*Introduce self*

#1: Title Slide: Recommended Program Inalienable Right to Vote

The League uses the term “program” when referring to studies. The LWV-VA board recommended this program at the 2023 LWV-VA convention and it was approved by the delegation. Through the consensus process used to discuss the study, new positions may be formed that can be used for advocacy.

Definition from Oxford Languages: Inalienable: unable to be taken away from or given away by the possessor

#2 Study committee: read slide

Arina van Breda and Deb Wake *(Fairfax)*

Carolyn Caywood *(South Hampton Roads)*

Chris DeRosa, Lisa Koteen Gerchick, and Liz Scheffler *(Arlington/Alexandria)*

Karen Siracusa, Linda Rice, Pat Black-Evers *(Williamsburg)*

Shirley Everett *(Roanoke)*

Program is a two-year process and thank the members for the time and commitment. All participated by writing sections and helping refine and edit. The impetus for this study was two constitutional amendments; one regarding the right to vote and the other regarding 16 year-old voters.

#3: Photo of Eleanor Roosevelt

The League of Women Voters was instrumental in establishing the United Nations and for that reason has observers to the present day. Eleanor Roosevelt, a prominent LWV member, chaired the United Nations Human Rights Committee. The league and the UN have a commitment to democracy and voting.

In 1948, *United Nations Declaration of Human Rights declared* "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

And in 2017, *United Nations Human Rights Office in conjunction with the Carter Center stated* “Democracy arises from people’s desire for dignity, equality, justice, liberty, and participation— their desire for a voice.”

Your voice is your vote.

#4: description of Discrimination: read slide

Discrimination: “the [unjust](https://www.google.com/search?sca_esv=136c67f42ee830f9&rlz=1C1RXQR_enUS993US993&sxsrf=ADLYWILwYYeBMcKo8AcH0ol2aj350L0ZZA:1724768548420&q=unjust&si=ACC90nwdkA2npcVVmNPViiSe8FMK13uiVrw6080FQXaOZHG-RcICrRAISNIRl8-nPszLUpnw-24YvufztFoUNZFouNooZTbPMQ%3D%3D&expnd=1&sa=X&ved=2ahUKEwjqv5fFr5WIAxX4MlkFHbTyLQgQyecJegQIIBAO) or [prejudicial](https://www.google.com/search?sca_esv=136c67f42ee830f9&rlz=1C1RXQR_enUS993US993&sxsrf=ADLYWILwYYeBMcKo8AcH0ol2aj350L0ZZA:1724768548420&q=prejudicial&si=ACC90nwZrNcJVJVL0KSmGGq5Ka2YqNCvkRbF2Rpu_BW6Zyk_-owyUVbLljm_Eb2mxUmtWdo7LxggPIY3xxaV0ifJxWJ9rIr3ABtSgo25nNxNpOWjZr5bVcU%3D&expnd=1&sa=X&ved=2ahUKEwjqv5fFr5WIAxX4MlkFHbTyLQgQyecJegQIIBAP) treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability.”*-- Oxford Languages*

They lack the capacity to understand voting.

They will be unduly influenced by others on how to vote.

The purity of the vote should not be sullied by them.

These statements have been made to disenfranchise Blacks, younger voters, women, and those mentally adjudicated. These statements can often be used interchangeably depending who is being discriminated against. It’s “othering” language used by those in a position of privilege and power. With the league’s focus on DEI (Diversity, Equity, and Inclusion), we feel that it’s important to look at voting through this DEI lens.

#5: Study Purpose & Aspirational Goals:

Too often treated as a privilege, the League believes voting is a right. This study examines the history and underpinnings of the concept of a right to vote and how this is an inherent right belonging to those living in a democracy. In particular, it focuses on those disenfranchised in the Virginia Constitution: those under the age of 18, those with a felony conviction, and those who have been adjudicated mentally incompetent.

There’s a lot here about Principles on p. 45 of Positioned for Action, the main point being that the Right to Vote has been a priority of the League, probably from our inception, but has been a stated platform at least as early as 1942.

