

EXPANDING THE VOTE

Two Decades of Felony Disenfranchisement Reform



**THE
SENTENCING
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM



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This report was written by Morgan McLeod, Communications Manager at The Sentencing Project. It provides an update to the 2010 report of The Sentencing Project, “Expanding the Vote: State Felony Disenfranchisement Reform,” by Nicole D. Porter.

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OVERVIEW

More than 6 million citizens will be ineligible to vote in the midterm elections in November 2018 because of a felony conviction. Nearly 4.7 million of them are not incarcerated but live in one of 34 states that prohibit voting by people on probation, parole, or who have completed their sentence. Racial disparities in the criminal justice system also translate into higher rates of disenfranchisement in communities of color, resulting in one of every thirteen African American adults being ineligible to vote.

Despite these stark statistics, in recent years significant reforms in felony disenfranchisement policies have been achieved at the state level. Since 1997, 23 states have amended their felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. These reforms include:

- **Seven states either repealed or amended lifetime disenfranchisement laws**
- **Six states expanded voting rights to some or all persons under community supervision**
- **Seventeen states eased the restoration process for persons seeking to have their right to vote restored after completing sentence**

These policy changes represent national momentum for reform of restrictive voting rights laws. As a result of the reforms achieved during the period from 1997-2018, an estimated 1.4 million people have regained the right to vote.

This report provides a state by state accounting of the changes to voting rights for people with felony convictions and measures its impact. These changes have come about through various mechanisms, including legislative reform, executive action, and a ballot initiative.

1.4 million
people have regained the right
to vote as a result of felony
disenfranchisement reforms

Felony disenfranchisement policy reforms, 1997-2018

State	Change	# of people impacted
Alabama	Streamlined restoration process (2003), established list of felony offenses that result in loss of voting rights (2017)	76,000
California	Restored voting rights to people on community supervision under Realignment (2014), restored voting rights to people convicted of a felony offense housed in jail, but not in prison (2016)	95,000
Connecticut	Restored voting rights to persons on felony probation (2001), repealed requirement to present proof of restoration in order to register (2006)	33,000
Delaware	Repealed lifetime disenfranchisement and replaced with five-year waiting period for most offenses (2000), repealed five-year waiting period for most offenses (2016)	6,400
Florida	Simplified clemency process (2004, 2007); adopted requirement for county jail officials to assist with restoration (2006); reversed modification in clemency process (2011)	228,000
Hawaii	Codified data sharing procedures for removal and restoration process (2006)	–
Iowa	Restored voting rights post-sentence via executive order (2005); rescinded executive order (2011); simplified application process (2016)	100,000
Kentucky	Simplified restoration process (2001, 2008); restricted restoration process (2004, amended in 2008); restored voting rights post-sentence for nonviolent felony convictions via executive order (2015); rescinded executive order (2015)	11,500
Louisiana	Established notification of rights restoration process (2008), authorized voting for residents who have not been incarcerated for five years including those on probation or parole (2017)	43,000
Maryland	Repealed lifetime disenfranchisement (2002 & 2007), restored voting rights to persons on probation and parole (2016)	92,000
Nebraska	Repealed lifetime disenfranchisement, replaced with two-year waiting period (2005)	50,000
Nevada	Repealed five-year waiting period to restore rights (2001), restored voting rights to persons convicted of first-time nonviolent offense (2003), restored voting rights to people dishonorably discharged from probation or parole, allowed people convicted of category B offenses to have their rights restored after two-year waiting period (2017)	–
New Jersey	Established procedures requiring state criminal justice agencies to notify persons of their voting rights when released (2010)	–
New Mexico	Repealed lifetime disenfranchisement (2001); streamlined restoration process and established notification system (2005)	69,000
New York	Required criminal justice agencies to provide voting rights information to persons who are again eligible to vote after a felony conviction (2010); restored voting rights to persons on parole via executive order (2018)	35,000
North Carolina	Established process to notify people of their voting rights (2007)	–
Rhode Island	Restored voting rights to persons on probation and parole (2006)	17,000
Tennessee	Streamlined restoration process for most persons upon completion of sentence (2006)	–
Texas	Repealed two-year waiting period after completion of sentence (1997)	317,000
Utah	Clarified state law pertaining to federal and out-of-state convictions (2006)	–
Virginia	Established notification of rights and restoration process (2000); streamlined restoration process (2002); decreased waiting period for nonviolent offenses from three years to two years and established a 60-day deadline to process voting rights restoration applications (2010); eliminated waiting period and application for nonviolent offenses (2013); restored voting rights post-sentence via executive order (2016)	188,000
Washington	Restored voting rights for citizens who exit the criminal justice system but still have outstanding financial obligations (2009)	–
Wyoming	Allowed persons convicted of first-time nonviolent offenses to apply for rights restoration after five year waiting period (2003); removed application process and waiting period for people convicted of first-time nonviolent offenses (2015); automatically restored voting rights to people convicted of all nonviolent offenses (2017)	5,400
Total		1,366,300

