

Making Virginia Number One in the Nation for Voting Rights

Summary

Protecting the fundamental voting rights of Virginians is personal for Jenn McClellan. In 1901, when her great-grandfather Henry Davidson went to register to vote in Bibb County, Alabama, he was [subjected to a challenging literacy test](#) and ordered to find three white men to vouch for his character. Her great-grandmother was not even allowed to register to vote. Recently, Jenn found her father James McClellan's poll tax receipt. That moment – coupled with the recent attempts by Republican state legislatures across the country to restrict voting rights affirmed the on-going struggle for fair access and the urgent need to protect voting rights.

POLL	\$2.00
Penalty and Interest	.12
TOTAL . . .	2.12
Officer's Fee . . .	—
TOTAL . . .	—
Serving Garnishee .	\$1.00
Judgement on Gar'm't and Docket Fee	.25
Garnishee Answer .	—
TOTAL . . .	—

MALE POLL TAX, 1947 No. A. **23111**
DAVIDSON COUNTY, TENNESSEE

Nashville, Tenn. **SEP 3 1948** 19

RECEIVED of **J. F. McClellan Jr.**
the sum of **TWO** DOLLARS
In full for State and County Poll Tax
and Costs for the year 1947 in District
No. _____, Ward No. **11**

By: **Jack Price Jones** TRUSTEE
Gussie Barboose DEPUTY TRUSTEE

A copy of the 1947 poll tax that Jenn McClellan's father paid in Davidson County, TN.

In Jenn's 16 sessions in the legislature, she has driven and fought for generational progress in voter protections and rights. She helped reverse the GOP leader's restrictive voter ID requirements in 2010 and seven restrictive Republican voter ID laws from 2013, [expanded the list of accepted voter ID options](#), helped create [no excuse absentee voting](#), [extended the timeline](#) for mailed absentee ballots, enabled permanent absentee voting by mail, created automatic voter registration and same day registration, and ended prison gerrymandering in the redistricting process. Jenn's leadership in the Virginia General Assembly laid the foundation for generational progress in protecting Virginians' right to vote. In 2021, Jenn passed the [Voting Rights Act of Virginia](#). The Voting Rights Act of Virginia is modeled after the federal Voting Rights Act of 1965 and will protect all voters in the Commonwealth from suppression, discrimination and intimidation, and expand language access to voters for whom English is a second language. The law also protects against diminishing the voting power of communities of color and gives voters a stronger voice in the electoral process.

As Governor, Jenn will build on the progress Virginia has made and will continue to expand voter protections and rights. Under her leadership, she will make Virginia #1 in the nation for voting by:

- 1. Protecting Virginia’s Voting Rights Gains** – As Governor, Jenn will protect the gains made on Virginia’s voter protection and access laws by funding the newly established Voter Education and Outreach Fund. She will allocate the essential funding for the Office of the Attorney General to initiate civil actions in court if voter protections are violated, invest \$2.5 million in pre-paid postage for vote-by-mail ballots, and fully fund the Department of Elections to ensure accurate, fair, open, and secure elections for all citizens of the Commonwealth.
- 2. Automatically Restoring Voting Rights** – As Governor, Jenn will end felony disenfranchisement by exercising her executive power to restore voting rights to Virginians who have served their sentence until [the automatic restoration constitutional amendment](#) that she co-sponsored passes.
- 3. Implementing Automatic Voter Registration** – Jenn will implement a “back-end opt-out” model for automatic voter registration, which has [successfully increased voter registration](#) in other states where it has been implemented. Jenn will re-engage the working group tasked to research a back-end opt-out automatic voter registration system. Jenn will implement this overhaul by updating the technology used for the Virginia Election Registration and Information System (VERIS) and ensure that it is properly staffed and funded. During her transition, she will call on the working group to provide her a report by June 1, 2022 and will then introduce legislation to implement the back-end opt-out model for automatic registration.
- 4. Creating an Automatic Vote-By-Mail System** – Jenn will introduce legislation to create an automatic vote-by-mail ballot system for all eligible voters in Virginia, building on the recently expanded absentee voting system. Under this system, all eligible Virginia voters will automatically receive their ballot in the mail.
- 5. Increasing Accessibility throughout the Voting Process** – Not every polling place in Virginia is accessible to all. Nationally, 40% of polling places are still inaccessible to voters with disabilities. Jenn will make 100% of polling locations accessible for Virginians with disabilities, directing the Board of Elections to partner with disability advocacy groups to conduct ADA accessibility audits of every polling place in Virginia. Jenn will also continue to increase language accessibility by building on the Voting Rights Act of Virginia.
- 6. Ending Gerrymandering** – Jenn will work to enshrine redistricting criteria explicitly protecting marginalized groups in the Virginia Constitution. In 2020, Jenn [passed legislation](#) to create redistricting criteria, and as governor, she will enshrine these principles into the Constitution.
- 7. Empowering Virginia’s Youngest Voters** – Jenn will form a working group including the Virginia Department of Education, the Virginia Department of Elections, parents and students that develops recommendations on how to engage high school students and young adult voters in the voting process. In the first year of her administration, Jenn will take action based on the working group’s findings.
- 8. Implementing Ranked-Choice Voting Statewide** – Jenn will implement a ranked-choice voting system in Virginia that empowers candidates from diverse backgrounds and reduces vote-splitting. Virginia would become the second state to enact ranked-choice voting statewide.

