

Colonel Gary T. Settle
Superintendent, Virginia State Police
7700 Midlothian Turnpike
Richmond, VA 23235
supt@vsp.virginia.gov

Susan Beals
Commissioner, Virginia Department of Elections
Washington Building
1100 Bank Street
Richmond, VA 23219
susan.beals@elections.virginia.gov



P.O. Box 26464
Richmond, VA 23261
(804) 644-8022
acluva.org

October 18, 2023

**RE: Demand for Immediate Investigation and Remediation of Unlawful
Voter Roll Removals**

Dear Superintendent Settle and Commissioner Beals,

The ACLU of Virginia is deeply concerned to learn of the removal from the voter rolls of hundreds, and potentially thousands, of eligible Virginia voters whose civil rights were previously restored. We write to demand greater transparency regarding both the circumstances surrounding their removal and the specific steps being taken to identify and reinstate such voters.

As the State has acknowledged, Virginians who have their voting rights restored after a previous conviction become fully eligible to vote in all future elections. A subsequent probation violation is *not* a sufficient reason to remove an individual from the voting rolls. The speedy reinstatement of these voters is urgent as we approach a critical election in three weeks – one that will determine all 140 seats of the General Assembly as well as various local offices around the Commonwealth. The ACLU of Virginia continues to receive complaints from affected individuals who have not been properly restored to the voter rolls even after ELECT informed the *Washington Post* that the errors had already been corrected. What's more, in at least one instance, a local registrar has stated that restoration may not occur until after the election, raising the question of whether eligible voters will be barred from taking part in an election in which they have a constitutional right to participate.

While we are pleased to see ELECT, Virginia State Police, and the Governor's administration acknowledge these known issues to the press, the citizens of the Commonwealth deserve to know details about how these errors occurred and specific actions each agency is taking to identify everyone who has been affected, as well as how the agencies will remedy each occurrence to ensure these individuals are able to vote in the upcoming election.

As such, we request the following information and actions from your respective offices:

- 1. Transparency into the Investigation.** Outline all steps that each of your offices has taken, if any, to investigate the nature and scope of the errors. Please include (A) how your office is determining how these errors occurred; and (B) how your office is identifying each person who may have been impacted. In your response to (A), please indicate whether the error was the result of a change in how technical probation violations and any other events other than new felony convictions are designated in Virginia State Police reporting, a change in how ELECT processes the information in such reports, or a different factor. In your response to (B), please explain any steps taken to determine whether someone removed from the rolls was in fact removed on the basis of a new felony conviction. Please further advise what steps your office is taking to determine whether this error may have impacted anyone whose voting rights were restored but had not yet registered to vote, and how any such voters are being identified.
- 2. Enumeration of Impacted Individuals.** Disclose the exact number of individuals affected by these errors and provide the corresponding and necessary records or documentation to substantiate this figure.
- 3. Restoration of Voting Rights.** Clarify when and how all affected individuals will have their voting rights fully reinstated, and any steps that your offices are taking to ensure that each affected person has their voting rights restored *before* Election Day and in time to take full advantage of remaining absentee and early voting options
- 4. Notification of Impacted People.** Outline all steps that the State Board of Elections, the Virginia State Police, local registrars, and other relevant state and local agencies, such as probation and parole departments, are taking, if any, to ensure that each person impacted will be notified in advance of the election that they were wrongly designated as ineligible to vote (including the precise means through which such notification will be effectuated), that they have been reinstated to the voter rolls, and that they may vote by regular ballot in the upcoming election.

We expect a comprehensive response to these inquiries within five days from the date of this letter and immediate corrective measures to rectify your agency's errors. With the integrity of our electoral system at stake, the urgency of voters' reinstatement to the rolls cannot be overstated. Every eligible voter must have the opportunity to exercise their constitutional right to vote, including in the critical election that is just three weeks away.

This is a critical election for the future of our Commonwealth, and the swift resolution of this issue is non-negotiable. Time is of the essence: Early voting ends on November 4, and absentee ballot requests must be made by



Virginia

P.O. Box 26464
Richmond, VA 23261
(804) 644-8022
acluva.org

October 27. Each passing day restricts the options available to impacted voters and unfairly denies them methods of voting that would otherwise be available to them.

Thank you for your prompt attention to this matter. We look forward to receiving your response and, more importantly, to the swift resolution of this issue to ensure the fairness and transparency of the electoral process.

Respectfully,



P.O. Box 26464
Richmond, VA 23261
(804) 644-8022
acluva.org

Mary Bauer
Executive Director
American Civil Liberties Union of Virginia
mbauer@acluva.org