

The Facts About the Restoration of Civil Rights in Virginia

- ✓ **If you are convicted of a felony in Virginia, you are stripped of certain civil rights.** Virginia is one of only four states that *permanently* disenfranchise people convicted of felonies (the others are Kentucky, Florida, and Iowa). Your civil rights are *not* stripped away if you are convicted of a minor crime, known as a misdemeanor.
- ✓ **The civil rights stripped away from people convicted of felonies include the right-to-vote, the right to hold public office, the right to serve on a jury, and the right to serve as a public notary.** In addition to these rights, the right to possess a firearm is also stripped away from a person convicted of a felony. There are two different processes for restoring your civil rights and restoring your right to possess a firearm, however, you must have your civil rights restored by the Governor before you may petition the Circuit Court to restore your right to possess a firearm.
- ✓ **There is a way to restore your civil rights in Virginia if you meet certain conditions.** The Governor of Virginia may restore your civil rights with an individual petition for clemency. There are two methods to petition the Governor:
 - 1) **Applying directly to the Governor through the Secretary of the Commonwealth.** This is the most common means of restoring civil rights. If your application is rejected, you must wait one year to re-apply.
 - 2) **Petitioning the Circuit Court for initial review.** The Court then transfers successful petitions to the Governor.Over a thousand people have their rights restored each year and the number is climbing every year.

To be eligible to have your rights restored, you must first complete your sentence. This means being released from jail/prison, completing probation, parole, or any other correctional supervision, as well as paying any court-ordered costs, fines, or restitution. Then, you must fulfill a “waiting period” with no other convictions. If you have been convicted of a “non-violent” felony or certain drug offenses then you must wait **two years** after your sentence is completed. If you have been convicted of a “violent,” certain drug, or election-related felony then you must wait **five years** after your sentence is completed.

- ✓ **If you become a Virginia resident and have a prior felony conviction(s) you may still have your civil rights.** Every state has different disenfranchisement laws for people convicted of crimes. In fact, two states—Maine and Vermont—never strip a person’s civil rights. Virginia’s law applies if you have been convicted of a felony in a Virginia court or if you are a Virginia resident and *have not* had your civil rights restored in the state(s) where you were previously convicted. Many states have automatic restoration laws so that once you complete your sentence then your civil rights are automatically restored.

According to the State Board of Elections, if you believe that your civil rights might have been restored, you should either contact Garry Ellis at the State Board of Elections at (804) 864-8901 to confirm your state or ask your local registrar. For further questions you may also contact Advancement Project.

For more information about rights restoration in Virginia, you can access Advancement Project’s Virginia Civil Rights Restoration Guide at our website (<http://www.advancementproject.org/digital-library/publications/virginia-civil-rights-restoration-guide>) or request a free copy at (202) 728-9557.