#6: Slide with LWVUS positions

* [and] **ending felony disenfranchisement**… (p. 22)

We take guidance from the national League and can’t work in opposition to the positions we hold at the national level. Before we began, we reviewed the existing national and state positions.

#7 Slide Retain LWV-VA positions

Current position: <https://my.lwv.org/sites/default/files/lwv_va_positions_full_2023.pdf>

The procedure should be identical for all **felons** **regardless of the nature of their crime** (p.44)

Part of the program process is retention of existing positions. Some of these positions, like division of property in divorce, may seem archaic, but you never know when something that seemed settled in law will become overturned. So we retain all positions even if they seem outdated.

This study does not address many of the points in the current position, such as opposition to voter suppression and disinformation. We hope the consensus process will lead to an update and expansion of the League's position on the right to vote.

#8. Federal laws: read slide

The U.S. Constitution and Voting Rights

Under Article 1, Section 2 of the U.S. Constitution, the states were vested with the authority to determine who should vote, and the related “times, places and manner” under which this right should be exercised.

Subsequent Amendments including the 14th, 15th, 19th, 24th and 26th, further defined the states’ authority. The 14th and 15th Amendments, along with the 13th Amendment, are commonly referred to as the Reconstruction Amendments and focus on: the abolishment of chattel slavery (13th); equal protection under the law (14th); and male suffrage without regard to prior enslavement or African descent (15th). Post Reconstruction, the 14th and 15th Amendments were not enforced.

Our focus is on WHO can vote rather than the mechanisms of voting. Originally, only white, land-owning males aged 21 or older could vote. The Reconstruction amendments abolished enslavement, provided equal protection, and extended voting to all men–for a time. Jim Crow laws erased enfranchisement for most men of color.

#9. Federal Laws continued

While the 19th amendment expanded the franchise for women, massive numbers of American women remained effectively disenfranchised because they were not white. The Civil Rights movement and the struggles for Indigenous rights, Latino rights, and Asian-American rights were required to make the 19th Amendment fundamentally true for all American women.

States, like Virginia, with a history of discrimination against Black voters were placed under “preclearance” where they needed to “pre-clear” election laws with the Department of Justice before they could go into effect. *Shelby County v. Holder* in 2013 removed many preclearance protections and allowed suppression tactics to go into effect across the U.S., not just in states formerly bound by preclearance. *Brnovich v. DNC* further restricted who could file a voter discrimination suit.

While the constitution allows states to set the time and place of elections, it has been amended to protect voters in various ways.

Plug for the Colvard book (an update on the history of LWV-VA that should be available for order on the website soon), *Virginia Women & the Vote*: “The LWV-VA was jubilant at the demise of the poll tax at long last. The League and others mounted massive voter registration drives which frequently resulted in registrars being swamped. During this time, registrars could only register voters at their offices, they could not leave to do so. However, neighborhood registrars could be appointed to register voters from their homes and the League actively participated as neighborhood registrars or assisted in identifying these auxiliary registrars. This led to huge increases in voter registration.”

#10. VA Constitution Article II, Section 1, Qualification of Voters

Virginia drafted the 1901-1902 state constitution and the supporting legislation with the intent to disenfranchise Blacks despite the 14th Amendment to the U.S. Constitution. The passage of the 24th Amendment and the 1965 Voting Rights Act compelled Virginia to rewrite its constitution, resulting in the 1971 Virginia Constitution, under which we currently operate.

<https://law.lis.virginia.gov/constitution/article2/section1/>

Our study focused on the three groups specifically disenfranchised in the Virginia constitution: 16 year-olds, those with a felony conviction, those adjudicated mentally incompetent. It was the life’s work of Yvonne Miller who was a Virginia delegate (1984-1988) and Virginia senator (1988- her death in 2012) to remove felony disenfranchisement in Virginia. Her mantle was taken up by Mamie Locke, who has been a Virginia senator since 2004. We have been engaged in these efforts since 2019, but were told by LWVUS that our principle of right to vote was not enough to support this advocacy and needed to be the result of program. Recently (2023), Delegate Sam Rasoul introduced a constitutional amendment to lower the voting age in Virginia to 16, but without a position, we could neither support nor oppose. Including those adjudicated mentally incompetent as voting-eligible was often tied to the fight for voting rights for those with a felony conviction. It made sense to include all three groups in our study.