–Data not available

STATE REFORMS

ALABAMA: 76,000 VOTER RIGHTS RESTORED, 2003- 2017

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	286,266	7.62%
Black Disenfranchised Population	143,924	15.11%

Alabama prohibits voting by people serving terms in prison, on probation or parole, and after completion of sentence for certain offenses.

In 2003, the Legislature passed Act 2003-415 to streamline the application process for a Certificate of Eligibility to Register to Vote for people convicted of a nonviolent offense who had completed the terms of their sentence. The Board is required to issue a Certificate within 50 days of application, or to issue an explanation for denial within 45 days. Within its first year of passage, the number of voting rights restorations increased 79 percent,¹ and between 2004-2015, 16,022 people had their voting rights restored.²

Alabama's Constitution strips voting rights from individuals convicted of a felony involving "moral turpitude." However prior to 2017, the state had never provided a definitive list of such felonies; the decision of who was allowed to vote varied and was left to the discretion of local registrars. In 2017, Governor Kay Ivey signed the Definition of Moral Turpitude Act, which clarified for the first time a list of 47 crimes that would result in the loss of voting rights. The list of disenfranchising felonies notably excludes low-level drug offenses like possession—the most common felony conviction in the state.³ Alabama officials estimated that the bill would affect 60,000 people.⁴

CALIFORNIA: 95,000 VOTER RIGHTS RESTORED, 2016

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	222,557	0.74%
Black Disenfranchised Population	63,390	3.41%

California law allows persons with a felony conviction on probation, but not in prison or on parole, to vote.

In 2011, the state's Realignment Act shifted many people convicted of low-level felonies from overcrowded state prisons to local jails or community supervision. After the law passed, then- Secretary of State Debra Bowen instructed county election officials to extend the state's voting ban to people on community supervision under Realignment. Civil rights groups sued the state, arguing that because individuals on community supervision report to county probation officers instead of state parole officers, they should be allowed to vote. In 2014, a Superior Court ruled Bowen's interpretation of the Realignment Act as unconstitutional, and said that the intention of the law was to "introduce felons into the community, which is consistent with restoring their right to vote." The state appealed the ruling. In 2015, Bowen's successor, Alex Padilla, reversed Bowen's order and dropped the case, restoring voting rights to 45,000 people on post-release community supervision.⁵

In another outgrowth of the state's Realignment policy, Governor Jerry Brown signed Assembly Bill 2466 into law in 2016,⁶ restoring voting rights to as many as 50,000 people serving felony sentences in county jails.⁷

CONNECTICUT: 33,000 VOTER RIGHTS RESTORED, 2001-2006

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	17,345	0.61%
Black Disenfranchised Population	7,263	2.66%

Connecticut bans residents with a felony conviction in prison and on parole from voting.

The state extended the right to vote to persons on probation for a felony conviction in 2001, although the language in the reform bill required “proof of eligibility.” By repealing the voting ban for people serving terms on probation, 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 removed potential complications that may arise in securing such proof and increased the likelihood that eligible residents with felony convictions would take advantage of their right to vote.⁸

DELAWARE: 6,400 VOTER RIGHTS RESTORED, 2000

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	15,716	2.12%
Black Disenfranchised Population	8,113	5.35%

Delaware disenfranchises individuals with felony convictions in prison, on probation or parole, and after completion of sentence for certain felony offenses.

