

A RESOLUTION SUPPORTING THE ADOPTION OF A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE AUTOMATIC RESTORATION OF THE VOTING RIGHTS OF FELONS UPON RELEASE FROM INCARCERATION.

WHEREAS, Article II, Section 1 of the Virginia Constitution provides that no person who has been convicted of a felony shall be qualified to vote unless his rights have been restored by the Governor or other appropriate authority; and

WHEREAS, this language has been construed to mean that the Virginia General Assembly has no authority to establish by statute any conditions or procedures under which civil rights, including the right to vote, can be restored to convicted felons; and

WHEREAS, Virginia's limitation on the restoration of the voting rights of felons is among the most restrictive in the nation; and

WHEREAS, this limitation is inextricably linked to post-Reconstruction discrimination, including through the Virginia Constitution of 1902, which expanded restrictions on voting by those with criminal convictions for the express purpose of disenfranchising African Americans; and

WHEREAS, the limitation continues to have a substantial discriminatory impact today, as evidenced by a study conducted by The Sentencing Project which found that as of December 2010 twenty percent of all adult African Americans in Virginia did not have the right to vote; and

WHEREAS, voting is a fundamental civic right and responsibility, and the disenfranchisement of felons is contrary to the goal of re-integrating those who have served their time into society as productive citizens; and

WHEREAS, Virginia's recent governors, Democrat and Republican alike, have recognized the inherent injustice of the broad limitation in the Constitution and have issued Executive Orders attempting to ease the restrictions on the restoration of rights; and

WHEREAS, while the Executive Orders constitute progress, ex-felons convicted of certain categories of crimes remain subject to a multi-year waiting period after release and an arduous application process if they seek to have their rights restored; and

WHEREAS, Executive Orders are further revocable by subsequent governors and are insufficient guarantors of the rights they create; and

WHEREAS, those who have paid their debt to society by serving their allocated prison time ought, upon release, to have all of the rights of any other citizen; and

WHEREAS, it is therefore imperative that Article II, Section 1 of the Virginia Constitution be amended to provide for the automatic restoration of voting rights upon a

felon's release from incarceration, either directly or by permitting subsequent legislative action by the General Assembly.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Portsmouth, Virginia that it urges the General Assembly to adopt the necessary Joint Resolutions to initiate the process to amend the Constitution of Virginia and to adopt any such subsequent legislation as may be necessary to provide for the automatic restoration of voting rights upon a felon's release from incarceration.

BE IT FURTHER RESOLVED that the City Manager is directed to provide a copy of this Resolution to each member of the City's General Assembly delegation.

ADOPTED by the Council of the City of Portsmouth, Virginia, at a meeting held on December 8, 2015.

Teste:


Delway Y. White
City Clerk