I. Jenn’s Actions to Implement & Defend Virginia’s Recent Voting Rights Progress

As Governor, Jenn will build on and oversee the implementation of the General Assembly’s voter protection laws passed over the last two years, including Jenn’s Voting Rights Act of Virginia. With Republican-controlled legislatures across the nation working overtime to inhibit the right to vote – particularly for Black,

Brown, and working families and communities, Jenn refuses to let efforts to hinder voting rights advance.

Jenn carried and co-sponsored legislation to create [automatic voter registration](#), [same day voter registration](#), [no excuse absentee voting](#), allowing voters to [vote absentee by mail permanently](#), [extend the timeline for counting mailed-in absentee ballots](#), [allowing individuals in pre-trial detention to vote absentee](#) by mail, [amend the strict photo ID requirement](#) to include other non-photo options, established criteria for redistricting that also [ended prison gerrymandering](#), made [Election Day a state holiday](#) in Virginia, and made Virginia the first state in the South to implement a [Voting Rights Act of Virginia](#).

As Governor, Jenn will protect the gains made on Virginia’s voter protection and access laws by funding the Voter Education and Outreach Fund. She will allocate the essential funding for the Office of the Attorney General to initiate civil actions in court if voter protections are violated, invest \$2.5 million in pre-paid postage for vote-by-mail ballots, and fully fund the Department of Elections to ensure accurate, fair, open, and secure elections for all citizens of the Commonwealth.

Jenn is ready to defend our progress, execute recent legislation, and introduce innovative measures and programs to make Virginia a national leader in voter-empowerment.

A. Automatic Restoration of Voting Rights

Virginia law currently provides formerly incarcerated individuals with an application process to restore their civil rights after the completion of their sentence through the Office of the Secretary of the Commonwealth. However, this process can be lengthy, complicated, and subjective.

In the 2021 session, Jenn co-sponsored a [resolution](#) in the General Assembly for a constitutional amendment to provide automatic restoration of voting rights upon release from prison. The General Assembly requires the amendment to be passed in two consecutive sessions with an election in between. As Governor, Jenn will finish the job by proposing the necessary second passage of a constitutional amendment for automatic restoration of rights to be on the ballot in November of 2022 and subsequently enshrine in the Virginia Constitution, joining 19 other states.¹

Automatic restoration of voting rights will redress the centuries-old, systemic disenfranchisement of Black and Brown communities who are incarcerated at disproportionately higher rates than their white counterparts.² A lifetime bar on civic engagement does nothing to benefit the goals of the justice system, in fact it only hinders an individual's rehabilitative journey.³ This restorative action will accelerate full reentry for formerly incarcerated individuals.

B. Modernizing Virginia’s Automatic Voter Registration System

States that automatically register voters use either a “front-end opt-out” or “back-end opt-out” system. Currently in Virginia, when individuals make Department of Motor Vehicles transactions, they have the option to register to vote but can “opt-out” of registering at the beginning of the DMV transaction. A back-end opt-out automatic voter registration system automatically registers eligible voters during DMV transactions and provides them with the option to opt-out of registering after their DMV transaction. Back-end opt-out systems send registration data directly to state voter registration databases.

The back-end opt-out approach will modernize Virginia’s current system and make a registration system that works better for voters and state election officials alike. Currently, 20 states and Washington D.C. have some form of automatic voter registration.⁴ Research shows that back-end opt-out automatic voter registration models result in more voting-eligible people being added to the rolls. In Oregon, which has a back-end opt-out model, 94% of eligible individuals who interacted with the DMV stayed registered

¹ [Felony Disenfranchisement](#)

² [Racist Roots of Felony Disenfranchisement in Virginia](#)

³ [Alabama Law Preventing Formerly Incarcerated from Voting Challenged as Racially Discriminatory](#)

⁴ [Automatic Voter Registration by State](#)

whereas in California, a front-end state, only 60% of eligible individuals registered to vote during DMV transactions.⁵ Additionally, voters for whom English is a second language are less likely to face barriers in translation services that could lead to confusion on eligibility requirements in the front-end process.

