



THE LEAGUE OF WOMEN VOTERS®  
OF MONTGOMERY COUNTY, VIRGINIA

# BULLETIN

Volume 37, Issue 1  
September, 2008

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*A Public Forum on:*

## Community Re-Entry for Non-Violent Felons

Thursday, October 9, 7:30 p.m.  
Blacksburg Municipal Building Council Chambers

Presenters:

Professor Mary Atwell, Department of Criminal Justice, Radford University  
Richard Callahan, Chief Probation and Parole Officer, Department of Corrections  
Lorna Weldon, VA Department of Rehabilitative Services  
Chet Nash, Director, Virginia Cares of the New River Valley  
Tamika Akers, Community Representative

This issue is important to Virginians because Virginia is one of only two states that permanently disenfranchise felons unless they successfully petition the government as individuals, according to the Brennan Center for Justice.

The League of Women Voters of Virginia is currently studying the issues and processes involved in the restoration of voting rights to non-violent felons in Virginia. This study is being conducted with the aim of reaching a consensus on a position that can be a basis for taking action to promote change. A paper from the Southern States Legislative Review discussing this issue and the consensus questions are on pages 3 and 4 of this Bulletin. Members will meet to come to consensus at our First Tuesday lunch November 4 at Bogen's.

The League of Women Voters of Virginia is studying this issue based on our core concerns for protecting and enhancing voting rights for all Americans, assuring opportunities for citizen participation, working for open, accountable, representative and responsive government at every level—all of which reflect the deeply held convictions of the League of Women Voters.

**First Tuesday Lunch Oct. 7** First Tuesday lunches give us an opportunity to get acquainted with other members and talk about hot public policy issues, League activities, or just about ourselves. This year, we will lunch together at Bogen's restaurant on North Main Street in Blacksburg. The lunch is an informal gathering of friends. Bogen's has set aside a room for us on the main floor of the restaurant. Join your League friends for lunch at noon on October 7.

*The League of Women voters, a nonpartisan political organization, encourages the informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*

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*From the President*

## Opportunity To Join Study Group On Town Financial Decision-making

The League Board reinstated the 2006 local study on the "Structure and Performance of Town Financial Decision Making" in June. If you would like to join the study group, contact Mary Houska.

The action is based on some issues this spring including articles by Donna Alvis-Banks in the Roanoke Times pointing out that the town was violating the Freedom of Information Act when three Council members held closed preliminary meetings on the budget and the town's budget-making process did not include citizen access or participation in that process.

After the articles appeared the town did make the budget available to the public and hold a public hearing. Christiansburg Town Council members also participated in a session on Freedom of Information Act compliance.

In addition, a group of Christiansburg women, some of whom are now members of the League, began to attend town meetings and create websites and blogs about Christiansburg and its government. Carol Lindstrom records Council meetings, putting them on the website [historiccambria.com](http://historiccambria.com). Terry Ellen Carter and long-time member Ann Hess continue to formally observe council meetings representing the League.

The League has been involved in the issue. About seven years ago, a member became concerned about the lack of public participation in the budgeting process in Christiansburg and though she asked the Board to initiate a study, it was not until 2006 that the local study now being reinstated, was approved. Members did approve in 2007 and 2008 the adding of the Towns of Blacksburg and Christiansburg to a 1983 "Local Position on the Budget Making Process," a consensus position focused on the county.

The league believes that governmental bodies must protect the citizen's right to know by holding open meetings and making public records accessible. (LWVUS position) The Montgomery County League strongly endorses this principle. It is a member of the Virginia Coalition for Open Government, the independent organization established to advocate for the Virginia Freedom of Information Act (FOIA). While Blacksburg's codes, budgets, meeting agenda and minutes and, most important, its budget-making process has been open and available to its citizens, this has not been true for Christiansburg.

## Warner Declines To Debate

Gov. Mark Warner, Democratic candidate for the Virginia Senate seat soon to be vacated by Senator John Warner, had originally agreed to participate in a Virginia LWV, PBS and CBS-sponsored candidate forum with Gov. Jim Gilmore, the Republican candidate. However, he changed his mind in late August. This would have been the only Virginia Senate candidate forum available for viewing by all the citizens of Virginia. Gov. Warner did participate in a Fairfax County Chamber of Commerce candidate forum September 18.

