

ADVOCACY TOOLKIT:

Voting Rights





Dear Activist:

Thank you for volunteering for the ACLU of Virginia! We are immensely grateful for your support and willingness to advocate for voting rights in the Commonwealth. It is our hope that this toolkit will empower you to reach out to your family, friends, colleagues, acquaintances and even strangers to raise awareness and activism around these issues. With your help, we can expand access to the ballot for all Virginians!

There is no doubt that Virginia has a long and troubled history with voting rights. Virginia is the fifth worst state in the nation at disenfranchising its citizens and, worse, the unfair, disproportionate impact on the African-American community is increasing. It is time we made clear that the vote is essential to a healthy democracy, and it belongs to the people. It is not a privilege to be used by the government to reward or punish its people.

We must amend the Virginia Constitution to ensure every U.S. citizen over 18 who lives in Virginia has the right to vote here. We also need to repeal the outdated excuse-based absentee voting laws that allow only certain classes of voters to vote by absentee ballot, while prohibiting all other voters from using the same process. The time has come to recognize that all voters in our democratic society should be able to vote by absentee ballot without being required to provide the government with an excuse for doing so. It is imperative that Virginia promote fair, free, and accessible elections by enacting true reform that allows every citizen to have an equal voice in our democracy.

This toolkit provides an overview of the issues, fact sheets, sample social media posts, and talking points for you to use in your activism. Importantly, we provide a list of recommended action steps, such as meeting with your legislators, to raise public awareness and passage of no-excuse absentee voting, and an unequivocal right to vote in the Virginia Constitution.

Please report back using the form that is available on our website's action center. The form will ask you to provide your name and let us know what action you took and when. It will also allow you to provide feedback and any suggestions you may have for us! Your comments will keep us informed, and tell us how we can improve.

Again, thank you for your activism! Should you have any questions, do not hesitate to contact us by email at action@acluva.org.





Overview

Neither Virginia nor the United States has yet subscribed to true universal suffrage. Women and African Americans were granted the right to vote long after our democracy was born. Moreover, assuring the right is a reality has been an uphill climb through poll taxes and literacy tests, and, more recently, voter ID and other laws designed to limit rather than open access to the polls.

Until 2013, when the U.S. Supreme Court gutted the Voting Rights Act (VRA), elected officials in Virginia and other states that had previously engaged in discrimination against minority voters were prohibited and deterred from enacting barriers to the ballot box by required federal review and approval of all voting law changes. Since 2013, however, Virginia has passed a strict ID law that requires voters to present an approved, valid photo ID to vote, and legislators have not been shy about introducing other voter suppression bills. In addition, unlike other states, no meaningful reforms have passed the legislature. Virginia severely limits the ability to vote absentee, requiring an “excuse” in every case, and there is no state constitutional amendment recognizing the right to vote that would make voting more accessible and promote democratic ideals in Virginia.

1. *Guaranteeing the Right to Vote*

Voting is a cornerstone of our democracy.

So much so, the right to vote is mentioned more times than any other right in the U.S. Constitution. Yet, there is no explicit affirmative “right to vote” in either federal or Virginia Constitution. Courts and legislatures do not always treat the vote as a fundamental right when deciding cases or passing laws, especially for people most directly impacted. Like other fundamental rights that never disappear, the right to vote should be guaranteed without exception. No person should be denied the fundamental right to vote.

It is time we made clear that the vote is inherent to citizenship, the essential building block of civic life in our democracy, and it belongs to the people, not the government they elect. We must amend the Virginia Constitution to ensure every U.S. citizen over 18 who lives in Virginia has the right to vote here, and that government has no authority to abridge that right. Voting is the only “just basis for self-government.”¹ Voting is how we decide

who governs us. Voting is not a disposable tool for elected officials to use to decide who gets to choose them. The right to vote should not be used at the whim of the government to reward or punish its people.

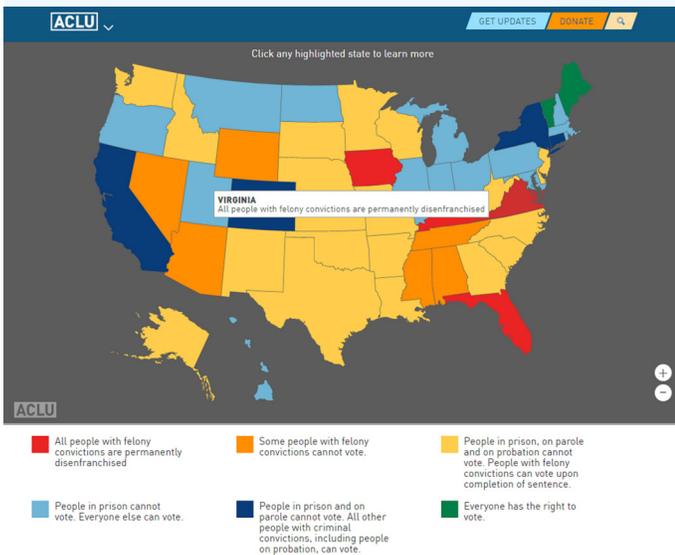
Voting in America is an “entitlement” not a privilege.² The right to vote is fundamental to our democracy, and it must be treated as irrevocable. It is not a privilege like obtaining a driver’s license. The right to vote ought to be treated like other fundamental rights, such as freedom of religion or speech. The act of voting is “perhaps the most politically expressive activity” that any one individual can do in our democracy to have their voice heard to who best represents them in government.³