That is why Jenn will improve the current voter registration system to follow a “back-end opt-out” model for automatic voter registration. Prior to COVID-19, a working group was planning to study how to fully integrate a back-end opt-out system, but the pandemic has delayed the work.

As Governor, Jenn will make sure the working group’s efforts continue – leading Virginia into a modern and fully operational back-end opt-out automatic voter registration system and joining a pioneering group of states working to make voter registration more accessible. Upon completion of the working group’s study, Jenn will introduce legislation and fully fund any resources needed to implement the new system.

Jenn will ensure that the Secretary of Administration, the Department of Elections, and the entire elections community continues to work collaboratively to study a fully integrated back-end opt-out automatic voter registration system. As Governor, Jenn will oversee the overhaul of the Virginia Election Registration and Information System (VERIS). Jenn McClellan will ensure that VERIS is properly staffed and funded to update Virginia’s new voter registration and data systems. Additionally, Jenn will ensure the recent changes and benefits of the back-end opt-out automatic voter registration system are communicated to Virginia’s voters.

To implement these changes, Jenn will direct and fund the overhaul of the Virginia Department of Elections website’s Citizen Portal – eliminating the digital backlog experienced during past elections by voters as they check the status of their mail-in ballots and registration status.

C. Permitting Same-Day Voter Registration (During Early Vote or On Election Day)

Last year, Jenn [supported legislation](#) permitting same day voter registration during the early vote period and up to Election Day, beginning in 2022. With this legislation, Virginians can register the same day as an election. Voters who have been unable to register in person due to work schedules, limited computer access, and recent changes of address will be able to register on the day of elections. Same-day voter registration also expands opportunities for transient and houseless individuals across the Commonwealth.

As Governor, Jenn will oversee the implementation of this expansive voting measure. Jenn will ensure that the transition is efficient and thorough through continued oversight from her administration, and she will fund the VERIS system overhaul and staffing to get the job done in her budget. In addition, Jenn will fund any necessary resources and education to publicize the change, promoting registration efforts up until Election Day to ensure that all Virginians who can vote exercise their right.

II. Jenn’s Vision to Expand Virginia’s Recent Voting Rights Progress

A. Introducing Automatic Vote-By-Mail Ballots to Every Eligible Voter

During the height of the pandemic, Virginians learned the benefits and popularity of voting-by-mail. In the 2020 election, over two million Virginians voted via absentee ballot – an increase of over 2.5 million from 2019.⁶ As a result, many Virginians are planning to request mail-in ballots for future elections. Currently, Virginians must request a vote-by-mail ballot but do not need an excuse to request an absentee ballot thanks to [legislation co-sponsored by Jenn](#).

⁵ Danielle Root, *The Case for Back-End Opt-Out Automatic Voter Registration*, Center for American Progress (last accessed April 7, 2021), <https://www.americanprogress.org/issues/democracy/reports/2019/05/28/470238/case-back-end-opt-avr/>

⁶ <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/>.

Automatic vote-by-mail balloting will provide voters with another choice in how they wish to exercise their right to vote and provides a more convenient experience for seniors and individuals with disabilities. Virginia would join nine other states across the country in leading the charge to make ballot access even more inclusive through automatic vote-by-mail ballot distribution.

As Governor, Jenn will introduce legislation to ensure the distribution of automatic vote-by-mail ballots to every voter before each election. Voters will receive a vote-by-mail ballot to the address listed on their voter registration file and then have the choice to vote-by-mail or in-person. Jenn will also put \$2.5 million in her budget for prepaid vote-by-mail postage.

B. Increasing Accessibility Throughout the Voting Process

On average, 40% of polling places are still not accessible to people with disabilities.⁷ As Governor, Jenn will ensure that 100% of polling locations are accessible for all voters. She will direct the Board of Elections to partner with disability advocacy groups to conduct ADA accessibility audits in polling locations across the Commonwealth. Polling locations must be compliant with the ADA so no one is inhibited from exercising their right to vote.

Thanks to recent legislation during the height of the pandemic, Virginia expanded curbside voting to protect seniors and voters with disabilities. As Governor, Jenn will continue to champion, publicize, and protect post-COVID curbside voting rights that enable Virginians with mobility challenges and those over 65 years old to access their rights from the convenience of their cars. Jenn will also continue to increase language accessibility by building on the Voting Rights Act of Virginia.