#11. Virginia laws

With the gutting of the Voting Rights Act by the Shelby Co. decision, and the inability to pass the John Lewis Voting Rights Advancement Act at the federal level, LWV-VA pushed for passage of a state level VRA. It was first introduced in 2020 and again in 2021 when it passed.

#12 Study Contents

The study is divided into the first section being a discussion of voting and democracy. Then what international, federal and Virginia laws say about voting.

We examine three groups explicitly disenfranchised in Virginia’s constitution: those under the age of 18, those with a felony conviction, those who have been mentally adjudicated as incompetent.

After the conclusion and consensus questions, we’ve included an appendices detailing groups who won their right to vote: women, 18-20 year olds, Native Americans, and Asian Americans.

Note that the last third is resources, both cited and referenced. We hope these will be helpful for both advocacy and as a resource.

#13. 16-17 years old: read slide

Some of the reasons why 16 & 17 years – old should be given the right to vote.

* Cultivating a Voting Habit: Learning about elections in a supportive community (school/family) allows young voters to ask questions and become informed, developing a lifelong habit.
* Skills and Knowledge: Participating in elections makes for more engaged and informed citizenry. Since the education is fresh, they may be better informed than many older adults. They have the capacity to understand complexities. 16 & 17 years-olds seek independence and the opportunity to participate as adults rather than as children.
* Civic Education: Participation in elections fosters understanding of the process, promotes critical thinking, develops a better understanding of the importance of democracy, and provides an opportunity to learn the consequences of elections. Considering candidate platforms help young voters form their own values and priorities.
* Younger Citizens are Not Being Adequately Represented: Policies with long term consequences are made without the input of those most affected; ie. climate change, gun violence, healthcare, housing, education, debt accrual.

16 is a far better age than 18— when many leave the family home and strike off for college or independence and have so much else to focus on. Voting at 16 starts them on a lifelong habit of voting and having a voice in the policy decisions that will have long-reaching consequences. 16 is the age at which many people receive their first paycheck and begin paying taxes on income. It is a founding principle of our country that those who are taxed should have a voice in their representation

#14. Felony Disenfranchisement: read slide

* “Virginia broadened its list of disenfranchising crimes to include things like loitering, being homeless, even being unemployed.”
* The 1971 Virginia Constitution does not mention the restoration of voting rights even though it was drafted to eliminate many of the Jim Crow laws put in place in 1901-1902. “Virginia [disenfranchises] all people with felony convictions even after they have completed their sentences and parole.”
* “Since 1970, Virginia’s jail population increased 800%. Since 1983, the state’s prison population has more than doubled.”
* In 2019, “Black people constituted 20% of state residents, but 53% of people in prison.” In 2023, “12% of voting-age Black Virginians [were] impacted. That’s more than 1 in 10 not allowed to vote.”
* ‘[Communities] where Black people had been kept from the ballot box before the Voting Rights Act are the same communities where Black people were incarcerated at higher rates after the Voting Rights Act.”

To circumvent Reconstruction amendments (13, 14, 15) giving Black men the right to vote, many states enacted Jim Crow laws to effectively prohibit Black voters. Virginia rewrote its constitution in 1901-1902 with the specific intent of disenfranchising Black voters. Felony disenfranchisement was a ready-made tool for excluding Black voters and crimes were added to target them. Crimes targeting Blacks were added and when the Virginia constitution was rewritten in 1970-1971 to remove Jim Crow laws, felony disenfranchisement was retained.

#15 Racial Disparities in Virginia prisons graph

The jail and prison populations have ballooned with a disproportionate number of Blacks being incarcerated. The impacts affect Black communities outside the prison walls as well.