In 2000, Delaware amended its constitution to repeal lifetime disenfranchisement and permit most individuals convicted of a felony offense to apply to the Board of Elections for the restoration of voting rights five years after the completion of sentence. The law restricted persons with certain convictions (murder, manslaughter, sex offenses, or violations of the public trust) from voting unless they have received a pardon. This reform

restored the right to vote to an estimated 6,400 individuals, or about one-third of the state’s disenfranchised population at the time.⁹

In 2013, the state passed the Hazel D. Plant Voter Restoration Act,¹⁰ which removed the five-year waiting period and automatically restores voting rights to eligible persons who have completed their sentence (data on impact not available). Those convicted of disqualifying felony offenses are still permanently disenfranchised.

FLORIDA: 228,000 VOTER RIGHTS RESTORED, 2004-2018

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	1,686,318	10.43%
Black Disenfranchised Population	499,306	21.35%

Florida disenfranchises all individuals with felony convictions for life, unless they can secure clemency from the governor.

Since receiving national attention in the wake of controversy surrounding inaccurate voter purges in the 2000 and 2004 presidential elections, Florida took a number of steps to address one of the nation’s most restrictive disenfranchisement laws. In 2004, to alleviate a backlogged 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 arrest-free for five years. Persons convicted of all other offense types were required to complete a 15-year arrest-free period before becoming eligible to apply.¹¹ Gov. Bush restored voting rights to 75,000 people during his eight years in office.¹²

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 nonviolent, offenses. Persons who had been convicted of more serious crimes, excluding some violent and sex crimes, became eligible to have their rights restored without a hearing before the Board. People convicted of offenses such as murder or sex crimes were required to either wait 15 years after the completion of sentence (during which time they must have remained crime-free) to apply without a hearing, or to petition the Board directly for a review and in-person hearing. During Crist’s four years in office he restored voting rights to more than 150,000 people.

After Governor Rick Scott took office in 2011, he amended the 2007 clemency rules so that all applications for rights restoration must be reviewed by the Clemency Board. The 2011 rules also added additional paperwork for each case, regardless of offense type. Applications for restoration of civil rights under Gov. Scott have dropped by nearly 95% from former Gov. Crist’s administration.¹³ As of July 2018, Scott had restored voting rights to 3,000 people in seven years.¹⁴

HAWAII

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	6,364	0.57%
Black Disenfranchised Population	269	1.13%

Hawaii restores voting rights to individuals upon release from prison.

Due to the manner in which corrections agencies shared data, many people who have been released from prison had been either incorrectly coded or had not been included in the eligible voter database. To correct this problem, in 2006 Hawaii passed legislation to improve 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 person’s county within twenty days of release.¹⁵

IOWA: 100,000 VOTER RIGHTS RESTORED, 2005

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	52,012	2.17%
Black Disenfranchised Population	6,879	9.84%

Iowa disenfranchises all individuals with felony convictions for life, unless they can secure clemency from the governor.

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.¹⁶ The executive order restored voting rights to an estimated 100,000 people.¹⁷

Shortly after taking office in 2011, Governor Terry Branstad reversed Gov. Vilsack’s executive order, reverting the restoration process back to a case-by-case system. In 2016, Gov. Branstad simplified the rights restoration application, cutting the number of questions in half and removing a number of burdensome requirements.¹⁸

KENTUCKY: 11,500 VOTER RIGHTS RESTORED, 2001-2018

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	312,046	9.14%
Black Disenfranchised Population	69,771	26.15%

Kentucky disenfranchises all individuals with felony convictions for life, unless they can secure clemency from the governor.

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. In 2001, the Kentucky Legislature passed a bill to simplify the process of applying to the governor for rights restoration. The law required 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 was 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 policy eliminated the requirements of a filing fee, personal statement, and letters of reference.¹⁹ Between 2008 and 2015, roughly 10,500 people had their voting rights restored.²⁰

In November 2015, outgoing Gov. Beshear issued an executive order to automatically restore voting rights to over 100,000 people with nonviolent felony convictions who had completed their sentences. One month later, Governor Matt Bevin reversed the executive order.²¹ According to his office, Gov. Bevin has issued almost 1,000 restorations of civil rights since taking office.²²

LOUISIANA: 43,000 VOTER RIGHTS RESTORED, 2018

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	108,035	3.04%
Black Disenfranchised Population	68,065	6.27%

Louisiana restricts voting rights for people in prison and individuals with felony convictions who have been incarcerated within the last five years.

