Governor Youngkin Accedes to Virginia NAACP Records Requests, Documents Show Voting Rights Withheld from Thousands Without Explanation or Justification

After rebuffing repeated requests, governor reverses course and provides documents ahead of court hearing

RICHMOND, VIRGINIA – Public records pertaining to Governor Glenn Youngkin’s secretive voting rights restoration process were finally provided by his administration in response to a lawsuit brought by the Virginia State Conference NAACP (“Virginia NAACP”), represented by the Lawyers’ Committee for Civil Rights Under Law and Hogan Lovells US LLP. The disclosure is an abrupt reversal after the governor’s repeated refusal to comply with the Virginia Freedom of Information Act (“VFOIA”), and came in the final hours before a scheduled court hearing last Friday. The documents—including emails, internal meeting agendas, and communications with returning citizens whose voting rights restoration applications have been denied—reveal a process completely lacking in consistency or clear standards, and which is preventing thousands of returning citizens from participating in Virginia’s ongoing elections.

The newly produced documents underscore the arbitrariness of the process, with Governor Youngkin apparently failing to follow even what little his administration has shared publicly about the purported bases for his decisions. Among the documents produced are emails between the governor’s office and a nonviolent offender whose application for restoration of voting rights was denied without explanation—contradicting public statements by the Youngkin administration in July that nonviolent offenders would be given “priority.”

Other documents show requests for information about applicants from agencies including the Virginia State Police, Department of Behavioral Health Services, and, most puzzlingly, the Virginia Department of Elections, despite Governor Youngkin’s continued refusal to publicly state how he uses this information to determine whether to restore a citizen’s voting rights. It is also notable that no records suggest information is drawn from the Department of Motor Vehicles, which houses a significant amount of basic information related to Virginia citizens, indicating that info gathered from the Department of Elections is likely to include voting history.

The documents further show that citizens whose applications are denied are given no explanation or justification, and instead are told only that: “The [g]overnor has deemed you ineligible for rights restoration at this time. You are eligible to reapply for restoration a year after
the decision is made.” Yet, there are no stated standards for who is “eligible” and who is “ineligible” to have their voting rights restored, and other communications indicate that whatever standards are being applied appear to shift at the governor’s whim. As one applicant was told: “[Y]ou did not meet the eligibility requirements at the time you requested restoration of rights. Requirements may have changed from the date your application closed.” Yet, the governor has not provided any information, publicly or in communications with applicants, about what these “requirements” might be, nor any indication that these supposed “requirements” could change at any time and without explanation or public notice.

Other documents show the frustration and pain of returning citizens whose applications were denied. Receiving a notice of denial without explanation earlier this year, one applicant replied to the governor’s office: “Is there a reason why? After all, I feel I deserve an explanation because I’m not a violent felon and I am trying to do something with my life.... This is very discouraging.” The administration’s response was only that “[t]he [g]overnor has final decision in rights restoration and has the discretion to grant or deny individuals after the review period has been completed.” The applicant was again told they could reapply in a year, without any explanation as to whether the governor might then deem them “eligible” nor if there was anything they could do except reapply and simply hope it will be granted.

The administration further admitted in a November 1, 2023, letter accompanying some of the documents that there are currently more than 1,000 citizens whose applications have yet to be processed or considered, purportedly because the applications are somehow “incomplete.” None of these citizens will be able to cast a ballot in the ongoing 2023 elections.

This news arrives on the heels of recent revelations that Governor Youngkin and his administration unlawfully purged thousands of returning citizens from the voter rolls—an admission that far exceeded the administration’s previous assertion that less than three hundred voters had been erroneously removed. As Virginia’s closely watched 2023 elections draw to a close on Tuesday, and votes are counted in a contest that could determine control of the state legislature, the newly provided documents shed further light on a voting rights restoration process that has been widely criticized as lacking transparency and accountability, and which has restored rights to only a fraction of those who have applied.

“Our investigation has revealed the grave injustice Governor Youngkin is inflicting upon Virginia’s returning citizens, who are disproportionately Black Virginians,” said Virginia NAACP President Robert N. Barnette, Jr. “This cannot be allowed to continue—we demand that the governor end this discriminatory policy and restore the rights of all current and future applicants without equivocation and without further delay.”

“After months of refusing to comply with our lawful requests to review these records, what the governor has finally disclosed is extremely troubling,” said Ryan Snow, counsel with the Voting Rights Project of the Lawyers’ Committee for Civil Rights Under Law. “It is now abundantly clear that this administration has created a process not only indifferent to the
disenfranchisement of returning citizens but that will prevent thousands from participating in the ongoing elections.”

The Virginia NAACP submitted its VFOIA requests on May 9, 2023, due to grave concerns about Governor Youngkin’s new restoration of rights process, particularly regarding the lack of publicly stated criteria for his decision on whether to restore an individual’s rights and the extremely slow pace of rights restoration under his administration. Both factors are sure to have a discriminatory impact on Black Virginians, who are disproportionately affected by felony disenfranchisement in Virginia.

As such, the Virginia NAACP reiterates its demand that the governor: 1) establish a clear and publicly available set of criteria that govern his decision whether to restore an individual’s rights; 2) communicate directly with applicants about all aspects of the process, including the reasons for his decision; and 3) establish and adhere to a clear timeline that will ensure fair and prompt processing of all applications.

While continuing to review the recently produced records, and pursuant to an agreement by the administration to provide access to inspect its database of restoration of rights applicants, the Virginia NAACP has agreed to postpone its court hearing until 3:00 PM on November 15.

A copy of Virginia NAACP’s initial VFOIA request letter, VFOIA lawsuit court filings, and all of the documents thus far produced can be found at: naacpva.us/FOIA-RestorationOfRights

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**About the Virginia State Conference NAACP**
Chartered in 1935, the Virginia State Conference NAACP (Virginia NAACP) is the oldest and largest nonpartisan civil rights organization in the Commonwealth. The Virginia NAACP advocates, agitates, and litigates for civil rights due to Black Virginians. Representing over 100 NAACP adult branches, youth councils, and college chapters, together, we fight to build the social and political power required to abolish racial discrimination in localities throughout Virginia. To learn more about the work of the Virginia NAACP and the issues we advocate for, visit naacpva.org.

**About the Lawyers’ Committee for Civil Rights Under Law**
The Lawyers’ Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to mobilize the nation’s leading lawyers as agents for change in the Civil Rights Movement. Today, the Lawyers’ Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. For more information, please visit https://lawyerscommittee.org.