



July 18, 2023

Governor Glenn A. Youngkin  
Office of the Governor  
Patrick Henry Building  
1111 East Broad Street  
Richmond, Virginia 23219

**Re: Restoration of Voting Rights**

Dear Governor Youngkin:

I write in regards to the Virginia Freedom of Information Act ("VFOIA") public records requests my organization, the Virginia State Conference NAACP ("Virginia NAACP"), transmitted to your office on May 9, 2023 regarding the process by which voting rights are restored for Virginians with past felony convictions. The Virginia NAACP is concerned that your new process arbitrarily restores the rights of some and not others, that the process is secretive and lacks the transparency Virginians deserve, and that the process has slowed down so significantly that many thousands of applicants may be disenfranchised through inaction as we approach the November elections.

As you are no doubt aware, Virginia has a deplorable history of state officials using the power of their offices to prevent Virginians, particularly Black Virginians, from voting. More pointedly, Virginia's felony disenfranchisement provision was enacted in 1902 with the explicitly stated intent to maintain white supremacy by disenfranchising Black Virginians. We are thus deeply concerned that your new, opaque process threatens to disproportionately disenfranchise Black Virginians.

After sending our VFOIA request, we were subsequently contacted by the Office of the Attorney General ("OAG") who, on your behalf, sought an extension to respond to the request and a narrowing of the scope of the request. We granted the request and, after several conversations, agreed that your office would produce certain documents relating the restoration process. We are in receipt of the third and, as of now, final production.

Your office produced around 600 documents, none of which provided clarity as to the substance of the secretive, arbitrary process you are employing to restore citizens' voting rights. Furthermore, at the time of this letter, there remain several outstanding documents we have identified that we believe are non-exempt and responsive to our requests yet have yet to be produced:

1. An administration transition document that included information about the restoration of rights process;
2. Communications between the Director of Clemency and other agencies regarding applicants that describe the actual information requested by the Director of Clemency and other state agencies as part of the restoration process;

3. Agendas, notes, or other documents related to meetings (identified as having taken place in calendar items that were produced) that related to various aspects of the restoration process; and
4. Relevant communications and information on individuals whose applications for restoration of rights were denied, including the reasons for denial.

I reiterate Virginia NAACP's request for the aforesaid documents as required under VFOIA.

Additionally, our review of the documents produced revealed that your Secretary of the Commonwealth, the Honorable Kay C. James, met with numerous advocacy groups regarding your updated process. Sadly, Virginia NAACP—among the oldest and most active civil rights organizations in the state—was not included in these meetings. We can only assume that our omission was not an oversight.

After we noted our discovery of this fact, your office offered a meeting with Secretary James in an email on June 13. Our subsequent communication requested a meeting with you, to which we received no response. Instead, another offer to meet with Secretary James was made on July 7. We have reiterated our interest in speaking with you to no avail. I have just received a third invitation to meet with Secretary James, yet no direct response to our request to meet with you, nor indication that you have any interest in sitting down with Virginia NAACP to explain a process that impacts thousands of Virginians.

Most importantly, the documents revealed a lack of standards or criteria for the restoration of rights of Virginians with past felony convictions. We are deeply concerned about the possibility that an applicant's race, voting history, geographic location, or socioeconomic status may be determinative in whether their application is denied. Certainly, no document produced demonstrates that these factors are not used in making decisions or that you are taking any steps to ensure your process is not racially biased, even if unintentionally so. In addition, none of your representatives could assure my organization that these considerations are not taken into account, or even what information you are considering in making your rights restoration decisions.

Absent any indication to the contrary, you can see why Virginia NAACP is concerned about the changes you have made after your administration initially touted the restoration of thousands of Virginians' voting rights.

To that end, Virginia NAACP hereby demands that you 1) establish a clear and publicly available set of criteria that govern your decision whether to restore an individual's rights; 2) maintain robust and effective communication with applicants the process, including by communicating the reasons for their decision and any steps they can take to re-apply or to make it more likely they receive a favorable decision; and 3) establish and adhere to a clear timeline that will ensure the fair and prompt processing of all applications.

Enclosed herein is a detailed proposal on how to meet those goals. The proposed platform is neither complex nor politically motivated. Our proposal will give Virginians seeking restoration of their voting rights a clear roadmap and access to relevant information along the way, and will give all Virginians confidence the process is fair, unbiased, and prompt. As a man who has previously touted the importance of second chances, we are hopeful you will adopt a policy that is both transparent and non-discriminatory.

I am optimistic that we can find a way to achieve an outcome in this area that will assure returning Virginians that their ability to become full citizens shall not be impeded by an arbitrary, politically motivated process.

Please do not hesitate to contact me should you have any questions or would like to meet to discuss our proposals.

Sincerely,



Robert N. Barnette, Jr  
President  
[president@naapva.org](mailto:president@naapva.org)