In 2008, the state Legislature passed a bill requiring the Department of Public Safety and Corrections to inform individuals who have completed their sentence of their right to vote and to provide assistance in registering to vote.²³ In 2018, Governor John Bel Edwards signed House Bill 265 into law, restoring voting rights to anyone with a felony conviction who has not been incarcerated within the last five years, including individuals on probation or parole. The bill excludes residents convicted of felonies for election fraud or other election offenses.²⁴ The new law will go into effect March 1, 2019 and will impact an estimated 40,000 people on probation and 3,000 people on parole.²⁵

MARYLAND: 92,000 VOTER RIGHTS RESTORED, 2002-2016

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	21,465	0.46%
Black Disenfranchised Population	15,383	1.14%

Maryland allows individuals with felony convictions to vote upon completion of their prison sentence.

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 nonviolent crimes. Under that policy, persons convicted of a second nonviolent 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.

In 2007, the patchwork law regarding post-sentence disenfranchisement was 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.²⁶

In 2016, the Maryland Assembly expanded voting rights for people on felony probation and parole with their

override of Governor Larry Hogan’s veto of House Bill 980.²⁷ The action restored voting rights to an estimated 40,000 people.²⁸

NEBRASKA: 50,000 VOTER RIGHTS RESTORED, 2005

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	17,564	1.23%
Black Disenfranchised Population	3,540	5.60%

Nebraska requires residents to wait two years after completing their felony prison, probation or parole sentence to have their voting rights restored.

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. During the subsequent legislative session, a bill to repeal the lifetime disenfranchisement provision was passed but included a 2-year waiting period after the completion of sentence for voting rights restoration. This law has restored the right to vote to an estimated 50,000 Nebraskans.²⁹

NEVADA

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	89,267	4.02%
Black Disenfranchised Population	21,568	11.76%

Nevada disenfranchises people in prison, on probation or parole, and post-sentence except for those convicted of first-time nonviolent offenses.

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, the state eliminated waiting period requirements for persons to

apply to have their voting rights restored and simplified the application process. Before this change, people released from probation had to wait six months to petition for the restoration of voting rights. All others had to wait five years from completion of sentence before applying for rights restoration. In 2003, the Nevada Assembly passed legislation that automatically restored the right to vote to any person convicted of a first-time, nonviolent offense upon completion of sentence.³⁰

In 2017, the Assembly further revised the state’s disenfranchisement laws by passing Assembly Bill 181, which restored voting rights to people who receive a “dishonorable discharge” from probation or parole. The law also allows people convicted of certain “category B” crimes (offenses that carry a minimum of 1 year to a maximum of 20 years in prison) to have their rights restored after a two-year waiting period.³¹

NEW JERSEY

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	94,315	1.36%
Black Disenfranchised Population	47,470	5.28%

New Jersey restores voting rights to individuals upon completion of their prison, probation and or parole sentence.

In 2010, the New Jersey Assembly passed a comprehensive package of criminal justice reforms that included a requirement that state criminal justice agencies provide individuals exiting prison with general information regarding state law and their eligibility to vote.³²

NEW MEXICO: 69,000 VOTER RIGHTS RESTORED, 2001

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	24,286	1.53%
Black Disenfranchised Population	1,581	4.71%

New Mexico restores voting rights to persons with felony convictions upon completion of their prison, parole and probation sentence.

The state repealed its lifetime felony disenfranchisement law in 2001 by 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 order to make the restoration procedure easier, in 2005 the 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.³³

NEW YORK: 35,000 VOTER RIGHTS RESTORED, 2018

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	97,581	0.63%
Black Disenfranchised Population	46,286	2.03%

New York bans people with felony convictions in prison and on parole from voting.

