

**INFORMATION ABOUT PETITIONING A CIRCUIT COURT FOR
APPROVAL OF THE RIGHT TO REGISTER TO VOTE**
COMMONWEALTH OF VIRGINIA

If you are not qualified to vote because you have been convicted of a felony, you may be eligible to petition a circuit court for approval of your right to register to vote. If you are eligible to petition a circuit court and if the court approves your petition, then the Governor of Virginia will decide whether or not to restore your right to register to vote. By itself, circuit court approval of your petition does not give you back the right to register to vote. The Governor must also approve.

A felony conviction causes a person to lose other civil rights in addition to the right to vote. Even if your petition is approved by the court and approved by the Governor, only your right to vote will be restored, not these other civil rights. To seek to have these other civil rights restored in addition to your right to vote, you must ask the Governor through the Secretary of the Commonwealth.

A. Where to petition. You may petition either the circuit court where you were convicted of the felony or the circuit court where you now reside. The clerk of the circuit court has a petition form which you may use or you may draft your own petition. You must pay all the required filing fees to the clerk of the circuit court in order to have the court consider your petition, unless the court grants you permission to proceed *in forma pauperis* (as someone who cannot afford to pay the required fees).

B. The conditions for court approval. It is your responsibility to present evidence to the court showing that you meet all the conditions to have the court approve your right to register to vote. These conditions are:

- You are eligible to petition the court because the felony you were convicted of was not one of the felonies listed below under Section E.
- At least 5 years must have passed since you completed any sentence and any modification of sentence, including probation, parole and any suspended sentence.
- You must not have had any additional criminal convictions during that period of time. Convictions for traffic infractions during that period of time are not counted against you for this petition.
- You must have demonstrated civic responsibility through community or comparable service.

C. Your responsibility to prove your case. Since you are responsible for proving to the court that you are eligible to petition for approval of your right to register to vote and that you meet all the required conditions, you will need to provide to the court, along with your petition, evidence to prove that your petition should be granted, such as evidence of your convictions and sentences and evidence demonstrating civic responsibility through community or comparable service. Attested copies of the orders of your conviction and sentencing can be obtained from the clerk of the circuit court which convicted you of the felony and sentenced you. The circuit court clerk must charge you for these copies. You may obtain a copy of your criminal history from the Virginia State Police. There is a charge for a copy of this record.

D. Court Approval. If the court approves your petition, the court will provide to you a copy of the order approving your petition. The court will also send a copy of the order to the Secretary of the Commonwealth, who will then send it to the Governor for the decision of whether you will be permitted to register to vote.

E. Who is not eligible to petition. You are not eligible to petition a circuit court for approval of your right to register to vote if you were convicted of one of the following felonies:

1. A “violent felony” as defined in Virginia Code § 19.2-297.1. The felonies included in this definition are:
 - First degree murder, second degree murder, or voluntary manslaughter (see Virginia Code §§ 18.2-30 through 18.2-33 and 18.2-35).
 - Any mob-related felony (see Virginia Code §§ 18.2-40, 18.2-41 and 18.2-42.1).
 - Any kidnapping or abduction felony (see Virginia Code §§ 18.2-47 through 18.2-49.1).
 - Any malicious felony assault or malicious bodily wounding (see Virginia Code §§ 18.2-51 through 18.2-56, 18.2-57 and 18.2-57.2).
 - Robbery (see Virginia Code § 18.2-58).
 - Carjacking (see Virginia Code § 18.2-58.1).
 - Felony criminal sexual assault (see Virginia Code §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1 through 18.2-67.3, 18.2-67.4:1, 18.2-67.5 and 18.2-67.5:1).
 - Burning or destroying a dwelling or an occupied structure as described in Virginia Code § 18.2-77.
 - Burning or destroying a public building when occupied as described in Virginia Code § 18.2-79.
 - Conspiracy to commit a “violent felony.”
 - Being a principal in the second degree or an accessory before the fact to a “violent felony.”
2. Manufacturing, selling, giving or distributing a controlled substance or imitation controlled substance (see Virginia Code § 18.2-248).
3. Possessing a controlled substance or imitation controlled substance with the intent to manufacture, sell, give or distribute that substance (see Virginia Code § 18.2-248).

4. Transporting into Virginia one ounce or more of cocaine in any form, any other Schedule I or II controlled substance, or 5 pounds or more of marijuana with the intent to sell or distribute that substance (see Virginia Code § 18.2-248.01).
5. Selling, giving or distributing more than one-half ounce of marijuana (see Virginia Code § 18.2-248.1).
6. Giving, distributing or possessing marijuana for an inmate as a favor (see Virginia Code § 18.2-248.1).
7. Possessing more than one-half ounce of marijuana with the intent to sell, give or distribute the marijuana (see Virginia Code § 18.2-248.1).
8. Manufacturing marijuana or possessing marijuana with the intent to manufacture it for use by another person (see Virginia Code § 18.2-248.1).
9. Distributing to someone who was under eighteen, and three years younger than you, Schedule I, II, III, or IV controlled substances, an imitation controlled substance, or marijuana (see Virginia Code § 18.2-255).
10. Causing someone who was under eighteen to assist in the distribution of Schedule I, II, III, or IV controlled substances, an imitation controlled substance, or marijuana (see Virginia Code § 18.2-255).
11. Manufacturing, selling or distributing any controlled substance, imitation controlled substance or marijuana while on or near the type of property described in Virginia Code § 18.2-255.2, for example a school, a community center, a public library or a state hospital.
12. Possessing with the intent to manufacture, sell or distribute any controlled substance, imitation controlled substance or marijuana while on or near the type of property described in Virginia Code § 18.2-255.2, for example a school, a community center, a public library or a state hospital.
13. Maintaining a fortified drug house (see Virginia Code § 18.2-258.02).
14. Making a false statement or entry on an election report required by Title 24.2 of the Code of Virginia (see Virginia Code § 24.2-1016).

If your felony conviction was for one of the crimes listed above, you are not eligible to petition the court for approval of your right to register to vote and the court cannot approve your petition.