



RESEARCH AND ADVOCACY FOR REFORM



## **Expanding the Vote**

### **State Felony Disenfranchisement Reform, 1997-2010**

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This report was written by Nicole D. Porter, State Advocacy Coordinator of The Sentencing Project. It provides an update to the 2008 report of The Sentencing Project, "Expanding the Vote: State Felony Disenfranchisement Reform," by Ryan King, which provided a state-by-state analysis of reform efforts during an eleven-year period.

The data presented in this report represent the most recent and credible estimates available. The overall estimate of 5.3 million persons disenfranchised nationally, as well as the data for individual states, is taken from an analysis of 2004 correctional populations. In states where a substantial number of persons have had their rights restored since that time, the current number of disenfranchised people will be less than those estimates. The overall estimates will also be affected by the number of new felony convictions since 2004, the number of persons with a felony conviction who have died since 2004, and other factors. Depending on the state, these factors might produce current estimates that are higher or lower than the previous figures. Therefore, the state-based estimates should be treated as portraying a relative, but not precise, picture of the scale of disenfranchisement.

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In recent years significant reforms in felony disenfranchisement policies have been achieved at the state level. Increased public exposure has resulted in expanding civil rights through legislative initiatives to individuals with felony convictions and to neighborhood-level efforts to educate and register people with felony convictions. This escalation in attention to felony disenfranchisement policies has translated into substantial state-level reform. This report provides an overview of reforms that have taken place since 1997. We find that since 1997, 23 states have amended felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. These include:

- Nine states either repealed or amended lifetime disenfranchisement laws
- Two states expanded voting rights to persons under community supervision (probation and parole)
- Eight states eased the restoration process for persons seeking to have their right to vote restored after completing sentence
- Three states improved data and information sharing

These policy changes represent national momentum for reform of restrictive voting rights laws. As a result of the reforms achieved during the period from 1997-2010, an estimated 800,000 persons have regained the right to vote. These include:

- Texas's repeal of the two-year waiting before regaining eligibility to vote restored rights to an estimated 317,000 persons
- A simplification of Florida's clemency process resulted in the restoration of voting rights for 152,000 residents
- Governor Tom Vilsack's executive order in Iowa restored voting rights to nearly 100,000 state citizens
- New Mexico's repeal of its lifetime disenfranchisement provision restored the right to vote to more than 69,000 individuals
- Maryland's repeal of its lifetime prohibition against voting for persons who have completed their sentence resulted in the restoration of voting rights for more than 52,000 persons
- Nebraska's disenfranchisement law reform regarding persons who have completed sentences resulted in the return of the right to vote to more than 50,000 residents
- Connecticut's repeal of its ban on voting for persons on probation extended the right to vote to more than 33,000 citizens
- Rhode Island's repeal of a prohibition on voting for persons on probation and parole resulted in the restoration of rights to more than 15,000 individuals
- Delaware's repeal of lifetime disenfranchisement for individuals convicted of felonies restored the right to vote to 6,400 persons
- Policy changes in Virginia during the last two gubernatorial administrations restored the right to vote to over 8,500 citizens
- Kentucky streamlined voter restoration procedures through the governor's office resulted in extending the right to vote to more than 4,200 persons
- A simplified rights restoration process in Alabama has resulted in 7,700 people having their rights restored

As the public has become increasingly aware of these restrictive policies, there has been a groundswell of support for change. Public opinion surveys report that 8 in 10 Americans support voting rights for persons who have completed their sentence and nearly two-thirds support voting rights for persons on probation or parole.

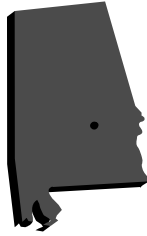
In addition to state legislative activity, important litigation efforts challenging state disenfranchisement policies in federal courts have gained momentum. In January, disenfranchised plaintiffs in the Washington case *Farrakhan v. Gregoire* won a 9<sup>th</sup> Circuit panel appeal challenging that state's disenfranchisement policy based on a violation of Section 2 of the Voting Rights Act barring racial discrimination in voting. The case, which presented "compelling evidence" of racial and ethnic bias within Washington's criminal justice system, was reheard by the full Circuit in September 2010. In Massachusetts, prison inmates in *Simmons v. Galvin* are challenging a 10-year-old state constitutional amendment that stripped them of the right to vote while incarcerated. They are asking the Supreme Court to review a ruling issued by the Boston based federal appeals court that Congress never intended the Voting Rights Act to apply in prison.