In 2010, the New York legislature required criminal justice agencies to notify persons exiting criminal justice supervision that they have the right to vote. 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 people with prior criminal convictions incorrectly believed they were ineligible to vote.³⁴

In 2018, Governor Andrew Cuomo issued an executive order to grant voting rights to 35,000 people under parole supervision. The executive order offers conditional pardons to people on parole, but the pardons will not erase their conviction or any other conditions of their

parole. Gov. Cuomo said that he will continue to issue conditional pardons to new people who enter the parole system while in office.³⁵

NORTH CAROLINA

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	91,179	1.18%
Black Disenfranchised Population	42,905	2.63%

North Carolina prohibits all persons convicted of a felony conviction in prison, on probation or parole 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 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 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.³⁶

RHODE ISLAND: 17,000 VOTER RIGHTS RESTORED, 2006

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	3,355	0.40%
Black Disenfranchised Population	963	2.03%

Rhode Island allows individuals with felony convictions to vote upon release from prison.

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 the state 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 reenfranchised in 2006 participated in the 2008 election.³⁷

TENNESSEE

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	421,227	8.26%
Black Disenfranchised Population	173,895	21.27%

Tennessee prohibits voting for people in prison, probation and or parole, and post-sentence for people convicted of felony offenses since 1981, in addition to those convicted of select offenses prior to 1973. Individuals convicted of a felony between 1973-1981 never lost their voting rights.

In 2006, Tennessee passed legislation that simplified 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.³⁸

TEXAS: 317,000 VOTER RIGHTS RESTORED, 1997

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	495,928	2.45%
Black Disenfranchised Population	147,727	6.17%

Texas restores voting rights to persons with felony convictions upon completion of their prison, parole and probation sentence.

Texas has been incrementally reforming its felony disenfranchisement laws since 1983. In that year the state repealed its lifetime prohibition against voting for persons with a felony conviction, replacing it with a five-year post-sentence waiting period,³⁹ which was subsequently reduced to a two-year waiting period in 1985. 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 legislation restored the right to vote to an estimated 317,000 individuals.⁴⁰

UTAH

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	7,669	0.37%
Black Disenfranchised Population	724	3.18%

Utah automatically restores the right to vote to individuals upon completion of their prison sentence.

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 constitutional prohibition on voting for persons in prison serving a felony sentence. 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 now restore voting rights to all individuals upon completion of their prison sentence.⁴¹

VIRGINIA: 188,000 VOTER RIGHTS RESTORED, 2002-2018

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	508,680	7.81%
Black Disenfranchised Population	271,944	21.90%

The Virginia Constitution disenfranchises all individuals with felony convictions for life.

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 nonviolent 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. McDonnell also established a 60-day deadline for processing civil rights restoration applications after receiving corroborating information from courts and other agencies. These reforms reversed McDonnell’s initial restoration procedures that would have required applicants to write a letter to explain why they wanted their voting rights restored. The process encouraged applicants to offer a “brief description of civic or community involvement,” although it was not a requirement.⁴² In 2013, McDonnell used executive authority to remove the waiting period and application process and to automatically restore voting rights to individuals convicted of nonviolent offenses who had completed their sentence and paid all fines and restitution.⁴³ During his four years in office, McDonnell restored voting rights to nearly 7,000 Virginians.⁴⁴

In 2016, Governor Terry McAuliffe used his clemency power to restore voting rights to approximately 200,000 Virginians who had completed their sentences. This action was challenged in the state Supreme Court, which ruled that rights restoration needed to be undertaken on an individual basis, and not across the board. Gov. McAuliffe subsequently restored rights to over 173,000 people in this manner. Virginia’s

disenfranchisement policy remains unchanged, and the state constitution still disenfranchises all individuals with felony convictions post-sentence.⁴⁵

WASHINGTON

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	48,552	0.87%
Black Disenfranchised Population	7,987	3.71%

Washington prohibits all persons convicted of a felony in prison, on probation or parole from voting.

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 fees and costs associated with their sentence had been barred from voting. This provision was compounded by the fact that interest on these legal system debts accrued at 12% a year. Many indigent felony defendants 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 will not be denied the right to vote.⁴⁶

WYOMING: 5,400 VOTER RIGHTS RESTORED, 2003-2017

Disenfranchised Population, 2016

	Total	% Disenfranchised
Disenfranchised Population	23,847	5.33%
Black Disenfranchised Population	966	17.18%

Wyoming restores the right to vote only to those convicted of nonviolent felony offenses who have completed their sentence.