B. Ending Gerrymandering

Virginia voters deserve to exercise their right to vote in districts that accurately and fairly represent their communities. For generations, however, legislators have drawn districting lines to suit political aims, which have resulted in voter suppression. In 2014, the U.S. District Court for the Eastern District of Virginia declared Virginia's congressional maps unconstitutional, specifically because they concentrated African American voters into the single, noncontiguous District 3 – covering Black neighborhoods from Richmond to Norfolk.⁸ The complex history of voter discrimination in Virginia increases the need for fair districting after years of racial gerrymandering hindering the voting rights and representation of Black and Brown Virginians.

Jenn is dedicated to ensuring Virginia continues to make progress on ending gerrymandering. That is why Jenn [passed legislation](#) to create a redistricting criteria that established strong protections for voters and is aligned with the Voting Rights Act of 1965 to ensure equal population, compactness and contiguity, racial and ethnic fairness, protection of racial and language minorities to participate in the civic process and elect a preferred candidate, respect for existing political boundaries and communities of interest, and ending prison gerrymandering.

As Governor, Jenn will introduce legislation for a constitutional amendment to enshrine this essential redistricting criteria into the constitution to protect all Virginians' voting rights and right to fair representation in the General Assembly and Congress for generations to come.

C. Empowering Virginia's Youngest Voters Through Pre-Registration for High School Students

Jenn's passion for public service solidified when she was very young. Jenn was a faithful Young Democrat while in college, president of the Virginia Young Democrats in law school, and the founding president of the Metro Richmond Area Young Democrats. She knows that youth civic engagement today creates the informed citizens of tomorrow.

⁷ [Voting Rights](https://www.dlcv.org/voting-rights), Disability Law Center of Virginia, (last accessed April 14, 2021) <https://www.dlcv.org/voting-rights>.

⁸ [Court Declares Virginia's Congressional Map Unconstitutional](#), The Washington Post, 2014

Current Virginia law permits voter pre-registration for high school students in the Commonwealth if the voter is otherwise qualified and will be 18 years old on or before the day of the next general election.⁹ Engaging our youngest citizens in the voting process is essential to a thriving and healthy democracy. In 2021, [Jenn supported legislation](#) to make voter preregistration begin at age 16 for Virginians – providing an easy and convenient method for young people to preregister to vote in the same transaction as getting their Virginia drivers' license at the DMV.

As Governor, Jenn will form a civic engagement workgroup with the Virginia Department of Education, the Virginia Department of Elections, parents and students, and other stakeholders to provide recommendations for how to incorporate more programming and outreach to engage high schoolers in the voting process in 2022.

D. Modernizing Voting by Implementing Ranked-Choice Voting Statewide

Jenn will expand ranked-choice voting to all local elections, statewide primary elections, and federal elections – providing voters with more choice in exercising their most fundamental right.

Under a ranked-choice voting system, voters choose from a list of candidates, ranking their preferences rather than voting for a single candidate. If implemented, Virginia will become the second state leading the nation in this progressive and democratic way to elect officials. Ranked-choice voting statistically reduces vote splitting – allowing the true majority candidate to succeed.¹⁰ Additionally ranked-choice voting reduces negative campaigning and candidate extremism and opens the door for more diverse candidates to succeed.

In 2020, Jenn supported legislation to create a [local option rank-choice pilot program](#) which enables municipalities to implement ranked-choice voting in local elections and authorizes the Department of Elections to formulate ranked-choice voting procedures.

III. Conclusion

Since Jenn was a child, she has heard that our government is on by, of, and for the people. Yet, for centuries, Americans have fought and died to gain and protect the sacred right to make their voices heard at the ballot box. Jenn carries the legacy of her own family's struggle for the right to vote. Jenn will ensure her children – and all of Virginia's children – don't have to fight the same battles to protect their sacred vote.

Jenn is part of a legacy of champions pushing back and saying “no more” to voter suppression and discrimination. Under Jenn's leadership, Virginia will be the model for the nation in voting empowerment rights and protections. Congressman John Lewis reminded us that “Democracy is not a state. It is an act, and each generation must do its part.” As we remember what previous generations have endured, we must work today to protect the right to vote for generations to come.

⁹ Va. Code Ann. § 24.2-403.

¹⁰ Anna Purna Kambhampaty, New York City Voters Just Adopted Ranked-Choice Voting in Elections. Here's How It Works, Time Magazine (Nov. 6, 2019), <https://time.com/5718941/ranked-choice-voting/>.