In America, every vote is supposed to count. Enshrining a guaranteed right to vote in Virginia would ensure that all citizens have their voice heard in our democracy and the laws that govern them. Further, a guaranteed right to vote would incentivize elected officials to be more accountable to all of us.

“All of us” includes individuals who are incarcerated in jails and prisons. Allowing the government to deny the fundamental right to vote to an entire class of individuals is alarming to democracy. This is especially concerning as rates of mass incarceration have risen exponentially in recent decades and Virginia has chosen to elevate more and more crimes to felonies. Even more disturbing, in Virginia, when the lines for electoral districts are drawn prison populations are included, but those individuals are denied the right to vote. Allowing prisoners to vote would make elected officials more accountable to all of their constituents in their districts instead of that population simply being forgotten and ignored. Prisoners often have very real concerns about poor prison conditions, inadequate medical care, and lack of mental health treatment that should be addressed by policy makers. All of these issues affect public safety, and elected officials should be accountable to their entire constituency for addressing them.

Permanently stripping the right to vote from people at the time of a felony conviction is dehumanizing and adds to their isolation from society and the laws that govern them.

When the government denies the right to vote to anyone, it tells them they are lesser Americans. When people are told that they are less than full citizens, it hinders rehabilitation, which is counterintuitive to the goals of the criminal justice system. If we want to rehabilitate people convicted of crimes, most of whom return to their communities to be safe and productive citizens, we should encourage civic participation while incarcerated and after release. A key component of a prisoner’s rehabilitation in becoming a productive citizen is casting a ballot, the most basic building block in democratic society. The fundamental right to vote should not be conflated with society’s imposition of a felony conviction and incarceration. Further, experts have found that lower recidivism rates may result from voting and have stated “voting appears to be a part of a package of pro-social behavior that is linked to desistance from crime.”⁵



The disproportionate impact of felony disenfranchisement on the African-American community is profound. In the United States, one in 13 voting age African-Americans are disenfranchised, a rate that is more than four times greater than for non-African-Americans. Across the country, more than 7.4 percent of the adult African-American population is disenfranchised compared to only 1.8 percent of non-African-Americans. In 1980, nine states disenfranchised at least five percent of their African-American adult citizens. By 2016, 23 states disenfranchised their African-American adult citizens by at least five percent, while four of those states, including Virginia, astonishingly exceed 20 percent.⁶

There is no security or other reason to ban voting by people convicted of felonies while they are serving time. We already facilitate absentee voting by mail for people convicted of misdemeanors, and many European countries and some others around the world facilitate voting within their correctional facilities regardless of type of conviction.⁴ In addition, two states, Maine and Vermont, never take away the right to vote from their citizens, and people in prison routinely vote in those states.

Virginia is the fifth worst state in the nation for felony disenfranchisement. The disenfranchisement rate for all Virginians is 7.8 percent, as more than 500,000 people cannot vote. Today, nearly 22 percent of African-Americans in Virginia are permanently banned from voting, or one in every five.⁷ As the disproportionate representation of African-Americans in the criminal justice system has grown, so has impact on disenfranchisement rates.

Getting one’s civil rights restored under current Virginia law is challenging. The governor has the sole discretion to restore civil rights and the process is often confusing because of the lack of notice provided by the government, incorrect information given by local officials, and constantly changing eligibility criteria and requirements. Over the past two decades, Virginia governors have worked within their sole discretionary executive authority to streamline restoration of rights processes by eliminating arbitrary and burdensome requirements such as multi-year waiting periods to apply, lengthy applications, and recommendation letters. Gov. Terry McAuliffe eliminated the requirement that people pay fines and fees before restoration and has restored the rights of more than 150,000 people—more than any other Governor in history.

While the gubernatorial reforms throughout the years are commendable, there is no guarantee the next governor will build upon these reforms. In fact, future governors could reverse course making it harder to get one’s civil rights restored.



In Virginia, it is no longer okay to allow a governor or the government to decide who gets to vote. Every citizen in Virginia, including those incarcerated, is covered by the same laws. If every citizen is governed by the same laws, each should have the right to vote in choosing who represents them. Additionally, it would be disastrous to pass a flawed constitutional proposal that would

permanently reinstate insurmountable hurdles on the right to vote. Mandatory repayment of financial costs, a modern-day poll tax, criminalizes poverty and exacerbates the racially disparate impact of felony disenfranchisement. All citizens should be able to exercise their fundamental right to vote without restriction. **Full citizenship requires the ability to have a voice in government.**



The answer is to enact a Virginia constitutional amendment that:

- 1) **repeals** the felony disenfranchisement provision; and
- 2) **inserts** an affirmative right to vote that cannot be abridged. This proposal would ensure that all qualified individuals who reside in Virginia, who are U.S. citizens and who are at least 18 years of age, have the fundamental right to vote.