Despite these advancements more than 5 million citizens will be ineligible to vote in the midterm elections in November, including nearly 4 million who reside in the 35 states that still prohibit some combination of persons on probation, parole, and/or people who have completed their sentence from voting. Racial disparities in the criminal justice system also translate into higher rates of disenfranchisement in communities of color, resulting in one of every eight adult black males being ineligible to vote.

### Felony Disenfranchisement Policy Reforms, 1997-2010

State	Reform
ALABAMA	Streamlined restoration for most persons upon completion of sentence (2003)
CONNECTICUT	Restored voting rights to persons on felony probation (2001), Repealed requirement to present proof of restoration in order to register (2006)
DELAWARE	Repealed lifetime disenfranchisement, replaced with five-year waiting period for persons convicted of most offenses (2000)
FLORIDA	Simplified clemency process (2004 & 2007), Adopted requirement for county jail officials to assist with rights restoration (2006)
HAWAII	Codified data sharing procedures regarding removal and restoration process (2006)
IOWA	Eliminated lifetime disenfranchisement law (2005)
KENTUCKY	Simplified restoration process (2001 & 2008), Restricted restoration process (2004, amended in 2008)
LOUISIANA	Required Department of Public Safety and Corrections to provide notification of rights restoration process (2008)
MARYLAND	Repealed lifetime disenfranchisement laws (2002 & 2007)
NEBRASKA	Repealed lifetime disenfranchisement, replaced with two-year waiting period (2005)
NEVADA	Repealed five-year waiting period to restore rights (2001), Restored voting rights to persons convicted of first-time non-violent offense (2003)
NEW JERSEY	Established procedures requiring state criminal justice agencies to notify persons of their voting rights when released (2010)
NEW MEXICO	Repealed lifetime disenfranchisement law (2001), Codified data sharing procedures, certificate of completion provided after sentence (2005)
NEW YORK	Required criminal justice agencies to provide voting rights information to persons who are again eligible to vote after a felony conviction (2010)
NORTH CAROLINA	Required state agencies to establish a process whereby individuals will be notified of their rights (2007)
RHODE ISLAND	Restored voting rights to persons on felony probation and parole (2006)
SOUTH DAKOTA	Established new procedures to provide training and develop voter education curriculum to protect the voting rights of citizens with certain felony convictions (2010)
TENNESSEE	Streamlined restoration process for most persons upon completion of sentence (2006)

<b>TEXAS</b>	Repealed two-year waiting period to restore rights (1997)
<b>UTAH</b>	Clarified state law pertaining to federal and out-of-state convictions (2006)
<b>VIRGINIA</b>	Required notification of rights and restoration process by Department of Corrections (2000), Streamlined restoration process (2002), Decreased waiting period from three years to two years and established a 60-day deadline to process voting rights restoration applications (2010)
<b>WASHINGTON</b>	Restored voting rights for citizens who exit the criminal justice system but still have outstanding financial obligations (2009)
<b>WYOMING</b>	Restored voting rights to persons convicted of first-time non-violent offenses (2003)



## ALABAMA

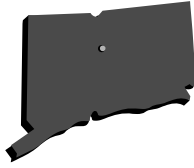
### Streamlined restoration for most persons upon completion of sentence (2003)

In Alabama, persons who have completed a sentence for a felony conviction can file an application to request a pardon from the Board of Pardons and Parole in order to restore their right to vote. In 2003, Act 2003-415 streamlined the process for application by allowing eligible persons convicted of a non-violent offense to apply for a Certificate of Eligibility to Register to Vote immediately upon completion of sentence. The Board is required to issue a Certificate within 50 days of application, or to issue an explanation for denial within 45 days. In 2004, approximately 2,000 restorations were granted and by 2005 this number increased to 3,589 restorations. As of September 2010, approximately 7,700 persons had their voting rights restored.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence (certain offenses)</li> </ul>	<p>Total Disenfranchisement (2004): 250,0461 <b>Rate: 7.37%</b></p> <p>African American Disenfranchisement: 124,398 <b>Rate: 15.3%</b></p>
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<sup>1</sup> All state estimates from Jeff Manza and Chris Uggen, *Locked Out: Felon Disenfranchisement and American Democracy*, Oxford University Press, 2006, at 248-253.



