



November 2, 2018

Delegate Lamont Bagby
Chair, Virginia Legislative Black Caucus
P.O. Box 406
Richmond, Virginia 23218

Dear Delegate Bagby:

It was great to see you at the showing of the Gerry-Rigged film last week, and to participate on the panel with you. As we discussed, the ACLU of Virginia would very much hope that the Virginia Legislative Black Caucus would take a strong positive position supporting a constitutionally guaranteed right to vote as proposed in resolutions SJR 9 and SJR 12 that Senators Mamie Locke and Louise Lucas introduced last year (enclosed).

The Senate Privileges and Elections Committee must consider both of these resolutions that were carried over from the 2018 session by midnight on November 29th for them to be considered during the 2019 session. We respectfully request that the Legislative Black Caucus voice its support of these resolutions and the guaranteed right to vote before the deadline, and, if the 2018 resolutions are not voted out of committee by the deadline, that the Caucus actively support their re-introduction and passage during the 2019 session.

The resolutions offered by Senators Locke and Lucas would put before the voters a straightforward and simple proposal – the right to vote should be guaranteed in the Virginia constitution, and it should not be able to be abridged by any act of the General Assembly.

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 explicitly affirmative “right to vote” provision 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 citizens 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. It is no longer okay to allow government to decide who gets to vote. Every citizen in Virginia, including those incarcerated, are governed by the same laws. If every citizen is governed by the same laws, it stands that everyone has the right to vote in choosing who represents them.

In addition to supporting a guaranteed right to vote, we urge the Legislative Black Caucus to resist any effort to tinker with the current felon disenfranchisement provision in the Virginia Constitution. It would be disastrous to pass a flawed constitutional proposal that would permanently reinstate insurmountable hurdles and a modern-day poll tax 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 only answer is to enact a concise constitutional amendment as recommended by SJR 9 and SJR 12 that: 1) repeals the felony disenfranchisement provision; and 2) inserts an affirmative right to vote in Virginia that cannot be abridged by law. 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 hope that the Legislative Black Caucus will lead the effort to make this constitutional amendment a reality by supporting passage of SJR 9 and SJR 12 or passage of identical resolutions introduced anew in the 2019 session.

Very truly yours,

Claire Guthrie Gastañaga
Executive Director

Enclosures

Cc: Senator Mamie Locke, Senator Louise Lucas and all other members of the Virginia Legislative Black Caucus