We need your help to make this happen.

Amending the constitution is a difficult process in Virginia, requiring legislative action and a statewide vote. Here is what has to happen:

1. A proposal first must pass the House of Delegates and the Senate.
2. After an intervening election of the House of Delegates, the identical wording of the proposed amendment must pass both chambers a second time.
3. The amendment must be approved by Virginia voters by referendum.



2. No-Excuse Absentee Voting

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Absentee voting is a mechanism that allows voters to vote prior to Election Day by filling out an application and voting on an absentee ballot either in-person at their local general registrar’s office or by mail. While technically different from the ballot a voter receives on Election Day at the polling precinct, an absentee ballot vote counts just the same in an election.

Currently, to vote absentee in Virginia, you must apply and give the government an approved “excuse” for not going to the polls on Election Day.⁸ The General Assembly of Virginia has approved 19 excuses voters can use to qualify to vote by absentee ballot in state and local elections.⁹ If you do not give an approved-excuse your ballot will be rejected. Further, it is a felony offense to lie when providing an excuse.¹⁰

Several approved excuses require voters to disclose private or sensitive information on their application. For example, a voter with a disability or illness who is eligible to vote by absentee ballot must disclose that status on their application. The voter’s application is a record that is available for inspection by the public under the state’s open records law,¹¹ and state law does not require applications to be securely maintained.

The problem with this excuse-based system is that it elevates some classes of voters over others, which inherently is unfair.

It gives only some voters the “privilege” to vote before Election Day, in-person or by mail. Some reform efforts have sought to allow no-excuse absentee voting for people wanting to vote absentee in-person only but not to those wanting to vote by mail. The problem with limiting no-excuse absentee voting to people casting ballots in-person, however, is that many qualified voters may be excluded from participating based upon accessible transportation, geography, income status, physical disabilities, or the constraints of modern-day life on individuals and families.

Moreover, there are localities in Virginia where voters do not have ready access to transportation that permits them to travel to designated locations to vote by absentee ballot in-person. In rural areas, some voters are not able to get to their general registrar’s office, which may be on the opposite side of the county, without a car. In urban locations, voters without vehicles may not have ready access to public transportation to travel to a distant absentee voting site. These barriers are even higher for people with physical disabilities.

Voting in the Commonwealth should be equally and uniformly accessible to every voter, no matter the method. Every voter should be given an equal opportunity to vote absentee in-person or by mail for any reason or no voter should be accorded this privilege.

Voting in the Commonwealth should be equally and uniformly accessible to every voter, no matter the method. Every voter should be given an equal opportunity to vote absentee in-person or by mail for any reason or no voter should be accorded this privilege.

In addition to treating Virginia voters differently depending on who they are or where they live, Virginia's excused-based absentee voting law threatens privacy rights by mandating that qualified voters disclose personal information for some approved excuses. For example, if a voter is pregnant (*an approved excuse*) and wishes to vote by absentee ballot, they must apply and disclose their pregnancy status to election officials – perhaps even before they have shared such private information with family and friends. If someone plans to be out of town on business (*another approved excuse*) or away from home 11 or more hours a day because of a commute (*an additional approved excuse*), they must include that information on the application. The absentee ballot and the excuses given are a public record available for anyone to see, and no systems are in place to keep the application secure.

No absentee ballot voter should have to disclose personal information to the government (and, potentially, any member of the public) to exercise their right to vote.



Absentee voting should be universally available to all Virginia voters by both in-person and by-mail methods. No-excuse absentee voting is not a novel, untested concept in elections. Voting by no-excuse absentee ballot has been successful nationwide. Thirty-seven other states and the District of Columbia and (including three states that conduct all-mail elections), offer absentee voting in-person and/or early voting without anyone having to provide an excuse.¹² Twenty-seven states and the District of Columbia offer no-excuse absentee voting by mail.¹³ Only 20 states, including Virginia, still require voters to provide an approved excuse to vote by absentee ballot.¹⁴

No-excuse absentee voting makes sense in modern-day society and recognizes the constraints of our busy lives. For example, voters who are responsible for childcare can utilize absentee voting to alleviate the hassle of waiting in long lines on Election Day. Many states do not allow employees time off to vote on Election Day and, unfortunately, many people cannot afford to take unpaid leave. No-excuse absentee voting allows employees with inflexible shifts to vote at their convenience. Some voters must juggle multiple jobs. No-excuse absentee voting allows all voters in our democracy to exercise their fundamental right to vote in a more accessible and convenient method.