In 2003, Wyoming revised its lifetime felony disenfranchisement law by authorizing persons convicted of a first-time, nonviolent felony to apply to the Wyoming Board of Parole for a certificate that restores voting rights. Applicants were required to wait

for a period of five years after completing their sentence in order to be eligible to apply.⁴⁷ Between 2003 and 2014, 82 people applied and had their voting rights restored.⁴⁸

In 2015, Wyoming eliminated the application process and the five-year waiting period, and authorized automatic rights restoration for persons convicted of first-time, nonviolent felony convictions who complete their sentence. Individuals convicted prior to 2016 and those with out-of-state and federal convictions were still required to apply for a restoration of rights upon completion of their sentence.⁴⁹ At the time of the bill's passage it was estimated that 4,200 persons with nonviolent convictions between 2000-2011 would have been eligible to apply for rights restoration.⁵⁰

Subsequently, in 2017, the state passed House Bill 75 to expand voting rights to individuals convicted of any nonviolent felony offense. For individuals convicted within Wyoming who have completed their full sentence on or after January 1, 2010, the Department of Corrections will automatically issue a certificate of restoration of voting rights. Individuals convicted of a nonviolent felony offense before January 1, 2010, or those convicted outside of Wyoming, or under federal law are required to submit a written request to the department. The person will then be issued a certificate of restoration of voting rights if the individual is deemed eligible.⁵¹ While the total estimated impact of the bill is unknown, an analysis by the Department of Corrections shows in 2013 alone, 1,178 people with nonviolent felony convictions had completed their sentence.⁵²

EXECUTIVE ACTIONS

While executive orders do not permanently reform state disenfranchisement policies, governors across the country have issued orders to restore voting rights to hundreds of thousands of people. Listed below are examples of the impact executive actions can have on restoring the right to vote. Several of these orders were revoked by subsequent governors.

- Between 2007-2011, Florida Gov. Charlie Crist restored voting rights to more than 150,000 people during his four years in office by automatically restoring rights to individuals convicted of predominantly nonviolent offenses. (Revoked in 2011, but not retroactively.)
- In 2005, Iowa Gov. Tom Vilsack automatically restored voting rights to all individuals who had completed their sentence, impacting an estimated 100,000 people. (Revoked in 2011, but not retroactively.)
- In 2015, Kentucky Gov. Steve Beshear issued an executive order to automatically restore voting rights to over 100,000 people with nonviolent felony convictions who had completed their sentences. (Revoked 2015)
- In 2018, New York Gov. Andrew Cuomo issued conditional pardons to people on parole, restoring voting rights to 35,000 people under parole supervision.
- Between 2016-2018, Virginia Gov. Terry McAuliffe individually restored voting rights to over 173,000 people who had completed their full sentence.

APPENDIX

Table 1. Summary of State Felony Disfranchisement Restrictions in 2018

No restriction (2)	Prison only (15)	Prison & parole (4)	Prison, parole, & probation (18)	Prison, parole, probation, & post-sentence (12)
Maine	District of Columbia	California	Alaska	Alabama
Vermont	Hawaii	Colorado	Arkansas	Arizona
	Illinois	Connecticut	Georgia	Delaware
	Indiana	New York	Idaho	Florida
	Massachusetts		Kansas	Iowa
	Maryland		Louisiana	Kentucky
	Michigan		Minnesota	Mississippi
	Montana		Missouri	Nebraska
	New Hampshire		New Jersey	Nevada
	North Dakota		New Mexico	Tennessee
	Ohio		North Carolina	Virginia
	Oregon		Oklahoma	Wyoming
	Pennsylvania		South Carolina	
	Rhode Island		South Dakota	
	Utah		Texas	
			Washington	
			West Virginia	
			Wisconsin	

Source for Tables 1-3: Uggen, C., Larson, R., and Shannon, S. (2016). *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016*. The Sentencing Project, Washington DC. Retrieved from <https://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf>.

