizens with jobs and families who are involved in their communities. At least two-thirds have fully completed their sentences, including probation and parole.

The national trend in recent years has been to lower barriers for the disenfranchised. Since 1997, 23 states have modernized their felony disenfranchisement laws. Virginia is not one of them.

Virginia's Disfranchisement Law

In Virginia, individuals with felony convictions are permanently barred from voting, even after fully completing their sentence. Only an act of the Governor can restore an individual's voting rights. This is mandated by the Constitution of Virginia.

Although there is a procedure that allows former felons to apply for restoration of voting rights, the process is complicated and intimidating—and there is no guarantee the Governor will act.

Who is disenfranchised regionally?

Virginia's disenfranchisement law is not only out of step with the nation, but also with every neighboring jurisdiction except Kentucky, the only other state as restrictive as Virginia. In the District of Columbia, voting rights are restored automatically after incarceration. In North Carolina, West Virginia and Maryland, individuals may vote after completing all phases of their sentences. Racial Impact

The impact of disenfranchisement falls disproportionately upon communities of color. African-Americans make up more than 50% of the state's disenfranchised population, despite being only 20% of the total population.

In Virginia, one in five African-American adults is disenfranchised. This means more than 200,000 African-Americans cannot vote. Only Florida has a higher number of disenfranchised African-Americans. However, recent reforms to the Florida law will leave Virginia with the highest number of disenfranchised minorities in the nation within a few years.

The effect on African-American men is even more profound: one in four is barred from voting in Virginia.

Voting and Public Safety

Research shows that individuals who vote after completing their sentences are half as likely to commit another crime as those who do not vote.

Voting demonstrates a commitment to our democracy and an interest in state and community affairs. For former felons, it is one of the ways in which they can become engaged and invested in our society, thus aiding their full reintegration into society.

Who Supports Reform?

Five major newspapers in Virginia support reform of Virginia's felon disenfranchisement law. They are joined by prominent religious leaders and faith-based organizations, as well as community and civic organizations from across the state. A majority of the Virginia Senate has consistently voted to amend the Virginia Constitution to end felon disenfranchisement.