

## APPROVAL OF THE RIGHT TO BE ELIGIBLE TO REGISTER TO VOTE PROCEDURE GUIDELINE



### APPROVAL OF THE RIGHT TO BE ELIGIBLE TO REGISTER TO VOTE

A petition filed by a convicted felon seeking court approval of the restoration of the right to be eligible to register to vote. This procedure applies only to the right to vote, not to the other civil rights, which are lost upon conviction of a felony. A felon must seek restoration of those rights directly by the Governor, through a petition lodged with the Secretary of the Commonwealth.

**REFERENCE:** Code of Virginia §53.1-231.2

### **DOCUMENTS REQUIRED:**

- Petition for Approval Original plus two (2) copies
- Supporting Documentation Originals plus two (2) copies
  - Supporting documentation would include:
    - Certified copies of orders of conviction & sentencing
    - Criminal History
    - Letter from Probation Officer outlining period of supervision
    - Letters of reference; and
    - Proof of civic responsibility
- Original Order endorsed by petitioner for judge to sign
- Friday Motions Day Praecipe setting the hearing on the Civil/Criminal docket
- A self addressed stamped envelope to receive a certified copy of the final order

# FAIRFAX CIRCUIT COURT

## FORMS:

- Instructions and the Petition for Approval of the Right to be Eligible to Register to Vote form is available, as a fillable form on the Supreme Court of Virginia website:

Instructions: <http://www.courts.state.va.us/forms/circuit/cc1402inst.pdf>

Forms: <http://www.courts.state.va.us/forms/circuit/cc1403.pdf>

- The Friday Motions Day praecipe form setting the matter for a hearing on a Friday at 10:00 a.m. is available on the Fairfax Circuit Court web-site:

<http://www.fairfaxcounty.gov/courts/circuit/PDF/ccr-u-22-right-to-be-eligible-to-vote-praecipe.pdf>

## JURISDICTION:

Petitions may be filed in the Circuit Court of the county or city in which the Petitioner resides or in the county or city in which the individual was convicted.

## FILING OF PETITION FOR APPROVAL:

The Petition for Approval of the Right to be Eligible to Register to Vote and other required documentation may be filed in person or by mail to:

**Fairfax Circuit Court  
4110 Chain Bridge Road  
Fairfax, VA. 22030  
Attention: Civil Intake 3<sup>rd</sup> Floor**

## FILING AND SERVICE FEES:

- Filing Fee: **\$86.00**
- Service:
  - \$12.00 for Sheriff's Service of Petition
  - \$12.00 for Sheriff's Service of Notice of Hearing

**Petition and Notice must be served on the Commonwealth Attorney.**

Payment is to be made by cash, money order or cashier's check payable to the Clerk of the Circuit Court. No personal checks are accepted.

**NOTE: YOU ARE REQUIRED TO APPEAR IN COURT ON THE DATE THAT YOUR CASE IS SCHEDULED TO BE HEARD.**

## ENTRY OF FINAL ORDER:

Upon entry of the final order either granting or denying the Petition for Approval of the Right to be Eligible to Register to Vote, the Clerk shall mail a certified copy of the final order to the petitioner in the self addressed stamped envelope provided at the time of filing the Petition.

If the Court approves the petition the Clerk is to transmit its order and supporting documentation to the Secretary of the Commonwealth. The Order shall state that the petitioner's right to be eligible to register to vote may be restored by the date that is ninety days after the date of the order, subject to the approval or denial of the Governor.

The Secretary of the Commonwealth shall transmit the order to the Governor who may grant or deny the petition for restoration of the right to be eligible to register to vote approved by the court order.

The Secretary of the Commonwealth shall send within ninety days of the date of the order, to the petitioner at the address stated on the court's order, a certificate of restoration of that right or notice that Governor has denied the restoration of that right.

The Governor's denial of a petition for the restoration of voting rights shall be a final decision. There is no right of appeal upon a denial from the Governor.

The Secretary shall notify the court and the State Board of Elections in each case of restoration of the right or denial of restoration by the Governor.

On receipt of the certificate of restoration of the right to register to vote from the Secretary of the Commonwealth, the petitioner who is otherwise a qualified voter shall become eligible to register to vote.