## CONNECTICUT

**Restored voting rights to persons on felony probation (2001); repealed requirement to present proof of restoration in order to register (2006)**

In Connecticut, the right to vote was extended to persons on probation for a felony conviction in 2001, although the language in the reform bill required “proof of eligibility.” By repealing the ban against probationers voting, Connecticut restored the right to vote to more than 33,000 residents. Subsequently, in 2006, the state legislature repealed the requirement that persons seeking to register to vote must provide “written or satisfactory proof” of eligibility to be an elector. This removes potential complications that may arise in securing such proof and increases the likelihood that eligible residents with felony convictions will take advantage of their right to vote.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Parole</li> </ul>	<p>Total Disenfranchisement (2004): 22,854 <b>Rate: 0.86%</b></p> <p>African American Disenfranchisement: 14,304 <b>Rate: 6.72%</b></p>
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## DELAWARE

**Repealed lifetime disenfranchisement law, replaced with five-year waiting period for persons convicted of most offense types (2000)**

In 2000, Delaware amended its constitution to permit individuals convicted of a felony offense to apply to the Board of Elections for the restoration of their voting rights five years after the completion of sentence. The law still restricts persons with certain convictions (murder, manslaughter, sex offenses, or violations of the public trust) from voting unless they have received a pardon. However, the voting rights reform law restored the right to vote to 6,400 individuals, or about one-third of the state's disenfranchised population.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence (most offenses 5 years)</li> </ul>	<p>Total Disenfranchisement (2004): 46,677 <b>Rate: 7.54%</b></p> <p>African American Disenfranchisement: 20,862 <b>Rate: 19.63%</b></p>
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## FLORIDA

**Simplified clemency process (2004 & 2007); adopted requirement for county jail officials to assist with rights restoration (2006)**

Since receiving national attention in the wake of controversy surrounding inaccurate voter purges in the 2000 and 2004 Presidential elections, Florida has taken a number of steps to address one of the nation's most restrictive disenfranchisement laws. In 2004, to alleviate a back-logged system in which tens of thousands of applications for rights restoration were on file, Florida Governor Jeb Bush amended the Rules of Executive Clemency to expedite the voting restoration process. Whereas previously individuals were required to appear at a hearing before the Governor, the rule change allowed many persons to apply to vote without a hearing so long as they were not convicted of a violent crime and had remained crime-free for five years. Persons convicted of all other offense types were required to complete a 15-year crime-free period before becoming eligible to apply.

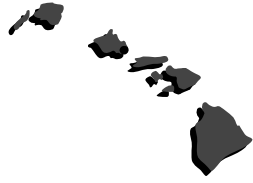
In 2006, the Florida legislature passed a law requiring facilities to provide people in prison with rights restoration application information at least two weeks before their release date. This change was in response to the difficulties presented by Florida's complex and confusing restoration process.

In 2007, Governor Charlie Crist and the Board of Executive Clemency voted to change the rules of clemency, thereby making the restoration of voting rights automatic for individuals convicted of certain, mostly non-violent, offenses. Persons who have been convicted of more serious crimes, not including some violent and sex crimes, can now have their rights restored without a hearing before the Board. People convicted of serious offenses, such as murder or sex crimes, can either wait 15 years after the completion of sentence (during which they must have remained crime-free) to apply without a hearing, or petition the Board directly for a review and in-person hearing. While it was estimated that this change would eventually impact

between 250,000 and 300,000 of Florida's one million residents who are disenfranchised due to a felony conviction, a June 2010 figure indicates that 152,000 Floridians have had their right to vote restored since the new policy took effect.

