You ask whether the General Assembly of Virginia is an "other appropriate authority," as that phrase is used in Article II, § 1 of the Constitution of Virginia (1971), entitled to restore the voting rights of felons in Virginia.

You relate that the General Assembly has directed the Joint Subcommittee Studying Election Laws Innovations, Improved Methods to Inform Voters About Ballot Issues and Candidates, and Developments in Virginia’s Voter Registration and Election Processes ("subcommittee") to study the restoration of voting rights of felons in Virginia.\(^1\) You indicate that the subcommittee may conclude that it is desirable to recommend adoption of statutes that provide for a clearly defined process and parameters by which voting rights of felons may be restored. You advise that some subcommittee members contend that a constitutional amendment is required in order to permit the General Assembly to enact such statutory provisions. Finally, you advise that you and other subcommittee members believe that the phrase "other appropriate authority" in Article II, § 1 is sufficiently broad to permit the General Assembly to provide for a statutory process to restore the voting rights of felons in Virginia.

Article II, § 1 provides:

\[
\text{No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority.}
\]

Opinions of the Attorney General issued in 1974, 1977 and 1980 consider the phrase "or other appropriate authority" contained in Article II, § 1.\(^2\) The 1974 opinion of the Attorney General construes the phrase to mean "the President, other Governors, and pardonng boards which have such power."\(^3\) The 1977 opinion notes that the phrase "was added to the Constitution in 1971. It was inserted to make clear that civil rights may be restored for felons by the President of the United States, other governors, or pardonng boards with such authority."\(^4\) Prior opinions also conclude that (1) a person convicted of a federal felony who has had his rights restored by the President of the United States may vote in Virginia if otherwise qualified to do so;\(^5\) (2) a person convicted of a felony in another state who has had his rights restored by the Governor of such state may vote in Virginia if otherwise qualified to do so;\(^6\) and (3) a person convicted of a felony in another state whose right to vote has been restored by automatic restoration of rights in such other state may vote in Virginia if otherwise qualified to do so.\(^7\)
The 1977 and 1980 opinions are extensions of the 1974 opinion to a somewhat different set of facts. While the 1974 opinion does not necessarily control the conclusion reached in the 1977 and 1980 opinions, the opinions are consistent with state law and other Attorney General opinions. Moreover, the General Assembly has met annually since the 1974 opinion was issued and has enacted no legislation that would alter the result of that opinion. A standard rule of statutory construction is that the General Assembly is presumed to be aware of the Attorney General’s interpretations of state law and, in the absence of legislative change, is presumed to acquiesce in the interpretations. As with the earlier opinions, the failure of the legislature to enact any amendatory legislation that would change the result of these opinions must be viewed as legislative acquiescence in the conclusion.

No information or arguments have been presented that were not considered in the drafting of the 1974, 1977 and 1980 opinions. I must at this point affirm the conclusion reached in the 1974 opinion as representative of the legislature’s intent. Consequently, I must also conclude that "[a] felon’s civil rights may be restored by the Governor, or any 'other appropriate authority,' which would include the President of the United States, other governors, and pardoning boards with such authority." It is my opinion that the General Assembly is not an "other appropriate authority," as that phrase is used in Article II, § 1.

1 See 1999 H.J. Res. 605.


5 Id. at 201.