All voters should be allowed by law to cast absentee ballots for any reason by both in-person and by mail methods. No-excuse absentee voting would alleviate concerns about fairness and public disclosure of confidential information and promote equally accessible elections to all qualified voters. All voters must be permitted to vote by absentee ballot, and no class of voters should be given special rights or preferential treatment when it comes to exercising the fundamental right to vote.





Guaranteeing the Right to Vote

- 1 **▶ Meet with your state delegate and senator** and ask them to sponsor and actively support a state constitutional amendment that would enshrine the right to vote and repeal the felony disenfranchisement provision.
- 2 **▶ Write a letter to the editor of your local newspaper to raise public awareness** that amending the Virginia constitution to include the right to vote in our constitution is the right thing to do to better our democracy. Support extending the right to vote to all U.S. citizens over 18 living in Virginia.

No-Excuse Absentee Voting

- 1 **▶ Meet with your state delegate and senator** and ask them to sponsor and actively support legislation that will allow anyone to vote absentee for any reason.
- 2 **▶ Ask your general registrar and members of your local electoral board** to take a public position in support allowing all voters to vote absentee in-person or by mail without exception. Many general registrars meet with local legislators about election-related legislation. Some general registrars even testify in support or opposition to legislation during the General Assembly session. Also, many general registrars belong to associations that take positions on bills. Some registrars have opposed no-excuse absentee voting on grounds of increased workloads. Help them see that eliminating excuses will reduce the paperwork burden and save time and money.
- 3 **▶ Write a letter to the editor of your local newspaper to raise public awareness** about why no-excuse absentee voting makes our democracy stronger for all voters and protects the privacy of Virginians voting absentee.

FACT SHEET:

Guaranteeing the Right to Vote



The Problem: Virginia permanently disenfranchises more than half a million of its citizens of voting age! Even worse, 22 percent of African-Americans of voting age in the Commonwealth are banned from voting. That is more than one in every five African-Americans, a rate disproportionately higher than non-African-Americans. Restoration of rights should not depend on who is governor or flawed proposals that would implement additional burdens to restoration of rights – neither the government nor elected or appointed officials should be allowed to interfere with the right to vote.

The Solution:

Pass a constitutional amendment that 1) repeals the felony disenfranchisement provision; and 2) inserts an affirmative right to vote without restriction for every Virginian who is a U.S. citizen at least 18 years of age. This amendment makes it clear that every citizen has an equal voice in Virginia and can participate in our democracy without restriction.

Voting is a hallmark of democracy. All citizens deserve a say in their government, and voting is an essential part of the duties of full citizenship. The right to vote is fundamental and our democracy is strengthened when everyone participates. Elected officials should be held accountable to all their constituencies.

Individuals who vote help make a community safer and more vibrant. Voters are more likely to give to charity, volunteer, attend school board meetings, serve on juries, be active in politics, and cooperate with fellow citizens on community affairs. Nationally, most disenfranchised Americans – 77 percent – are not incarcerated. That means that less than one-fourth of disenfranchised Americans are in prison and 4.7 million disenfranchised adults who live, work, and pay taxes in their communities are banned from voting. When children see their parents voting, they are more likely to vote as adults. In addition, research shows that formerly incarcerated individuals who vote are less likely to be re-arrested. Reinstating the right to vote is an important aspect of promoting public safety.

Repealing the felony disenfranchisement provision and inserting an affirmative right to vote in the Virginia Constitution conserves government resources. Automatically enfranchising Virginians does not require complex restoration procedures that are cumbersome to administer, and thereby conserves government resources and saves taxpayer dollars.

Requiring people to pay court fees, restitution, or other costs before restoring their right to vote punishes low-income citizens and is modern-day

poll tax. So long as individuals convicted of felonies are banned from voting mandating payment of fees as a requirement for voting rights restoration places a larger burden on low-income people, who are over-represented in the criminal justice system, and punishes them for being poor. The right to vote should never be conditioned on the ability to pay fees – tantamount to a modern-day poll tax. The obligation of individuals to pay fees does not go away, but it should not bar a citizen from exercising their fundamental right to vote.

Subjective requirements such as mandatory waiting periods, applications, or letters of recommendations are unnecessary burdens on the right to vote. The right to vote should not be conditioned on arbitrary requirements that make people convicted of felonies plead their cases to a government official to exercise the fundamental right to vote. The restoration of rights process is fraught with obstacles. It is time for all citizens, regardless of felony status, to exercise their fundamental right to vote.

Felony disenfranchisement laws disproportionately impact people of color. Twenty-two percent of Virginia's African-American voting age population is permanently disenfranchised – more than one out of every five African-Americans. This Jim Crow-era law is rooted in racial discrimination and continues to impact communities of color.

Virginia is out of step with the nation. Virginia has the fifth highest rate of disenfranchisement in the nation. It is estimated that more than 500,000 Virginians are permanently banned from voting, and most of these individuals live in our communities, work, and pay taxes, but still cannot vote.