### Disenfranchisement Impact

<b>Disenfranchised Populations:</b> <ul style="list-style-type: none"><li>• Prison</li><li>• Probation</li><li>• Parole</li><li>• Post-Sentence (certain offenses)</li></ul>	Total Disenfranchisement (2004): 1,179,687 <b>Rate: 9.01%</b>  African American Disenfranchisement: 293,545 <b>Rate: 18.82%</b>
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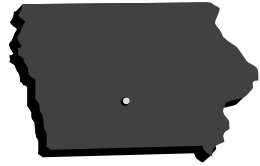
## HAWAII

### Codified data sharing procedures regarding removal and restoration process (2006)

In Hawaii, a person's right to vote is restored upon release from prison. However, due to the manner in which corrections agencies share data, many people who have been released from prison are either incorrectly coded or have not been included in the eligible voter database. To correct this problem, in 2006 Hawaii passed legislation to reform data sharing between agencies and to require the clerk of the court to transmit an individual's name, date of birth, address, and social security number to the offender's county within twenty days of release.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> </ul>	<p>Total Disenfranchisement (2004): 6,530  <b>Rate: 0.68%</b></p> <p>African American Disenfranchisement: 366  <b>Rate: 1.71%</b></p>
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## IOWA

### Eliminated lifetime disenfranchisement law (2005)

Before 2005, Iowa had placed a lifetime voting restriction on anyone convicted of an “infamous crime.” The only mechanism in place to restore voting rights was a gubernatorial pardon. In 2005, Governor Tom Vilsack issued Executive Order 42, which immediately restored voting rights to all persons in the state who had completed their sentence and made the restoration process automatic for new persons completing their sentence. Since the order was issued the number of disenfranchised people has been reduced by 81%, or an estimated 100,000 persons.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>● Prison</li> <li>● Probation</li> <li>● Parole</li> </ul>	<p>Total Disenfranchisement (2004): 121,418  <b>Rate: 5.39%</b></p> <p>African American Disenfranchisement: 14,705  <b>Rate: 33.98%</b></p>
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## KENTUCKY

**Simplified restoration process (2001 & 2008);  
restricted restoration process (2004, repealed  
in 2008)**

Kentucky, like Florida, has one of the most restrictive laws regarding the loss of voting rights for a felony conviction and, like Florida, these laws have received significant public attention since 2000. The Kentucky Constitution disenfranchises all persons for life upon conviction for a felony offense. In 2001, the Kentucky Legislature passed a bill to simplify the process of applying to the governor for rights restoration. The law requires the Department of Corrections to inform individuals of their right to apply to the governor for the restoration of voting rights. In addition, the Department is directed to collect information regarding all eligible persons who have inquired about having their voting rights restored and to transmit that list to the governor's office.

In 2004, Governor Ernie Fletcher issued an executive order that reversed some of the progress made toward easing the restoration process in 2001. The policy change required all applicants to submit a formal letter explaining why they believed their voting rights should be restored, in addition to supplying three letters of personal reference. Consequently, the number of people who had their rights restored under the Fletcher administration declined relative to prior governors. This policy was subsequently repealed in March 2008 by Governor Steve Beshear. The new policy eliminates the requirements of a filing fee, personal statement, and letters of reference. As of 2010, Governor Beshear had restored rights to 4,260 people.

## Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"><li>• Prison</li><li>• Probation</li><li>• Parole</li><li>• Post-Sentence</li></ul>	<p>Total Disenfranchisement (2004): 186,348 <b>Rate: 5.97%</b></p> <p>African American Disenfranchisement: 49,293 <b>Rate: 23.70%</b></p>
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## LOUISIANA

### Required Departments of Public Safety and Corrections to provide notification of rights restoration process (2008)

In Louisiana, persons in prison, on parole, or serving a suspended sentence on probation are prohibited from voting. In 2008, the Louisiana Legislature passed a bill requiring the Department of Public Safety and Corrections to inform individuals who have completed sentence of their right to vote and to provide assistance in registering to vote.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> </ul>	<p>Total Disenfranchisement (2004): 98,190  <b>Rate: 2.96%</b></p> <p>African American Disenfranchisement: 67,850  <b>Rate: 6.78%</b></p>
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## MARYLAND

### Repealed lifetime disenfranchisement laws (2002 & 2007)

Maryland has experienced a number of changes in felony disenfranchisement policy in recent years. Prior to 2002, persons convicted of a first-time felony offense regained their voting rights after completion of sentence, but anyone with two or more convictions was disenfranchised for life. In 2002, Maryland amended the restoration process for persons convicted of two or more non-violent crimes. Under the new policy, all persons convicted of a second non-violent offense were automatically eligible to vote three years after the completion of sentence. Persons convicted of a violent offense were still required to apply to the governor for a pardon. Attaching voter eligibility to a sliding scale of offense types and criminal history created great confusion among individuals with felony convictions as to the status of their right to vote and presented many logistical difficulties for state agencies in maintaining an accurate database of eligible voters.