## Amy Mauldon Resigns from Our Board

Amy Mauldon, who has been the 1st Vice President (Programs) since 2007, has resigned from the Board because she is a candidate for School Board for District A. Our non-partisan policy requires that candidates for office resign from our Board.

## Working To Show Film "Iron Jawed Angels"

The League is working with Anna Hawthorne of Virginia Tech to find a time and location to show the HBO 2004 film about the ruthless treatment of suffragettes in 1917, "Iron Jawed Angels," hopefully, before Election Day. Anna wants to revive the Student Film Organization. Watch for it!

# Special Report on Virginia Felon Enfranchisement

*We will hold our consensus meeting for the Virginia League study on the Restoration of Civil Rights of Virginia Felons November 4, at our First Tuesday Lunch at Bogen's. The consensus questions are on page 5. Please prepare for the consensus meeting by reading this paper.*

Virginia and Kentucky are now the only two states that permanently disfranchise all felony offenders unless the governor personally approves an individual application for restoration of rights or grants a pardon. Alternatively, in Virginia, an individual can petition the local circuit court to restore the right to vote (unless convicted of a violent felony, drug-trafficking, or election fraud). The court holds a hearing on demonstrated "civil responsibility" and then makes a recommendation to the governor.

To reinstate voting and civil rights, in addition to completing their sentence and probation, felons must have paid all fines, violent felons must wait five years before applying, and non-violent felons must wait three years. The application process requires applicants to retrieve all court records and sentencing orders and submit reference letters from three people (in the case of violent felons).

The process is burdensome and the overall disfranchisement policy deprives at least 377,847 Virginia citizens, or 6.76 percent of the state voting age population, of the right to vote. In 2003, Virginia Governor Mark Warner, a Democrat, implemented an expedited application process for non-violent offenders seeking the right to vote. Under Warner's administration, a one-page application could be filed with the Secretary of the Commonwealth, who would then perform a records check. A longer 13-page application was still necessary for persons convicted of violent offenses, as well drug trafficking offenses and election fraud. Between January 2002 and January 2006, Governor Warner restored civil rights to 3,486 people, more than four times the number of his four predecessors combined.

In 2006, incoming Governor Tim Kaine, also a Democrat, promised to continue Warner's expedited practice and between January 2006 and April 2007, Governor Kaine granted restoration to 778 offenders. This rate of 622 per year is somewhat less than Warner's 871 grants annually.

## History rooted in segregation era

Virginia's felon disfranchisement policy is deeply rooted in the longstanding desire of many Southern whites to deprive African Americans of fundamental rights and political influence. Addressing the Virginia Constitutional Convention in 1902, State Senator Carter Glass spoke approvingly of the state's plan, which included felony disfranchisement laws, to: "eliminate the darkey as a political factor in this State in less than 5 years, so that in no single county... will there be the least concern felt for the complete supremacy of the white race in the affairs of government."

Glass was correct in his prediction. As noted by the Advancement Project in its 2005 report on the impact of Virginia's felony disfranchisement laws: "Shortly after implementation of the 1902 constitutional amendments, Virginia's Black electorate plummeted to less than 22,000 registered voters; only ninety days earlier Virginia's rolls reflected as many as 147,000 registered black voters. Thus, in a matter of three months Virginia's scheme to permanently disenfranchise black voters successfully purged over 85 percent of the black voting populace." And according to the Fourth Circuit Court of Appeals, the purpose of the 1902 state constitutional convention was to "disenfranchise as many impoverished people, including most blacks," as possible.

*continue on page 4*

# Special Report on Virginia Felon Enfranchisement

*Continued from page 3*

## Statistics on who is impacted

Virginia's practice still disproportionately impacts African Americans to a very significant degree. As of 2006, African Americans made up 19.9 percent of the state population of 7.6 million, but the state's 208,343 disfranchised African Americans comprised more than half (55.1 percent) of the total disfranchised population. And while 6.76 percent of the total voting age population is disfranchised, the corresponding figure for African Americans is almost three times higher at 19.76 percent. Sixteen percent of all adult African Americans in the Commonwealth (including 25 percent of black men) cannot vote because of a felony conviction.