While several governors have streamlined the restoration of rights process, there is no guarantee that future governors will do the same. The state constitution needs to be amended to fix this problem once and for all. We need to repeal the felony disenfranchisement provision and insert an affirmative right to vote without restriction for all Virginians.

FACT SHEET:

No-Excuse Absentee Voting



The Problem: Virginia's excuse-based absentee voting law does not let all voters participate. The law unfairly elevates some classes of voters over others and gives them a special right.

The Solution:

Pass legislation that allows for no-excuse absentee voting by mail and in-person so that all voters can easily participate and our democracy is more accessible.

Virginia's excuse based absentee law does not work. The General Assembly has approved 19 excuses that allow voters to vote by absentee ballot in Virginia. A voter must state an approved excuse and sign the application under penalty of a felony if false information is provided. The law gives some voters preferential treatment over others who also may not be able to vote easily on Election Day for other, unapproved reasons. Every voter should be able to vote by absentee ballot equally.

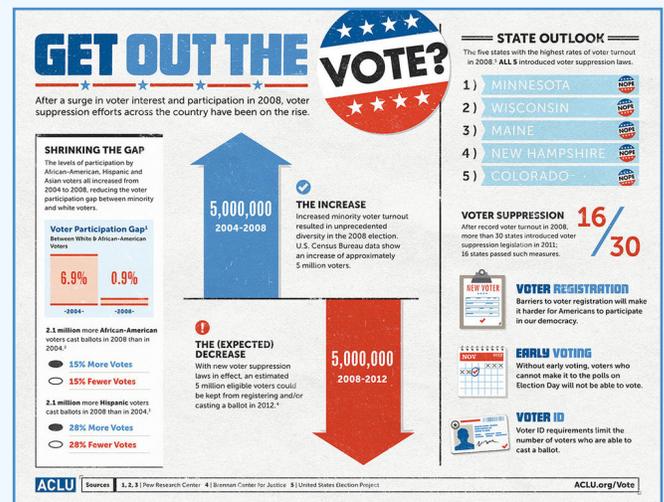
Excuse-based absentee voting threatens privacy rights. Several of the approved excuses require voters to disclose private or sensitive information on their applications. For example, if a voter is pregnant (an approved excuse) and wishes to vote by absentee ballot, they must disclose their pregnancy status on their application to election officials – perhaps even before sharing such private information with family and friends. And if isn't bad enough, the voter's application is a public record that is available for inspection by anyone. The law does not require applications to be securely maintained. No absentee ballot voter should have to disclose personal information to the government (and, potentially, any member of the public) to exercise their right to vote.

No-excuse absentee voting allows voters the flexibility to fit voting into busy schedules filled with work, child care, and errands. Many voters have busy schedules that include activities such as childcare duties or inflexible jobs that do not let them vote on election day, but they still do not qualify to vote under Virginia's excuse-based absentee voting law. Election Day is not a state or federal holiday. Virginia law does not require employers to give employees time off to go vote.

No-excuse absentee voting relieves congestion and long lines on Election Day at polling precincts. Jurisdictions in Virginia have long suffered with

long lines on Election Day, sometimes resulting in voters taking hours to cast their ballots. No-excuse absentee voting would allow more voters to vote absentee by mail or in-person at their general registrar's office, which is required to be open full-time in the weeks near an election.

No excuse absentee voting makes the administration of elections easier for officials, staff, and volunteers. By allowing anyone to vote by absentee ballot by mail or in-person, it relieves the stress on workers on Election Day and reduces the chance of mistakes. It also eliminates the need to process and maintain the paperwork required for excuses.



No-excuse absentee voting makes elections more accessible and improves voter participation and retention. No-excuse absentee voting is another way people in our democracy can fairly participate. No-excuse absentee voting is a common-sense reform that makes our democracy more accessible.

No-excuse absentee voting works. It is not a novel, untested concept in elections. Voting by no-excuse absentee ballot has been successful nationwide. Thirty-seven other states and the District of Columbia and (including three states that conduct all-mail elections), offer in-person absentee voting and early voting without having to provide an excuse.

LETTER

To the Editor



Universal Right to Vote

Dear Editor:

With more than half a million people and more than one in five African-Americans banned from voting in Virginia, it is no longer good enough to talk about restoration of rights and second chances in Virginia. It is time for meaningful action.

The right to vote should not depend on who is governor or left to ill-conceived legislative proposals that would reinstate burdens such as mandatory waiting periods, lengthy applications, or require full repayment of fines, fees, and court costs. Court-ordered financial obligations never go away for a person convicted of a felony, but the ability to pay should not foreclose a person's right to vote, imposing a modern-day poll tax.

The right to vote is fundamental in our country and Virginia should amend its constitution to affirm that right without restriction and finally repeal its felon disenfranchisement provision. All citizens deserve a say in their government, and voting is an essential part of the duties of full citizenship. Our democracy is strengthened when everyone participates.

