

Voting Rights Restoration in Virginia



BACKGROUND

The Constitution of Virginia denies voting rights to people with a felony record unless the Governor acts to restore that right. In recent years, both Republican and Democrat governors have used this power to restore voting rights to thousands of Virginians. Though laudable, these actions do not solve the broader constitutional problem since, under the current structure, future governors could unilaterally eliminate such restoration policies. This extraordinary executive power conflicts with principles of limited government and creates policy uncertainty for all Virginians.

As the nation's largest Christian nonprofit serving prisoners, former prisoners, and their families, Prison Fellowship urges the Commonwealth to affirm in law what it acknowledges in practice: Virginians who have completed incarceration should be able to fully participate in civic life. It is time to amend Virginia's constitution to restore voting rights to our fellow citizens after their term of incarceration.

COMMON QUESTIONS

As with any constitutional amendment, conscientious legislators and voters may have good faith questions about this proposal. We welcome the opportunity to address all inquiries and to illustrate why restoring voting rights to formerly incarcerated Virginians is the right choice.

1. QUESTION: Does restoring voting rights diminish the punishment society must impose on those who break the law, or detract from the seriousness of criminal conduct?

ANSWER: Restoring voting rights after incarceration does nothing to detract from the court-imposed consequence for an offense or from the gravity of crime in general.

Crime harms direct victims, tears at the fabric of society, and results in a breach of community trust. In response, we ask the justice system to issue proportional punishment, communicate the unacceptability of criminal conduct, and address public safety through incarceration or other appropriate tools. Given this structure of accountability, we see no justification for further, unrelated, state-imposed sanctions that follow Virginians long after prison. In a free society, restrictions on the rights of formerly incarcerated people require a clear connection to public safety; blanket limitations on the ability to vote do not meet this test.

2. QUESTION: Will voting rights restoration for those with criminal records undervalue representative democracy or the electoral processes we hold dear?

ANSWER: In actuality, restoration illuminates the immense value of the vote as the primary exercise of our citizenship. By protecting the civic liberties of every free citizen, Virginia will demonstrate the precious nature of the American right to representation and the corresponding high bar necessary to warrant its permanent removal.

Far from undervaluing the vote, judiciously guarding the right of every citizen to have a say about

the direction of their communities, the taxes they pay, or the public schools their children attend will demonstrate the essential nature of this exercise of citizenship.

3. QUESTION: Is restoration simply a political maneuver to aid a specific party?

ANSWER: In reality, governors, legislatures, and voters in both red and blue states have taken steps to restore voting rights to people with a criminal record.

While voting rights restoration, like any other issue, can become a political football, it shouldn't be. Restoration has appealed to Americans across the political spectrum due to its alignment with shared values that transcend partisan politics: proportionality, public safety, personal liberty, and limited government. By restoring voting rights to individuals after their incarceration, Virginia would join North Dakota, Indiana, Montana, Utah, and seventeen other states.¹

4. QUESTION: How will restoring voting rights benefit our communities?

ANSWER: Restoring voting rights after incarceration encourages former prisoners to reject crime, embrace their citizenship, and peacefully steward their communities.

Prohibiting formerly incarcerated citizens from fully investing in society can cultivate a culture of civic disengagement. Yet, when one modest study analyzed the impact of voting rights restoration in Ohio and Virginia, its results suggested that *“restoring voting rights to disenfranchised citizens helps those citizens develop the types of pro-democratic attitudes commonly associated with successful post-prison re-entry, reduced tendencies to commit crime, and lower rates of recidivism.”*² By enshrining restoration into law, Virginia will convey its expectation that these men and women leave criminogenic thinking and behavior behind and invest their God-given talents within their communities.

Thankfully, the Commonwealth's recidivism rate of only 23.9 percent shows that many returning Virginians are rejecting crime.³ As a national leader in fostering successful reintegration, Virginia simply does not benefit from the permanent civic sidelining of its returning citizens.

CONCLUSION

Restoring voting rights to our neighbors with a criminal record recognizes the human dignity of these men and women and the potential their particular abilities and contributions can offer our communities. This policy change is a win for everyone, empowering people to exercise their fundamental right to vote and become contributing members of our Commonwealth—at the polls and beyond.

¹ NCSL, *Felon Voting Rights: Restoration of Voting Rights for Felons*, National Conference of State Legislatures (June 2021), www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx.

² Victoria Shineman, *Restoring Rights, Restoring Trust: Evidence that Reversing Felony Disenfranchisement Penalties Increases Both Trust and Cooperation with Government*, University of Pittsburgh (Oct. 2018), <http://dx.doi.org/10.2139/ssrn.3272694>.

³ VA DOC, *Virginia's Recidivism Rate Remains Among the Lowest in the Country*, Virginia Department of Corrections (May 2021), vadoc.virginia.gov/news-press-releases/2021/virginia-s-recidivism-rate-remains-among-the-lowest-in-the-country/.