Restoration of Rights

If you have lost the right to vote as a result of a felony conviction in a Virginia court, a U.S. District or a military court, you must have your rights restored in order to qualify for voter registration. The restoration of rights restores the rights to vote, to run for and hold public office, to serve on juries and to serve as a notary public.

**Governor McDonnell announced on May 29, 2013 a transition from an application process to an Automatic Restoration Process for Non-violent Felons. This process is effective on July 15, 2013**

Information on Automatic Restoration of Rights:

- Press Release from July 15
- Press Release from May 29
- Letter from the Governor regarding non-violent restoration
- Frequently Asked Questions about the Automatic Restoration Process
- Contact Form for Non-Violent Felons
- Contact Form for Stakeholder/Community Groups

New Criteria for Non-Violent Felon Restoration (effective May 29, 2013):

- Have been convicted of a non-violent felony in a Virginia court, or convicted in a U.S. District Court, military court or a court of another state or territory
- Have completed serving the prison sentence and been released from probation or parole; and
- Have paid all court costs, fines to the Commonwealth and restitution to the victims, satisfied all court-ordered conditions, and have no pending felony charges.

Examples of Crimes Considered "Non-Violent" for Purposes of Automatic Restoration of Rights

**Please note this list is a guideline only. If you have specific questions about whether your felony conviction would be considered non-violent please contact the Restoration of Rights Division at 1-855-575-9177**

- Bank Fraud
- Breaking & Entering under VA Code 18.2-92: Sentencing Commission Code BUR2219-F6 (Unless committed with a deadly weapon)
- Credit Card Theft/Credit Card Fraud/Credit Card Forgery
- Driving Under the Influence or Driving While Intoxicated, 3rd or Subsequent Offense
- Drug Possession (must not be Drug Possession with the Intent to Distribute)
- Embezzlement
- False Statement on Firearm Transaction Record
- Felonious Shoplifting/Concealment/Price Altering
- Felony Eluding Police
- Forgery
- Grand Larceny
- Habitual Offender
- Identity Theft
- Issuing Bad Checks/Worthless Checks
- Mail Theft/Mail Fraud
- Obtain Money by False Pretenses
- Perjury
- Petit Larceny, 3rd or Subsequent Offense
- Possession of burglary tools
- Prescription Fraud/Obtain Drugs by Fraud
- Statutory Burglary under VA Code 18.2-91; Sentencing Commission Code BUR2213-F9 or BUR2216-F9 (Unless committed with a deadly weapon)
- Unlawful Possession of a Concealed Weapon
- Uttering
Welfare Fraud

**How to Request Your Rights be Restored:**

If you have had a past non-violent felony conviction(s) and have not had your rights restored to date, we ask that you please contact our office in 1 of 3 ways to request your rights be restored:

- Complete and mail in the Restoration of Rights Contact Form by clicking here.
- Call our Hotline between normal business hours at 1-855-575-9177. Restoration of Rights staff will take the information needed over the phone to begin processing your request.
- Complete the Online Request Form (**coming soon**)

If you are a non-violent offender currently incarcerated under the Department of Corrections and were or are scheduled to be released from prison or supervised probation from May 2013 to December 2013, you do not need to contact our office. Department of Corrections will provide a monthly listing to the Secretary's Office of those offenders who may qualify for automatic restoration of rights. The Secretary of the Commonwealth will review that list against the Governor's criteria. Any individual that meets the criteria will be mailed a letter and grant order as quickly as possible to either their last known address or their home plan address.

If you submitted a 2 year application prior to or just after May 29, 2013 the Secretary of the Commonwealth’s Office is currently processing your application. Your letter and grant order will be mailed out as quickly as possible. If your application was previously denied or deemed ineligible during the McDonnell Administration, Restoration of Rights staff has undergone a review of each file based on the new automatic criteria. If you now meet the criteria, you do not have to contact our office; as a letter and grant order will be mailed out as quickly as possible to the address you provided on your application.

The restoration of civil rights:

- Does not restore the right to possess a firearm,
- Will not expunge or remove a criminal conviction (Virginia does not have an expungement process for felony or misdemeanor convictions.)
- Is not a pardon.

A person who has been convicted of a felony must first have his or her rights restored in order to petition for a pardon.

To regain state firearms privileges, a convicted felon must apply to the circuit court of his or her jurisdiction of residence for a permit to possess or carry a firearm. Circuit courts may consider the restoration of firearms privileges only after civil rights are restored. (Va. Code §18.2-308.2)

Please contact our Restoration of Rights Division toll-free at 1-855-575-9177 if you have any questions about the automatic restoration process.

**Restoration of Rights for those with Violent/More Serious Felonies:**

In order to be eligible for restoration of rights by the Governor, an applicant who has been convicted of a violent felony must:

- Must be a resident of Virginia, and/or have been convicted of a felony in a Virginia court, a U.S. District court or a military court
- Be free from any sentence served or supervised probation and parole for a minimum of five years for a violent felony or drug distribution, drug manufacturing offense, any crimes against a minor, or an election law offense.
- Have paid all court costs, fines, penalties and restitution and have no felony or misdemeanor charges pending.
- Not have had a DWI in the five years immediately preceding the application.
- Not have any misdemeanor convictions and/or pending criminal charges for five years for a violent felony or drug distribution, drug manufacturing offense, any crimes against a minor, or an election law offense.

**Examples of Crimes Considered "Violent/More Serious" which Requires a 5 Year Application for Restoration of Rights**

**Please note this list is a guideline only. If you have specific questions about whether your felony conviction would be considered non-violent please contact the Restoration of Rights Division at 1-855-575-9177**

- Accommodation Sale of a Controlled Substance
- Arson of an Occupied Vehicle or Building
- Breaking and Entering with Intent to commit a Felony/Larceny (with or without a deadly weapon)
- Breaking and Entering with Intent to Commit Rape, Murder, Robbery, or Arson
- Breaking and Entering Dwelling House with Intent to Commit other Misdemeanor (when committed with a deadly weapon)
- Burglary
- Carnal Knowledge of a Minor
- Carnal Knowledge of an Inmate by Correctional or Law Enforcement Officer
- Child Abuse/Neglect
- Election Fraud
- Felonious Assault
- Forceable Sodomy/Sodomy of a Minor
- Drug Distribution
- Drug Manufacturing
- Drug Possession with the Intent to Distribute
- Hit & Run/Leaving the Scene of an Accident with Injury
The restoration of civil rights:

- Does not restore the right to possess a firearm,
- Will not expunge a criminal conviction, Virginia does not have an expungement process for felony or misdemeanor convictions.
- Is not a pardon.

A person who has been convicted of a felony must first have his or her rights restored in order to be considered for a pardon.

To regain state firearms privileges, a convicted felon must apply to the circuit court of his or her jurisdiction of residence for a permit to possess or carry a firearm. Circuit courts may consider the restoration of firearms privileges only after civil rights are restored. (Va. Code §18.2-308.2)

Please feel free to contact the Restoration of Rights Division toll-free at 1-855-575-9177 if you have any questions and/or would like to request an application be mailed to you.

**5 Year Applicants (Violent/More Serious Offenses)**

- Application for the Restoration of Rights  (pdf, 172k)

The form above includes instructions on how to fill it out.