No-Excuse Absentee Voting

Dear Editor:

With complicated and confusing rules on absentee voting, Virginia continues to lag other states in promoting more open and accessible elections. Thirty-seven other states permit voters to vote early or by absentee ballot without having to provide an approved excuse, and it has had great success.

No-excuse absentee voting has led to greater participation in elections, relieved long lines at the polls on Election Day, and accommodated our modern-day, busy schedules that require flexibility. It also relieves the stress on poll workers on Election Day and makes it less likely that mistakes will occur. In short, no-excuse absentee voting makes democracy more accessible for everyone to participate.

It's time for legislators to pass legislation that allows all voters to participate in our democracy equally. No-excuse absentee voting by mail and in-person reflects the realities of our modern society and would allow more citizens' voices to be heard.

FAQs: RIGHT TO VOTE

1. Why do we need an affirmative right to vote in Virginia?

The right to vote is a fundamental right to which every American citizen inherently is entitled, including prisoners, yet it's not explicitly enshrined in our constitution. The right to vote is not something the government should be able to take away as punishment.

2. Why should people convicted of felonies get the right to vote?

Every American citizen has the fundamental right to vote and have a voice in our democracy, including those who are, or have been, incarcerated as felons. When you strip the right to vote away from someone, it is dehumanizing and adds to the isolation from the laws and society that govern them—and that hinders rehabilitation and lessens public safety. In addition, elected officials include prison populations in their legislative districts and should be accountable to their entire constituency. All people convicted of felonies should be able to vote and participate as full citizens, just as some people in jail for misdemeanors now do.

3. What is felon disenfranchisement?

Generally, felon disenfranchisement is the loss of a person's right to vote after being convicted of a felony crime. The Virginia Constitution permanently disenfranchises anyone convicted of a felony from voting, and also bars them from serving on a jury, running for public office, and being a notary public.

4. How many people in Virginia are disenfranchised?

Per the latest estimates, more than 500,000 voting age Virginians are disenfranchised, or an astonishing 7.8 percent of the state's voting age population. More than one in every five African-Americans of voting age in Virginia are banned from voting, or 22 percent, are disproportionately impacted. Virginia is the fifth worst state in the nation for felon disenfranchisement.

5. Can voting rights be restored?

Yes. The Virginia Constitution grants the governor the sole discretion to restore the civil rights of disenfranchised individuals. Unfortunately, the governor is not required to restore anyone's civil rights and has complete discretion to determine the process and requirements for restoration of rights. Until the felon disenfranchisement provision is repealed and an affirmative right to vote is inserted into the state constitution, the rules for restoration of rights can change at any time, especially when a new governor is elected. It is always best to contact the secretary of the Commonwealth about how to get civil rights restored at: <http://restore.virginia.gov> or by telephone at 804-692-0104.

6. Does rights restoration include getting gun rights back?

The governor does not have the authority to restore firearms rights. Contact your local circuit court for information about restoration of firearms rights.

7. What is wrong with the current process? Is reform really necessary?

Reform is necessary because the right to vote is a fundamental right that belongs to all citizens. It is the basic currency of our democracy. The right to vote should not depend on one person or flawed constitutional proposals that would reinstate former obstacles such as lengthy applications or mandatory waiting periods, to getting rights restored. Persons convicted of a felony live, work, raise families, and pay taxes in our state, and, therefore, deserve a say in government.

8. Why shouldn't people convicted of a felony be required to pay court fines, fees, restitution before getting the right to vote back?

Requiring a person to complete court-ordered financial obligations to vote is a modern-day poll tax. The obligation to pay court fines, fees, and restitution (plus interest) never goes away until the responsible person completes payment, but the right to vote should never be mortgaged on a person's ability to pay. This type of requirement only further criminalizes poverty and exacerbates the racially disparate impact of felony disenfranchisement.

FAQs: NO-EXCUSE ABSENTEE VOTING

1. What is absentee ballot voting?

Absentee ballot voting is a method of voting that allows anyone to cast a ballot prior to Election Day. Absentee voting can be done by mail or in person at the local general registrar's office. Absentee voting begins 45 days prior to an election. In-person absentee voting ends three days before the election. Absentee voting by mail must be delivered to general registrars no later than 7 p.m. on Election Day (poll closing). While election officials follow special procedures for absentee ballots, the vote counts just the same as ballots cast at the polls on Election Day.

2. Can anyone vote by absentee voting in Virginia?

No. In Virginia, a qualified, registered voter must apply for an absentee ballot and provide an excuse approved by the legislature. Virginia has 19 approved excuses such as disability, pregnancy, or religious obligation. The voter must provide an approved excuse and sign the application under felony penalty if they willingly provide false information.