Three out of five felony convictions do not lead to jail time and fully 78.4 percent of Virginia's disfranchised population already have completed the conditions of their criminal sentences, with as many as 71 percent of those individuals who reenter their communities remaining there with no further brushes with the law.

Because disfranchisement in Virginia is pursuant to the state constitution - which also gives the governor the power to "remove political disabilities consequent upon conviction" - any change to the state's policy would require either executive action by the Governor or an amendment to the state constitution.... Although any governor could adopt new rules at any time, in the absence of gubernatorial action the adoption of a constitutional amendment - first by the legislature and then by the voters - is the only avenue for policy change.

## Changes were attempted in 2007

On January 25, 2007, the Virginia Senate approved by a vote of 29 to 10 a proposed constitutional amendment (SJR 307) that would have placed the question before voters to decide whether voting rights should be automatically restored after persons complete their sentences. The bill was successfully amended to restrict the legislative authority for rights restoration to non-violent offenders, however. Despite significant and bi-partisan support in the Senate, it did not advance in the House of Delegates, which has been more resistant to reform.

As a result of the progress that already has taken place in Florida, and the likelihood of progress in Kentucky, it is reasonable to assume that it will become very difficult for Virginia to remain the only state that permanently disfranchises all felony offenders. Because amending the constitution in Virginia is a lengthy and somewhat cumbersome process, it will take several years to achieve this goal. Under Virginia law, any proposed constitutional amendment must first pass both houses of the legislature and then be "referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates." If the measure passes the General Assembly this second time it can then and only then be presented to the voters.

Because Virginia House of Delegates elections take place in odd-numbered years, voting rights advocates will have both 2008 and 2009 in which to persuade the General Assembly to adopt a proposed constitutional amendment. The amendment would then have to be brought back before the General Assembly following the 2009 House of Delegates elections. If approved, it could then be placed on the ballot for consideration by the voters at the 2010 federal elections.

*"State and Regional Trends in Voting Policy and Barriers to Civic Participation in Six Southern States 2006 and 2007", Daniel Levitas & Jessica Cox, Southern States Legislative Review, January 2008, [www.southerncouncil.org](http://www.southerncouncil.org)*

# LEAGUE OF WOMEN VOTERS OF VIRGINIA

## RESTORATION OF CIVIL RIGHTS OF FELONS IN VIRGINIA

### Study Concensus Questions

Should the restoration of civil rights be automatically granted to felons?

\_\_\_\_\_YES \_\_\_\_\_NO

If yes should it be restored: (Please place a checkmark in the space)

- \_\_\_\_\_A. Immediately upon release from incarceration  
\_\_\_\_\_B. Immediately upon completion of probation  
\_\_\_\_\_C. Upon fulfillment of all legal obligations, including payments of fees, fines, court ordered restitution, and A and B listed above.

Should the procedures for the Restoration of Civil Rights be the same for all felons?

\_\_\_\_\_YES \_\_\_\_\_NO

If no, which of the following should have more stringent procedure:

(Please place a checkmark in the space)

- \_\_\_\_\_A. Non-violent offenses  
\_\_\_\_\_B. Violent offenses  
\_\_\_\_\_C. Drug distribution offenses  
\_\_\_\_\_D. Drug manufacture offenses  
\_\_\_\_\_E. Election Law offenses

Should the current process be made:

easier to understand \_\_\_\_\_YES \_\_\_\_\_NO  
more accessible \_\_\_\_\_YES \_\_\_\_\_NO  
more transparent and fair? \_\_\_\_\_YES \_\_\_\_\_NO

If yes, in what ways? (Please list suggestions below)

## National League Convention Keeps Delegates Motivated

Karen Cronin, second vice president, represented the Montgomery County League at the National Conference

*Impressions of a First Timer at the League of Women Voters National Convention.*

*WOW! A wonderful experience!*

*Since I was a first-timer, LWV Virginia President Olga Hernandez assigned me to a "guide" and mentor, Lynn Gordon. The 17 delegates from Virginia were together for the plenary sessions and other events.*