#16. Mental competence: read slide

* Approximately 12,000 adult Virginians are disenfranchised, despite many of them having the capacity to understand the act of voting and a desire to vote, simply because a court has appointed a guardian for them..
* A person under guardianship should retain the right to vote unless the individual cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.
* A court considering guardianship should apply:
  + a presumption that the right to vote is retained;
  + a standard that does not exceed what is required of other voters;
  + individually tailored accommodations consistent with Equal Protection and ADA requirements.
* The mental capacity standard should be the capacity to understand the act of voting and a desire to vote.

Currently, many people who are placed under guardianship by the courts also have their voting rights stripped. One man testified to the Disability Commission in August about the struggle to get his sons voting rights restored. [His testimony can be found at <https://virginiageneralassembly.gov/house/committees/commstream.html> August 15, 3:46:46- 3:49:52. He really encapsulates the whole issue in 3 minutes.] He shared that when he hired a lawyer to help set his son up for guardianship, he was told that in Virginia, the default is to remove voting rights–this was not mentioned by the attorney, the guardian ad litem, the judge, or the literature–it was only found at the end of the final paperwork where it read “shall not retain his qualification to vote.” When he protested, the lawyer asked him what argument they would use when his son needed full guardianship but wanted to vote. He said his son was on the student council at school, he was in family discussions and taken with father when he voted. After the additional $1800 in attorney fees, court filings and meetings with the judge, his son’s voting rights were restored and he votes every election and often reminds his father of upcoming elections. The man stressed that voting rights should be included in every guardianship discussion.

#17. Purpose of Program- read slide

The League of Women Voters of VA is committed to protecting every citizen’s intrinsic right to vote!

League positions are for the long term.

If we believe in a principle, it doesn't matter whether today's political winds are unfavorable.

We go for the "moon shot."

The moon shot shown here is women having the right to vote.

The program process is educational but usually also results in an updated position used for advocacy. Because resources like time and people are limited, studies are broad in scope and so are the resulting positions. The results are often aspirational and provide a platform for future advocacy.

#18. Consensus Process

* Questions are yes or no
* Questions are not leading to a particular answer
* Questions try to invoke thoughtful discourse
* Questions try to get past personal bias
* Questions help us discover where we have agreement and where we do not
* Group discussion is important
* Consensus is not voting
* “The consensus process keeps us truly grassroots, but doesn’t risk the disgruntlement that plurality voting can create.“ *-Carolyn Caywood*

In plurality voting, members would be on the “winning” or “losing” side of the vote. Consensus avoids this but promotes input by all members.

#19. Picture of High School registration

This is our present. This is our future.

#20-22. Consensus Questions *WE RECOMMEND READING THROUGH ALL QUESTIONS FIRST, THEN GOING BACK THROUGH THEM FOR DISCUSSION.*

1. “Democracy arises from people’s desire for dignity, equality, justice, liberty, and participation–their desire for a voice.” If your voice is your vote, should everyone in a democracy have the right to vote?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments:

1. The U.S. Constitution delegates to states the authority to decide who can vote, but amendments have expanded who can vote. Should the U.S. Constitution be amended to create one national standard for who can vote?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments:

3. Should the Virginia Constitution be changed to add a “fundamental right to vote” clause in both the title and body of Section 1?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments:

4. Should the Virginia Constitution be changed to permit those who are 16 and older to vote in local and state elections?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments

5. Should the Virginia Constitution be changed to remove the stipulations in Section 1, 37 Article II of the Virginia Constitution that disenfranchise citizens convicted of a felony and those adjudicated to be mentally incompetent?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments

6. Given concerns over aging office holders and Supreme Court Justices, should there be an upper age limit to qualify to vote?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments

7. Should someone judged mentally incapacitated retain the right to vote if they demonstrate an understanding of the act of voting and a desire to cast a ballot?

Yes\_\_\_ No\_\_\_ No Consensus\_\_\_. Comments

We did not study immigrant voting as part of the study, we really just focused on the other three groups in the Virginia Constitution. We studied the mechanisms of voting a few years ago and more can be found there regarding the security of our elections.

If you have more than one consensus meeting please merge the results and send just one report from your local League.