Table 2. Estimates of Disenfranchised Individuals with Felony Convictions, 2016

State	Prison	Parole	Felony probation	Jail	Post-sentence	Total	Voting Age Pop.	% Disenfranchised
Alabama	30,585	6,580	15,626	1,578	231,896	286,266	3,755,483	7.62%
Alaska	5,497	2,035	6,900	7		14,439	552,166	2.61%
Arizona	44,509	7,241	51,362	1,341	116,717	221,170	5,205,215	4.25%
Arkansas	19,224	21,811	24,695	975		66,705	2,272,904	2.93%
California	136,302	86,254				222,557	30,023,902	0.74%
Colorado	21,207	8,673		1,066		30,946	4,199,509	0.74%
Connecticut	14,926	2,419				17,345	2,826,827	0.61%
Delaware	6,858	716	4,074		4,067	15,716	741,548	2.12%
Florida	102,555	4,208	86,886	4,822	1,487,847	1,686,318	16,166,143	10.43%
Georgia	50,900	23,545	170,194	4,112		248,751	7,710,688	3.23%
Hawaii	6,364					6,364	1,120,770	0.57%
Idaho	7,873	5,057	9,863	314		23,106	1,222,093	1.89%
Illinois	47,537			2,089		49,625	9,901,322	0.50%
Iowa	9,127	6,133	12,365	410	23,976	52,012	2,395,103	2.17%
Indiana	28,028			1,630		29,658	5,040,224	0.59%
Kansas	9,466	4,023	3,426	679		17,594	2,192,084	0.80%
Kentucky	22,968	16,729	27,323	2,039	242,987	312,046	3,413,425	9.14%
Louisiana	35,614	31,450	37,761	3,211		108,035	3,555,911	3.04%
Maine						0	1,072,948	0.00%
Maryland	20,378			1,087		21,465	4,658,175	0.46%
Massachusetts	10,254			921		11,176	5,407,335	0.21%
Michigan	42,661			1,560		44,221	7,715,272	0.57%
Minnesota	11,369	8,148	43,215	608		63,340	4,205,207	1.51%
Mississippi	13,752	8,051	28,463	1,422	166,494	218,181	2,265,485	9.63%
Missouri	32,768	16,808	38,870	1,219		89,665	4,692,196	1.91%
Montana	3,816			330		4,146	806,529	0.51%
North Carolina	37,446	10,977	40,867	1,888		91,179	7,752,234	1.18%
North Dakota	2,042			136		2,178	583,001	0.37%
Nebraska	6,377	782	2,952	384	7,069	17,564	1,425,853	1.23%
Nevada	11,560	6,828	8,097	701	62,080	89,267	2,221,681	4.02%
New Hampshire	2,856			175		3,031	1,066,610	0.28%
New Jersey	19,964	14,831	58,123	1,396		94,315	6,959,192	1.36%
New Mexico	7,205	2,838	13,352	891		24,286	1,588,201	1.53%
New York	50,513	44,590		2,477		97,581	15,584,974	0.63%
Ohio	51,102			1,736		52,837	8,984,946	0.59%
Oklahoma	27,857	2,572	26,475	1,398		58,302	2,950,017	1.98%
Oregon	14,228			519		14,748	3,166,121	0.47%
Pennsylvania	49,269			3,705		52,974	10,112,229	0.52%
Rhode Island	3,355					3,355	845,254	0.40%
South Carolina	20,141	4,621	21,464	1,011		47,238	3,804,558	1.24%
South Dakota	3,464	2,643	4,114	170		10,392	647,145	1.61%
Tennessee	29,271	13,186	52,654	2,763	323,354	421,227	5,102,688	8.26%
Texas	161,658	111,632	216,033	6,605		495,928	20,257,343	2.45%
Utah	6,925			744		7,669	2,083,423	0.37%
Vermont						0	506,119	0.00%
Virginia	38,694	1,604	56,908	2,905	408,570	508,680	6,512,571	7.81%
Washington	18,395	3,811	25,164	1,182		48,552	5,558,509	0.87%
West Virginia	7,042	3,187	4,109	389		14,727	1,464,532	1.01%
Wisconsin	22,851	19,537	22,101	1,118		65,606	4,476,711	1.47%
Wyoming	2,536	607	3,148	141	17,414	23,847	447,212	5.33%
Total	1,329,288	504,127	1,116,585	63,855	3,092,471	6,106,327	247,219,588	2.47%

