

Congress of the United States

Washington, DC 20515

October 6, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

We are writing in regard to recent media reports that potentially thousands of eligible Virginia voters have been removed from the state's rolls. This is being reported just weeks before election day and after early voting has already begun in the Commonwealth. We urge the Department of Justice (DOJ) to investigate these reports as possible violations of Section 2 of the Voting Rights Act or other federal laws.

Virginia is the only state to automatically and permanently disenfranchise all citizens with felony convictions. However, the governor is able to restore these rights on an individualized basis. In the 1980s, then Governor Charles Robb initiated a procedure to simplify the process for restoring voting rights and all subsequent governors, both Democratic and Republican, expanded on that initiative, until the Youngkin Administration. This includes expedited consideration begun under Republican Governor Bob McDonnell and expanded under Democratic Governors Terry McAuliffe and Ralph Northam. Regrettably, in May 2022, Governor Glenn Youngkin terminated the expedited restoration of voting rights and replaced it with a slower and more opaque process. This marked a significant change in policy and as a result, the number of restorations has fallen precipitously.

On October 5, 2022, Governor Youngkin's Department of Elections sent a backlog of 107,000 voter records to localities after technical issues had resulted in those records being held in limbo for months.¹ On October 31, 2022, the Department informed Virginia localities that it had failed to timely process an additional 149,000 voter registrations, resulting in a last-minute scramble by local Registrars to prepare for the elections.² On May 12, 2023, Virginia pulled out of the interstate Electronic Registration Information Center (ERIC), a multistate program aimed at keeping voter rolls up to date which Virginia was a founding member of.³

On October 3, 2023,⁴ the Virginia Department of Elections acknowledged that it removed more than 10,000 individuals who have had their rights restored from voter rolls over the past nine

¹ Laura Vozzella, *IT issues stall voter-records processing for 107,000 in Virginia*, The Washington Post (October 5, 2022), <https://www.washingtonpost.com/dc-md-va/2022/10/05/virginia-voter-registration-youngkin/>.

² Antonio Olivo, *Va. officials processing 149,000 'motor voter' applications after glitch*, The Washington Post (October 31, 2022), <https://www.washingtonpost.com/dc-md-va/2022/10/31/virginia-motor-voter-glitch/>.

³ Graham Moomaw, *Virginia joins Republican states pulling out of multi-state voter list program*, Virginia Mercury (May 12, 2023), <https://www.virginiamercury.com/blog-va/virginia-joins-republican-states-pulling-out-of-multi-state-voter-list-program/>.

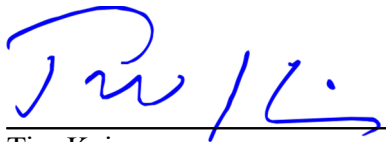
months without notice. This includes an unknown number of individuals with technical probation violations, not new felony convictions, who have been purged from voter rolls without notice after having their rights fully restored. This widespread error creates an enormous barrier to the democratic process for these affected Virginians while early voting has already begun for this November's election.

These new reports are alarming, especially with a consequential election already underway in Virginia and after the aforementioned previous issues with Virginia's voter registration systems. We request immediate action by the Department of Justice to investigate how these recent removals happened and what is being done to ensure that those whose names were illegally removed from the voting rolls are informed so that they will know that they are in fact properly registered to vote in this election in a timely manner, insofar as early voting has already begun. These are necessary actions to ensure every citizen's right to the ballot box is protected as required by the Voting Rights Act. Thank you for your attention to this matter. We look forward to your response.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator



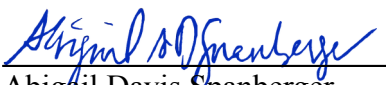
Robert C. "Bobby" Scott
Member of Congress



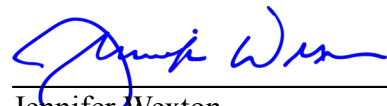
Gerald E. Connolly
Member of Congress



Donald S. Beyer Jr.
Member of Congress

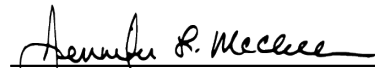


Abigail Davis Spanberger
Member of Congress



Jennifer Wexton
Member of Congress

⁴ Ben Paviour, *Virginia election official acknowledge voters mistakenly removed from rolls*, Virginia Public Media (October 3, 2023), <https://www.vpm.org/news/2023-10-03/voter-removal-virginia-process-change-vsp-elect>.


Jennifer L. McClellan
Member of Congress

cc: Kristen Clarke, Assistant Attorney General, Civil Rights Division, Department of Justice