*Standing in line to get credentials resulted in sore feet which were quickly forgotten while attending a reception at the Portland Nordstrom store and then a pizza party session with the Virginia delegation.*

*The pizza party was the delegation's time to organize the caucus on the Virginia proposal for concurrence on redistricting. We had learned that California opposed it because they have a ballot initiative and they are afraid of alienating some of the coalition they built if this were to become a national LWV position. Another Virginia proposal was to amend LWVUS Principles to include the judicial branch. Little or no opposition to this proposal was expected because it was included as a proposal by the LWVUS Board.*

*The information I got at workshops on Voter Service and Fundraising and caucuses on the National Popular Vote movement, election integrity (what a can of worms!!) and health care issues, will be useful here in Montgomery County. (I have a book if anyone is interested in borrowing it.)*

*We listened to some wonderful speakers, especially former Oregon Governor John Kitzhaber, who spoke about health care and the Archimedes movement. (See [wecandobetter.org](http://wecandobetter.org))*

*I close this report with LWVUS President Mary Wilson's membership recruitment message that "the League of Women Voters is the organization where hands-on work to safeguard democracy leads to civic improvement."*

*Karen*

## League Retains All Current Positions, Elects Officers, Increases Member Costs

### Virginia's Proposed Redistricting Concurrence defeated

The official actions at the National Conference included the proposed program for 2008-2010.

The League will retain all current positions in the areas of Representative Government, International Relations, Natural Resources and Social Policy, and a Health Care program to educate members and communities in order to be better prepared to do health care advocacy as needed.

In addition, the convention approved the adoption of a multi-level education and advocacy campaign to promote solutions to global climate change and a motion to adopt a study of "The advisability of using the National Popular Vote compact among the states as a method for electing the president. The convention also voted to amend the LWVUS Principles to include the judicial branch.

Among the items that were defeated was the Virginia redistricting concurrence. Although much negotiation was conducted with delegates from other states, most notably California, in the end, the majority of delegates seemed to think this was a state league issue.

By-laws amendments approved: LWVUS Board may conduct special meetings by electronic means in special circumstances; state Leagues may send one convention

delegate for every 100 members at large in the state; reduced the nominating committee from 7 to 5 members. The LWVUS Board may propose a concurrence at convention and clarified the 'calls to council,' including a provision for a special council, to bring the time frames of the 'calls' in line with other provisions of the by-laws.

The convention voted to raise the per member payment to \$28 for 2008-2009 and to \$29.20 for 2009 – 2010. Members-at-large pay \$55/year.

The slate of officers presented by the nominating committee was elected with no nominations from the floor.

On Saturday, there was some wrangling about convention rules. A vocal minority opposed the requirement of sending resolutions to delegates in advance and that the resolutions be vetted by a committee. This vocal minority spoke up a lot at various times throughout the convention in efforts to give more authority to the delegates by taking some decision-making away from LWVUS Board and assorted committees.

Another resolution narrowly defeated was to establish an LWVUS task force on nuclear arms control and disarmament. I believe that this measure failed because delegates did not want to overextend LWVUS resources.

## Christiansburg Petition for Voting Date Referendum Gathering Signatures

Christiansburg League members Carol Lindstrom and Terry Ellen Carter are organizing Christiansburg citizens to gather signatures on a petition requesting that the time of Christiansburg municipal elections be moved from May in even-years to November in odd-years.

Historically, only 10 percent to 11 percent of Christiansburg's registered voters vote in these May elections

while closer to 55 percent of them vote in the November-odd elections.

If these citizens are able to gather signatures from 10 percent of the Town's registered voters, Virginia code requires that a referendum be held on this issue.

Newly elected Town Councilman Henry Showalter, asked Town Council at its September 2 meeting to consider changing its election day to November. Council did not do so.

## Applause to Christiansburg Town Council

The Christiansburg Town Council voted at its September 16 meeting to move a bulletin board announcing Town meetings to a place near the Town Hall entrance that is easily accessible to its citizens.

