



COMMONWEALTH of VIRGINIA

Office of the Governor

Kay C. James
Secretary of the Commonwealth

July 17, 2023

Robert N. Barnette Jr.
President, NAACP - Virginia State Conference
PO Box 27212
Richmond, VA 23261
Delivered Electronically to: president@naacpva.org

Dear President Barnette:

Greetings and well wishes to you and all NAACP members in Virginia. Governor Youngkin has asked me to reach out to you, this time to correct serious factual errors that appear in your statement to the media on Thursday, July 13 and to renew my offer for a third time to sit down, first in June and again in July, to discuss the restoration of voting rights process and any concerns you have.

As you are aware, the Virginia Constitution requires certain rights, including the right to vote, to be revoked as a matter of law, when a Virginian is convicted of a felony. To be clear, the Governor does not revoke the civil rights of any citizen and is only considering the restoration of rights following re-entry.

In 2016, the Virginia Supreme Court ruled that a Virginia governor cannot restore the rights of Virginians convicted of felonies without first making an individual case-by-case determination considering the unique aspects of every case.

This is what Governor Youngkin is doing and has delegated to me as the Secretary of the Commonwealth, as Governors have historically done, to administer the process.

We take our responsibility to consider re-enfranchisement seriously. In coordination with the Department of Corrections, the Governor and I have ensured that every returning citizen is made aware of their responsibility to apply for restoration, and provided a paper application to do so, as well as links to our website for online application.

While several other distinguished and active civil rights groups have met with our team to review our process and share the Governor's perspective, you have refused the opportunity to learn more about the process and express your concerns or advocate for consideration in a constructive and deliberate way.

In fact, our team has gone to great lengths to exercise discretion to produce hundreds of working papers to ensure to the NAACP that our process has been deliberative, fair, and utilizing only facts of each applicant's individual criminal record.

In your press release, you have implied that determinations are made on race. Nowhere in the application

process is there a reference to the race, religion, or ethnicity of a Virginian seeking restoration of his or her voting rights. Governor Youngkin and I both guarantee that these factors play absolutely no role in the process or the serious decisions that we make on behalf of returning citizens.

Your press statement also misstates that "the process is operating at an increasingly slow pace." Actually - the opposite is true. While our process slowed to accommodate the mandatory directive of the Supreme Court, we have made serious progress to reduce wait times after application and are working to rollout increased process transparency.

Governor Youngkin and I met with Senator Lionel Spruill on April 12 and April 21 to discuss these important issues and we made and have kept our promises to do everything within reason to speed up the process and make it more user friendly.

As promised, we hired additional staff solely dedicated to increasing the transparency and efficiency of the restoration of voting rights application and review process. We are very pleased that all completed applications submitted on or before April 30, 2023 have been acted on. Our online portal for applicants is routinely updated and most approved applicants have also received their paper grant orders by mail and our team prepares and mails those almost weekly to granted applicants.

Because the constitution gives Virginia's governors sole discretion on the restoration of rights, each governor determines how he will make these important decisions individually. Governor Youngkin, Senator Spruill, and I talked about the importance of second chances and how the Governor will support and aide returning citizens.

The Governor explained to Senator Spruill that he will be less likely to quickly restore the voting rights of anyone who used a firearm in the commission of a crime, and that, generally speaking, but not always, he will work to restore the voting rights of those who committed nonviolent crimes. This is how the Governor views how he will undertake his responsibility under the constitution. Not only have we met with Democratic leaders to discuss, but my team and I have met with impactful civil rights groups who work to help re-entering citizens to explain the process and our responsibilities in line with the Virginia Constitution.

Throughout my career, I have had a good working relationship with the NAACP and expect to continue that tradition. In fact, since Inauguration, I have worked diligently to meet with advocacy groups, and have on many occasions met with leadership and members of many NAACP local chapters from around the Commonwealth and nationally.

In closing, I recognize that there may be other questions you have and am renewing my invitation to sit down to discuss this further, face to face, as people of good will. The Governor and I hold the NAACP in high regard and believe that both our administration and you will benefit from more cordial discussion on this and other issues of importance to Virginia.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay C. James".

Kay Coles James
Secretary of the Commonwealth