In 2007, the patchwork law regarding post-sentence disenfranchisement was repealed by the Maryland legislature and replaced with automatic restoration for all persons upon completion of sentence. This reform resulted in the restoration of voting rights to more than 52,000 people.

### Disenfranchisement Impact

Disenfranchised Populations: <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> </ul>	Total Disenfranchisement (2004): 111,521 <b>Rate: 2.7%</b>  African American Disenfranchisement: 64,403 <b>Rate: 5.8%</b>
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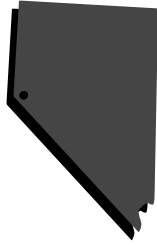
## NEBRASKA

**Repealed lifetime disenfranchisement, replaced with two-year waiting period (2005)**

In 2004, the Vote Nebraska Initiative, issued a final report with 16 recommendations designed to avoid electoral controversies such as those faced by Florida in 2000. Recommendation 10 called for automatic restoration of voting rights to persons with a felony conviction upon the completion of sentence. At the time, Nebraska prohibited all persons convicted of a felony from voting for life. In the legislative session following the issuance of the report, a bill was introduced to repeal the lifetime disenfranchisement provision and restore voting rights upon completion of sentence. The bill passed, with an amendment that requires a 2-year waiting period between the completion of sentence and automatic restoration. This law has restored the right to vote to 50,000 Nebraskans.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence (2 years)</li> </ul>	<p>Total Disenfranchisement (2004): 61,996 <b>Rate: 4.77%</b></p> <p>African American Disenfranchisement: 11,403 <b>Rate: 22.7%</b></p>
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## NEVADA

**Repealed waiting period to apply to restore rights (2001);  
restored voting rights to persons convicted of first-time non-violent offenses (2003)**

Prior to 2001, Nevada prohibited all persons convicted of a felony from voting for life, absent a restoration by the Board of Pardons Commissioners or the sentencing court (in the case of probation). In 2001, Nevada eliminated waiting period requirements for persons to apply to have their voting rights restored. Prior to this change, people released from probation had to wait six months to petition for the restoration of their voting rights. All others had to wait five years from completion of sentence before applying for rights restoration. Within the same bill, Nevada also allowed persons discharged from probation to file directly with the Division of Parole and Probation rather than go through the court system, thereby simplifying the process. In 2003, the Nevada Assembly further revised the state's disenfranchisement laws by passing legislation that automatically restores the right to vote to any person convicted of a first-time, non-violent offense upon completion of sentence.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence (except first-time nonviolent )</li> </ul>	<p>Total Disenfranchisement (2004): 43,594 <b>Rate: 2.63%</b></p> <p>African American Disenfranchisement: 12,632 <b>Rate: 12.39%</b></p>
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## NEW JERSEY

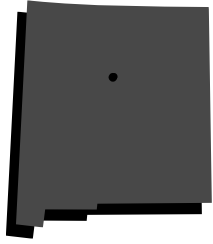
**Established requirement that criminal justice agencies provide individuals with general information regarding voting rights upon exit from state prison and community correction facilities (2010)**

In 2010, the New Jersey Legislature passed a comprehensive package of reforms that included notification of voting rights, lifting the ban on food stamps for persons with felony drug convictions, and placing incarcerated individuals with less than two years before release in community corrections.