### League Organization News

## New Members Already Active; Board Appoints Allen To Facts for Voters Post, Lindstrom to Town Finances Study

The League welcomes our new members, some of whom have already taken leadership roles. They are:

From Blacksburg: Peg Bauman, Joan Cliff, Karen Frazier, Lucy Goldberg, Mary Holliman, Rhoda Myers, and Sandra Schlaudecker.

From Christiansburg: Donna Alvis-Banks, Terry Ellen Carter, Meghan Dorsett, Carol Lindstrom and Tacy Newell-Foutz.

In addition, we have a new national member from Huddleston in Bedford County, Gail E. Phipps.

The Board added two members to the Board--Darlene Allen and Carol Lindstrom. Darlene Allen is the new Facts for Voters chair replacing Bev Fleming who retired after handling it for 15 years. Carol Lindstrom is the Christiansburg expert on the Town Finances study. She has gathered considerable information on

Christiansburg and has placed it on her web site, [www.historiccambria.com](http://www.historiccambria.com). That information includes the Town Charter and Code, minutes of Town Council meetings for the last 8 years, the Town budgets and audio recordings of current Town Council meetings.

### Contributions from Members and Friends

Harriett Cooper, Finance Director, reports that members and friends contributed \$4,373 to the League in fiscal year 2007-2008 and they gave an additional \$388 since July 1, 2008, along with their membership dues.

An additional \$400 was raised for Bulletin advertising. Since our April Bulletin was printed, the following members and friends have made contributions.

Members: Susan Anderson, Deborah and Robert Barrow, Karen Cronin, Catherine Dubreuil & Joseph Merola, Clara Graham, Martha

Lassiter, Nancy Slocum [in honor of John W. Murray], Jane Sprague, Daisy Stewart, Nancy Warren, Jane Wentworth, Millie Wiggert and Esther Youngs

Non-members: Ann Carter, Bob Hendrickson [in honor of Doris Hendrickson], Lelia Mayton, John Muffo, Donald Mullins, Joe & Linda Powers and James Shuler.

### Join the League of Women Voters

Become a member of the League of Women Voters. The annual membership fee is \$40 for new members (half year dues from January 1 to May 31 are \$20). This payment includes local, state, and national membership dues. Annual dues for renewing LWVMC members are \$45. **Mail to: Betty Williams, Membership Chair, 607 Progress St., Blacksburg, VA 24060, or call 552-2357, or email Mary Houska at [mfdh@aol.com](mailto:mfdh@aol.com)**

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## Calendar

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|-----------------------|---|
| Sept. 28, 2:30 p.m.   | Mary Houska will represent the LWV MC on a panel, "Will Your Vote be Counted; Is Electronic Voting Safe?", Radford Public Library                 |
| October 6             | LAST DAY TO REGISTER TO BE ABLE TO VOTE ON NOV. 4.  |
| October 7, noon       | First Tuesday lunch at Bogen's restaurant in Blacksburg.  |
| October 8, 1 p.m.     | LWVMC Board Meeting, Children's Reading Room, the Public Library, Blacksburg  |
| October 9, 7:30 p.m.  | LWVMC Public Forum on "Community Re-Entry for Non-Violent Felons," a panel discussion, Council Chambers, Blacksburg Town Hall.                    |
| October 17, noon      | Mary Houska will represent the LWV as speaker at the Roanoke Women's Club meeting, in Roanoke.  |
| October 21, 12 noon   | Town Finance Study informal lunch, the Easy Chair in the University Mall, Blacksburg  |
| October 27, 7:30 p.m. | Candidate Forum for School Board member from District A, Council Chambers, Blacksburg Town Hall.  |
| October 30, 4 p.m.    | Judy Snoke and Mary Houska will speak to the International Community About the U. S. election presidential process, Cranwell International Center |
| November 4            | ELECTION DAY – VOTE   |
| November 4, noon      | First Tuesday Lunch and Consensus Meeting on Felons Civil Rights, Bogen's Restaurant, Blacksburg  |
| November 12, 1 p.m.   | LWVMC Board Meeting, Children's Reading Room, the Public Library, Blacksburg  |
| November 18, noon     | Town Finance Study informal lunch, the Easy Chair in the University Mall, Blacksburg  |