For a list of acceptable reasons, see Virginia's Absentee Voting Application: <http://www.elections.virginia.gov/Files/Forms/VoterForms/VirginiaAbsenteeBallotApplication.pdf>

3. What is wrong with the excused-based absentee voting law?

Virginia's absentee voting law only allows some voters to cast an absentee ballot if they have an excuse that is on the list approved by the legislature. The law gives only some voters special rights not accorded to others and is inherently unfair. Many voters have difficulty or are prevented from voting on Election Day, but do not qualify under the to vote by absentee ballot. In our democracy, elections should be more accessible for everyone to participate. Under the current system, absentee voters using some excuses must disclose private information in their application, which is a public record, and that threatens privacy rights.

4. What are the benefits of no-excuse absentee voting?

No-excuse absentee voting allows more voters to participate in our democracy by making the election more accessible and flexible to accommodate our modern lives and schedules. No-excuse absentee voting reduces congestion and long lines at the polls on Election Day, and in turn, relieves the stress on election workers. No-excuse absentee voting equalizes the playing field for all voters to exercise their constitutional right to vote. It also saves taxpayer dollars by eliminating the need to process and maintain paperwork related to the excuses voters must give.





Talking Points for You to Use

▶ **Guaranteeing the Right to Vote**

1. Voting is a fundamental right and hallmark of democracy. All citizens should have a voice in their government. Our democracy is strengthened when everyone participates.

- The state constitution needs to be amended to fix this problem once and for all. We need to repeal the felony disenfranchisement provision and insert an affirmative right to vote without restriction for all Virginians 18 or over.
- Virginia permanently disenfranchises over half million of its citizens of voting age or 7.8 percent of its voting age population. Virginia is the fifth worst state in the nation in this regard. This is unacceptable.
- Even worse, 22 percent of African-Americans of voting age in the Commonwealth are banned from voting. That is more than one in every five African-Americans, a rate disproportionately higher than non-African-Americans. This Jim Crow-era law is rooted in racial discrimination and continues to impact communities of color.
- Nationally, most disenfranchised Americans –77 percent – are not incarcerated. That means that less than one-fourth of disenfranchised Americans are in prison and 4.7 million disenfranchised adults who live, work, and pay taxes in their communities are banned from voting and having a say in our democracy.

2. The right to vote should not be at the sole discretion of one person or require arbitrary and insurmountable burdens

- While several governors have streamlined the restoration of rights process, there is no guarantee that future governors will do the same.
- The right to vote should not be conditioned on arbitrary requirements that make citizens plead their case to exercise their right to vote. Examples include mandatory waiting periods, lengthy applications, letters of recommendations, and payment of financial obligation.
- Requiring people to pay court fees, restitution, or other costs before restoring their right to vote punishes low-income citizens and is modern-day poll tax. The right to vote should never be conditioned on the ability to pay fees – tantamount to a modern-day poll tax. The obligation of individuals to pay fees does not go away, but it should not bar a citizen from exercising their fundamental right to vote.



Talking Points for You to Use

No-Excuse Absentee Voting

1. All voters should be permitted to vote by absentee ballot, and no class of voters should be given preferential treatment when it comes to exercising the fundamental right to vote. The current law is inherently unfair by elevating certain voters over others. No-excuse absentee voting by mail and in-person would promote equally accessible elections to all qualified voters.

2. No excuse absentee voting allows voters the flexibility to fit voting into busy schedules filled with work, child care, and errands. Many voters have busy schedules that include activities such as childcare duties or inflexible jobs that do not let them vote on Election Day, but they still do not qualify to vote under Virginia's excuse-based absentee voting law. Election Day is not a state or federal holiday. Virginia law does not require employers to give employees time off to go vote.

3. Voting by no-excuse absentee ballot has been successful nationwide. Thirty-seven other states and the District of Columbia and (including three states that conduct all-mail elections), offer in-person absentee voting and early voting without having to provide an excuse.¹⁵

4. No-excuse absentee voting would help to eliminate long lines and congestion at polling precincts and that would alleviate stress on election workers and prevent mistakes from occurring on Election Day.

SAMPLE SOCIAL MEDIA POSTS

Guaranteeing the Right to Vote

For Twitter:



All VA citizens should have the right to vote; it's fundamental. #votingrights



Govt should not be able to grant/deny the right to vote to any VA citizen over 18 #votingrights



Rt to vote in VA shouldn't depend on the politics of any one person/Governor. #votingrights



Yes, we think people in prison or jail should have the right to vote; people not convicted of felonies already do. #votingrights



If we count people in prison or jail when drawing election districts, their votes should be counted at the polls. #votingrights



VA bans >500,000 of its citizens from #voting; is the 5th worst state for #felondisenfranchisement.



VA disproportionately bans 22% African-Americans from #voting because of felony convictions. Jim Crow still alive. #votingrights



VA must repeal its discriminatory #felondisenfranchisement law & pass an affirmative #righttovote for everyone. #votingrights.

For Facebook:



Voting is a fundamental right and hallmark of democracy, not a privilege. All Virginian citizens should have the right to vote.



The right to vote should not be conditioned on arbitrary requirements that make citizens plead their case to exercise their right to vote. Government should not be able to grant or deny the right to vote to any Virginian citizen over the age of 18.