The reform also required state criminal justice agencies to provide exiting prisoners with general information regarding New Jersey law and their eligibility to vote. The legislative measure garnered broad bipartisan support that was encouraged by efforts to address recidivism and remove barriers for incarcerated individuals after they are released from prison.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>● Prison</li> <li>● Probation</li> <li>● Parole</li> </ul>	<p>Total Disenfranchisement (2004): 127,178  <b>Rate: 1.95%</b></p> <p>African American Disenfranchisement: 70,249  <b>Rate: 8.69%</b></p>
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## NEW MEXICO

**Repealed lifetime disenfranchisement law (2001); codified data sharing procedures, certificate of completion provided after sentence (2005)**

New Mexico repealed its lifetime felony disenfranchisement law in 2001, restoring the right to vote to all persons convicted of a felony upon completion of sentence. This returned the right to vote to nearly 69,000 residents. In 2005, in order to make the restoration procedure easier, the New Mexico legislature implemented a notification process by which the Department of Corrections is required to issue a certificate of completion of sentence to an individual upon satisfaction of all obligations. The Department of Corrections is also required to notify the Secretary of State when such persons become eligible to vote.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>● Prison</li> <li>● Probation</li> <li>● Parole</li> </ul>	<p>Total Disenfranchisement (2004): 18,080  <b>Rate: 1.32%</b></p> <p>African American Disenfranchisement: 1,722  <b>Rate: 6.71%</b></p>
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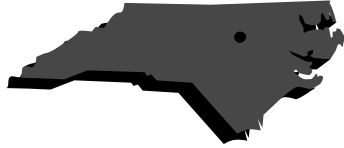
## NEW YORK

### Required criminal justice agencies to provide voting rights information to persons who are again eligible to vote after a felony conviction (2010)

In 2010, the New York legislature required criminal justice agencies to notify persons exiting criminal justice supervision that they have the right to vote. Persons convicted of a felony lose the right to vote while in prison or on parole; persons on probation do not lose their voting rights in New York. Individuals released from prison or discharged from parole have their voting rights automatically restored and only need to complete a voter registration card in order to participate in the next election. A formal notice provision was necessary because according to reports, New York election officials regularly misapplied the law and some reportedly required persons to provide unnecessary paperwork in order to register to vote. Researchers found in 2005 that nearly 30% of persons with prior criminal convictions incorrectly believed they were ineligible to vote.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Parole</li> </ul>	<p>Total Disenfranchisement (2004): 122,018  <b>Rate: 0.83%</b></p> <p>African American Disenfranchisement: 78,692  <b>Rate: 4.21%</b></p>
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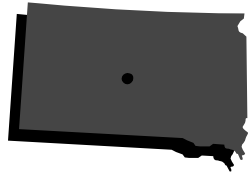
## NORTH CAROLINA

**Required state agencies to establish a process whereby individuals will be notified of their rights (2007)**

North Carolina prohibits all persons in prison, or on probation or parole due to a felony conviction, from voting. The right to vote is automatically restored upon completion of sentence and individuals can register to vote after filing a certificate demonstrating unconditional discharge and the restoration of voting rights with the county of conviction or residence. As in many other states, there has been concern that confusion about eligibility requirements and restoration procedures may be preventing some persons from registering to vote. In 2007, the North Carolina legislature passed a bill requiring the State Board of Elections, the Department of Corrections, and the Administrative Office of the Courts to establish and implement a program whereby individuals are informed of their eligibility to vote and instructed regarding the steps they must take in order to register.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> </ul>	<p>Total Disenfranchisement (2004): 73,113  <b>Rate: 1.16%</b></p> <p>African American Disenfranchisement: 42,227  <b>Rate: 3.31%</b></p>
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## **SOUTH DAKOTA**

### **Created new procedures, training and voter education curriculum (2010)**

In South Dakota, a settlement in a voting rights lawsuit established new procedures, training, and education by the secretary of state's office to protect the voting rights of persons with certain felony convictions.

The American Civil Liberties Union filed a lawsuit on behalf of two individuals who were found to have been illegally removed from county voter registration lists following felony convictions in federal court that resulted in probation but no prison time. Current law in South Dakota authorizes the automatic removal from voter registration lists of any person convicted of a felony and sentenced to prison. Individuals have their voting rights reinstated following the completion of their prison term.

The settlement requires the secretary of state to propose rule changes to South Dakota's Election Board and recommends the board propose policy reforms during the 2011 Legislature. The secretary of state's office will also be required to train county auditors and poll workers about felony disqualifications.

