

Resolution Calling for a Ban on those Convicted of Subverting an Election from Running for Office in Virginia

Sponsored by Gordon Johnston

Whereas given that the U.S. Senate has shown itself to be unable or unwilling to perform its constitutional responsibility to disqualify would-be tyrants and despots from holding and enjoying any Office of honor under the Constitution of the United States.[1]

Whereas the 10th Amendment to the Constitution of the United States states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Whereas Article II, Section 1, Clause 2 of the Constitution of the United States gives state legislatures broad power in the appointment of electors for the offices of the President and Vice President of the United States.

Whereas The Code of Virginia § 24.2-542.1 establishes the process and requirements for the certification of electors by the State Board of Elections the offices of President and Vice President of the United States.

Whereas Article II, Section 1 of the Constitution of Virginia states: "No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority."

Whereas the Code of Virginia § 24.2-500 establishes the requirements for a person to qualify as a candidate for any office of the Commonwealth or of its governmental units, which currently includes that the person "be qualified to vote for and hold that office."

Whereas the Code of Virginia § 24.2-504 establishes the requirements for a person to have his name printed on the ballot. Now, therefore, be it—

Resolved that the Alexandria Democratic Committee recommends—

- 1) To Alexandria's elected State Representatives in Richmond that they develop, refine, and approve legislation to the effect that no person who has been convicted by any jurisdiction of the United States of any crime associated with subverting an election shall be allowed to stand for elected office in Virginia or have their name appear on ballots for elections in Virginia, with applicable crimes including—
 - a) crimes involving disenfranchising voters;
 - b) bribing, pressuring, or threatening election officials;
 - c) inciting interference with the conduct or completion of an election; or
 - d) otherwise infringing upon the right of the people to free and fair elections,
- 2) That the ban described in Section 1 of this resolution shall not apply if said person has had said conviction overturned and has been exonerated upon appeal;

- 3) That the specific language of such legislation be refined under expert legal review to ensure the intent that no one who has been legitimately convicted of subverting or interfering with free and fair elections be allowed to stand for future elections in Virginia; and
- 4) That possible approaches and mechanisms for such legislation could include:
 - a) separating the restoration for civil rights under Article II, Section 1 of the Constitution of Virginia, including the right to vote, from the restoration of qualification as a candidate for any office of the Commonwealth or of its governmental units;
 - b) separating the restoration for civil rights under Article II, Section 1 of the Constitution of Virginia, including the right to vote, from the restoration of qualification as a candidate for any office of the Commonwealth or of its governmental units;
 - c) identifying in the Code of Virginia conviction for crimes involving the violation of public trust or the subversion or interference of elections as a disqualification to stand as a candidate for any office of the Commonwealth or of its governmental units;
 - d) providing that the State Board of Elections not certify electors pledged to support any candidate who has been convicted under any jurisdiction of the United States of any crimes involving the violation of public trust or the subversion or interference of elections; and
 - e) providing that the name of no candidate who has been convicted under any jurisdiction of the United States of any crimes involving the violation of public trust or the subversion or interference of elections shall have his name appear on the ballot in Virginia.

References:

[1] <https://www.nytimes.com/2021/02/13/us/politics/trump-impeachment.html>