Our democracy is strengthened when everyone participates. The right to vote in Virginia shouldn't depend on the politics of any one person or governor.



Virginia permanently disenfranchises over half million of its citizens of voting age. This is unacceptable. People in prison or jail should have the right to vote.



In America, every vote is supposed to count. If we count people in prison or jail when drawing election districts, their votes should be counted at the polls.



Virginia is the 5th worst state for felon disenfranchisement. Felon disenfranchisement leaves disproportionate impact on the African-American community. Relics from the Jim Crow era persist in modern-day democracy.



The right to vote is fundamental in our country and Virginia should amend its constitution to affirm that right without restriction and finally repeal its felon disenfranchisement provision. All citizens deserve a say in their government, and voting is an essential part of the duties of full citizenship.

SAMPLE SOCIAL MEDIA POSTS

No-Excuse Absentee Voting

For Twitter:



No VA #voter should have to tell the govt about a pregnancy or disability just to vote by absentee ballot. #votingrights



No VA voter should have to make private info public just to vote absentee. #votingrights



No VA voter should be denied the right to vote absentee because they don't have a govt "approved" "excuse." #votingrights



No VA voter should have the right to vote absentee unless all voters have the right to vote absentee. #votingrights



No excuse absentee voting is a common-sense reform for #VA that makes our democracy more fair and accessible for all #voters. #votingrights



No excuse absentee #voting allows flexibility to fit voting into busy modern schedules filled w work, child care, errands. #votingrights

For Facebook:



Voting in the Commonwealth should be equally and uniformly accessible to every voter, no matter the method. No Virginia voter should have to tell the government about a pregnancy or disability just to vote by absentee ballot.



No absentee ballot voter should have to disclose personal information to the government (and, potentially, any member of the public) to exercise their right to vote.



No-excuse absentee voting allows all voters in our democracy to exercise their fundamental right to vote in a more accessible and convenient method. No Virginia voter should be denied the right to vote absentee because they don't have a government "approved" excuse.



Every voter should be given an equal opportunity to vote absentee in-person or by mail for any reason or none should be accorded this opportunity.



No-excuse absentee voting makes sense in modern-day society and recognizes the constraints of our busy lives. It makes our democracy more fair and accessible to all voters.



No-excuse absentee voting allows employees with inflexible shifts to vote at their convenience and alleviates the hassle of waiting in long lines on Election Day for voters who are responsible for childcare.



REFERENCES

1. Epps, Garrett, "Voting: Right or Privilege?" The Atlantic, 18 September 2012, available at: <https://www.theatlantic.com/national/archive/2012/09/voting-right-or-privilege/262511/>
2. Shelby County Post-Argument Commentary: Voting Rights Are an American Entitlement | Constitutional Accountability Center, 27 February 2013, available at: <http://theconstitution.org/text-history/1844/shelby-county-post-argument-commentary-voting-rights-are-american-entitlement>
3. Douglas, Joshua A., "Is the Right to Vote Really Fundamental?" Cornell J. Law & Policy, Vol. 18, 143 (2008).
4. Chung, Jean, "Policy Brief: Felony Disenfranchisement," The Sentencing Project, January 2017, available at: <http://sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf>
5. Uggen, Christopher & Jeff Manza, "Voting and Subsequent Crime and Arrest: Evidence from A Community Sample," Columbia Human Rights Law Review, 36 (1), 2004, pp.193-215.
6. Uggen, Christopher, et al. "6 Million Lost Voters State-Level Estimates of Felony Disenfranchisement, 2016," The Sentencing Project, 16 October 16, 2016, available at: <http://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
7. Uggen, Christopher, et al. "6 Million Lost Voters State-Level Estimates of Felony Disenfranchisement, 2016," The Sentencing Project, 16 October 16, 2016, available at: <http://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
8. Virginia Absentee Voting Application, available at: <http://www.elections.virginia.gov/Files/Forms/VoterForms/VirginiaAbsenteeBallotApplication.pdf>
9. Va. Code §24.2-700, available at: [Va. Code §24.2-700](http://law.lis.virginia.gov/vacode/title24.2/chapter7/section24.2-700/), available at: <http://law.lis.virginia.gov/vacode/title24.2/chapter7/section24.2-700/>
10. Va. Code §24.2-1016, available at: <http://law.lis.virginia.gov/vacode/title24.2/chapter7/section24.2-1016>
11. Va. Code §24.2-706, available at: <http://law.lis.virginia.gov/vacode/title24.2/chapter7/section24.2-706/>
12. "Absentee and Early Voting," National Conference of State Legislatures, 20 March 2017, available at: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>
13. "Absentee and Early Voting," National Conference of State Legislatures, 20 March 2017, available at: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>
14. "Absentee and Early Voting," National Conference of State Legislatures, 20 March 2017, available at: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>
15. "Absentee and Early Voting," National Conference of State Legislatures, 20 March 2017, available at: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>