### **Disenfranchisement Impact**

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> </ul>	<p>Total Disenfranchisement (2004): 3,271  <b>Rate: .058%</b></p> <p>African American Disenfranchisement: 142  <b>Rate: 3.71%</b></p>
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## RHODE ISLAND

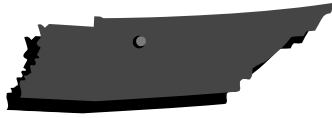
### Restored voting rights to persons on felony probation and parole (2006)

Prior to 2006, Rhode Island was the only state in New England with felony disenfranchisement laws extending to persons on both probation and parole. In November 2006, voters in Rhode Island approved a ballot referendum to amend the state constitution and extend voting rights to persons on probation and parole. The new law restored the right to vote to more than 17,000 residents.

According to the Rhode Island Family Life Center, 36% of the citizens re-enfranchised in 2006 participated in 2008.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> </ul>	<p>Total Disenfranchisement (2004): 20,793  <b>Rate: 2.5%</b></p> <p>African American Disenfranchisement: 5,183  <b>Rate: 18.86%</b></p>
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## TENNESSEE

### Streamlined restoration process for most persons upon completion of sentence (2006)

In 2006, Tennessee passed legislation that simplified what were previously the nation's most complex and confusing disenfranchisement laws. Prior to 2006, eligibility and the process of restoration varied significantly based on the type of offense and the date of conviction. Under the new law, persons convicted of certain felonies after 1981 can apply for voting rights restoration directly with the Board of Probation and Parole upon sentence completion. However, the new law requires that all outstanding legal financial obligations, including child support, must be paid before voting rights will be restored.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>● Prison</li> <li>● Probation</li> <li>● Parole</li> <li>● Post-Sentence (certain offenses)</li> </ul>	<p>Total Disenfranchisement (2004): 94,258 <b>Rate: 2.12%</b></p> <p>African American Disenfranchisement: 43,198 <b>Rate: 6.42%</b></p>
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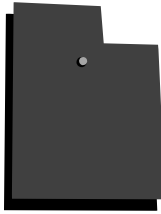
## TEXAS

### Repealed two-year waiting period to restore rights (1997)

Texas has been incrementally reforming its felony disenfranchisement laws since 1983. It has moved from a state that practiced a lifetime prohibition against voting for persons with a felony conviction before 1983 to one that automatically restores voting rights for all persons upon completion of sentence. In 1997, under Governor George W. Bush, Texas eliminated the 2-year waiting period and adopted a policy of automatically restoring voting rights at the completion of sentence. The elimination of the waiting period restored the right to vote to 317,000 individuals.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> </ul>	<p>Total Disenfranchisement (2004): 522,887  <b>Rate: 3.29%</b></p> <p>African American Disenfranchisement: 165,985  <b>Rate: 9.3%</b></p>
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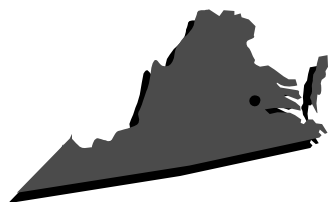
## UTAH

### Clarified state law pertaining to federal and out-of-state convictions (2006)

Until 1998, Utah was one of four states where all persons with a felony conviction, including those in prison, were permitted to vote. However, a 1998 public referendum resulted in a change to the state constitution and a prohibition against voting for persons serving a felony sentence in prison. Voting rights are automatically restored upon release from prison. However, due to a quirk in the wording of the law, those convicted out-of-state but residing in Utah were restricted from voting for life. In 2006, the Utah General Assembly corrected this oversight and identified a “convicted felon” as a person convicted in “any state or federal court in the United States.”

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> </ul>	<p>Total Disenfranchisement (2004): 5,970  <b>Rate: 0.37%</b></p> <p>African American Disenfranchisement: 459  <b>Rate: 3.43%</b></p>
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## VIRGINIA

**Required notification of rights restoration process by Department of Corrections (2000); streamlined restoration process (2002); decreased waiting period and established 60-day deadline to process applications (2010).**

Virginia is one of two states that currently prohibits all persons convicted of a felony from voting for life, absent gubernatorial action. However, there have been a number of policy developments since 2000 that have expanded voting rights to a growing number of Virginia residents. In 2000, Virginia passed a bill requiring the Department of Corrections to notify individuals under its jurisdiction about the loss of voting rights and the process of applying for restoration.