Table 3. Estimates of Disenfranchised African Americans with Felony Convictions, 2016

State	Prison	Parole	Felony probation	Jail	Post-sentence	Total	Voting Age Pop.	% Disenfranchised
Alabama	17,775	3,957	7,740	823	113,629	143,924	952,671	15.11%
Alaska	519	211	718	2		1,450	21,219	6.83%
Arizona	5,879	952	5,654	361	12,645	25,492	214,412	11.89%
Arkansas	8,524	8,844	8,676	62		26,106	333,472	7.83%
California	39,451	23,939				63,390	1,858,353	3.41%
Colorado	4,098	1,439		320		5,858	172,849	3.39%
Connecticut	6,222	1,041				7,263	273,185	2.66%
Delaware	3,910	396	1,869		1,937	8,113	151,584	5.35%
Florida	50,110	2,328	26,259	2,385	418,224	499,306	2,338,940	21.35%
Georgia	31,814	13,927	98,740	64		144,546	2,301,258	6.28%
Hawaii	269					269	23,868	1.13%
Idaho	192	105	207	77		580	8,308	6.98%
Illinois	27,292			135		27,427	1,387,719	1.98%
Iowa	2,341	1,065	1,881	159	1,434	6,879	69,892	9.84%
Indiana	10,280			37		10,317	444,706	2.32%
Kansas	3,130	1,164	1,021	286		5,601	130,602	4.29%
Kentucky	6,080	4,393	5,007	389	53,902	69,771	266,806	26.15%
Louisiana	24,848	20,284	21,829	1,104		68,065	1,084,997	6.27%
Maine						0	10,940	0.00%
Maryland	14,960			423		15,383	1,348,123	1.14%
Massachusetts	2,906			60		2,966	355,908	0.83%
Michigan	23,015			664		23,679	1,057,458	2.24%
Minnesota	4,032	2,121	9,151	127		15,432	210,110	7.34%
Mississippi	9,158	5,049	18,074	524	94,325	127,130	801,471	15.86%
Missouri	12,807	5,714	11,584	269		30,374	525,285	5.78%
Montana	106			98		204	4,245	4.80%
North Carolina	21,304	6,414	14,979	208		42,905	1,630,848	2.63%
North Dakota	144			38		182	8,799	2.07%
Nebraska	1,675	185	362	115	1,202	3,540	63,187	5.60%
Nevada	3,299	2,270	2,409	25	13,566	21,568	183,389	11.76%
New Hampshire	177			27		204	12,994	1.57%
New Jersey	12,294	6,466	28,243	467		47,470	899,227	5.28%
New Mexico	560	192	777	51		1,581	33,582	4.71%
New York	25,524	19,851		911		46,286	2,277,485	2.03%
Ohio	24,111			718		24,829	1,069,118	2.32%
Oklahoma	7,955	892	6,220	49		15,116	223,354	6.77%
Oregon	1,453			140		1,593	60,807	2.62%
Pennsylvania	24,360			1,235		25,596	1,041,629	2.46%
Rhode Island	963					963	47,566	2.03%
South Carolina	13,067	3,123	22,303	424		38,916	1,014,456	3.84%
South Dakota	189	151		24		363	9,316	3.90%
Tennessee	13,918	6,010	20,887	1,038	132,042	173,895	817,457	21.27%
Texas	58,254	41,812	47,428	233		147,727	2,393,055	6.17%
Utah	462			263		724	22,763	3.18%
Vermont						0	5,244	0.00%
Virginia	23,593	1,087	29,321	184	217,759	271,944	1,241,868	21.90%
Washington	3,470	703	3,789	24		7,987	215,438	3.71%
West Virginia	902	364	399	127		1,792	50,496	3.55%
Wisconsin	9,664	7,590	4,945	248		22,447	256,592	8.75%
Wyoming	113	32	93	16	712	966	5,621	17.18%
Total	557,169	194,071	400,568	14,933	1,061,377	2,228,118	29,932,674	7.44%

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Morgan McLeod

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