

VOTE NO *to the* Restoration of Felon Rights Amendment

The proposed Constitutional Amendment states as follows:

(a) 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~~ subsection (b), and shall be registered to vote pursuant to this article. Every person who meets these qualifications shall have the fundamental right to vote in the Commonwealth, and such right shall not be abridged by law, except that:

(1) No person who has been convicted of a felony shall be ~~qualified~~ entitled to vote ~~unless his civil rights have been restored by the Governor or other appropriate authority.~~ during any period of incarceration for such felony conviction, but every such person, upon release from incarceration for that felony conviction and without further action required of him, shall be invested with all political rights, including the right to vote; and

~~As prescribed by law, no~~ (2) No person who has been adjudicated ~~to be mentally incompetent~~ by a court of competent jurisdiction to lack the capacity to understand the act of voting shall be ~~qualified~~ entitled to vote during such period of incapacity until his ~~competency~~ capacity has been reestablished as prescribed by law.

UNDER CURRENT LAW, every felon has the opportunity to have his political rights restored by the Governor. Political rights include voting, running for office, and sitting on a jury. Different governors have had different approaches to this restoration process, and some have carefully considered issues like the seriousness of the offense and the steps the offender has taken to pay his debts to society before having these rights restored.

THIS AMENDMENT ELIMINATES THIS CASE-BY-CASE REVIEW and would instead make the restoration of rights automatic at the end of incarceration. Indeed, for those offenders who were placed directly onto probation, they would not lose their political rights at all. For those who are incarcerated, their political rights would be restored the moment they were released from incarceration.

Importantly, **the restoration of rights under this amendment would not tie to the offender paying his debt to society.** A proposed Republican addition requiring that the offender at least pay back his victim (for outstanding medical bills, for example) was rejected. If passed, an offender would need to show no remorse or make any effort toward going straight. This amendment would mean that **an offender who**

did everything right -- like getting his GED, working on substance abuse issues, and repaying his victim for her costs -- **would be treated exactly the same as one who bragged about his offense** as he left the prison doors. Both would have full rights restored automatically upon leaving incarceration.

The second issue is that **THIS AMENDMENT WOULD APPLY TO ALL OFFENDERS, REGARDLESS OF THE SERIOUSNESS** of the charge. A murderer or rapist would be treated identically to a non-violent drug user. All of them would have their political rights automatically restored, even while they were still on probation for their offenses. Again, a Republican proposal to limit this to non-violent offenders was rejected.

Last, this **would apply to all political rights** -- voting, running for office, and sitting on juries.

The current system empowers the Governor to consider all these things and to grant restoration where appropriate. **Considering each offender separately, Governor Youngkin found thousands of individuals who should have these rights restored, and so he did so.** That is the right way to do it, and the Constitutional Amendment should be rejected.