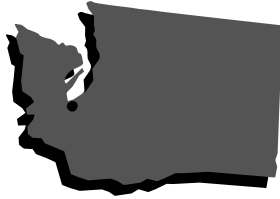
Upon taking office in 2002, Governor Mark Warner streamlined the process of applying for a gubernatorial restoration of rights. He reduced the necessary paperwork from 13 pages to 1 for most persons convicted of a non-violent offense and decreased the waiting period to apply to three years. The prior requirement of three letters of reference was also rescinded. In his four years in office, Governor Warner restored the voting rights of 3,500 Virginians, exceeding the combined total of all governors between 1982 and 2002. His successor, Governor Tim Kaine, continued this commitment to rights restoration, granting voting rights to more than 4,300 persons while in office.

During 2010, Governor Bob McDonnell streamlined the voter restoration process for individuals with felony convictions by decreasing the waiting period from three years to two years. The Governor also established a 60-day deadline for processing civil rights restoration applications after receiving corroborating information from courts and other agencies. These policy changes represented a reversal of the administration's initial policy changes. Prior to the new process, the Governor's office had announced that all voting rights applicants would have to write a letter to

explain why they wanted their voting rights restored as a part of their application. The process encouraged applicants to offer a “brief description of civic or community involvement,” although it was not a requirement. Since moving away from that process, the Governor has restored civil rights to 780 individuals out of 889 eligible applications from persons with felony convictions.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence</li> </ul>	<p>Total Disenfranchisement (2004): 377,847  <b>Rate: 6.76%</b></p> <p>African American Disenfranchisement: 208,343  <b>Rate: 19.76%</b></p>
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## WASHINGTON

### **Restored voting rights for citizens who exit the criminal justice system but still have outstanding financial obligations (2009)**

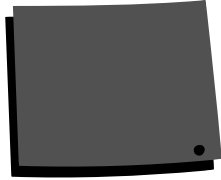
In 2009, Governor Christine Gregoire signed a bill that eliminated the requirement of paying all fines, fees, and restitution before regaining the right to vote. Previously, persons who had completed their term of probation or parole but who had not paid all the fees and other costs associated with their sentence had been barred from voting. This provision was compounded by the fact that interest on these legal system debts accrues at 12% a year.

An overwhelming majority of felony defendants are indigent at the time of sentencing, and many could never fully pay off their legal system debts – and as a result never had their voting rights restored. Under the new law, persons remain obligated to repay their debts, but – like anyone else who owes money – they will not be denied the right to vote.

The litigation undertaken in *Farrakhan v. Gregoire* may also have a significant impact in Washington. In January 2010 a 9<sup>th</sup> Circuit panel ruled that as a result of racial discrimination in the state’s criminal justice system, statutory felony disenfranchisement policies violate the Voting Rights Act. The case was reheard by the full Circuit in September 2010.

## Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"><li>• Prison</li><li>• Probation</li><li>• Parole</li></ul>	<p>Total Disenfranchisement (2004): 167,316 <b>Rate: 3.61%</b></p> <p>African American Disenfranchisement: 23,364 <b>Rate: 17.22%</b></p>
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## WYOMING

**Restored voting rights to persons convicted of first-time non-violent offenses after five-year waiting period (2003)**

In 2003, Wyoming revised its lifetime felony disenfranchisement law by authorizing persons convicted of a first-time non-violent felony to apply to the Wyoming Board of Parole for a certificate that restores voting rights. Applicants must wait for a period of five years after successfully completing their sentence in order to be eligible to apply.

### Disenfranchisement Impact

<p><b>Disenfranchised Populations:</b></p> <ul style="list-style-type: none"> <li>• Prison</li> <li>• Probation</li> <li>• Parole</li> <li>• Post-Sentence (certain offenses 5 years)</li> </ul>	<p>Total Disenfranchisement (2004): 20,198 <b>Rate: 5.31%</b></p> <p>African American Disenfranchisement: 685 <b>Rate: 20.03%</b></p>
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**FURTHER READING AVAILABLE AT [www.sentencingproject.org](http://www.sentencingproject.org):**

**[Felony Disenfranchisement Laws in The United States](#)**

**[Relief from the Collateral Consequences of a Criminal Conviction: A State-By-State Resource Guide](#)**



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