



CIVIC ENGAGEMENT AND VOTER PROTECTION

RESTORATION OF RIGHTS TOOLKIT

OVERVIEW¹

It has been common practice in the United States to make felons ineligible to vote, in some cases permanently. Over the last few decades, the general trend has been moving toward reinstating the right to vote at some point, although this is a state-by-state policy choice.

STATE-BY-STATE LAW

Alabama

The Alabama Constitution states that "No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability" (Ala. Const. Art. VIII, § 177).

In 2017, Alabama HB 282 provided a list of felonies that involve "moral turpitude" that disqualify a person from exercising his or her right to vote. Previously there was no comprehensive, authoritative source for defining a disenfranchising crime in Alabama. (Ala. Code § 17-3-30.1)

¹ <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

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Alaska

A person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law may not vote in a state, federal, or municipal election from the date of the conviction through the date of the unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07. (AK ST § 15.05.030 Current with legislation through October 17, 2019 of the 2019 First Regular Session).

Arizona

A conviction for a felony suspends the rights of the person to vote (A.R.S. § 13-904) unless they have been restored to civil rights (Ariz. Const. Art. 7 § 2). First-time offenders have rights restored upon completion of probation and payment of any fine or restitution (A.R.S. § 13-912). A person who has been convicted of two or more felonies may have civil rights restored by the judge who discharges him at the end of the term of probation or by applying to the court for restoration of rights (A.R.S. § 13-905).

Arkansas

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. (Arkansas Constitution, Amendment 51, Section 13.)

California

In 2016, California passed legislation allowing those in county jails to vote while incarcerated, but not while in state or federal prison. In 2017 California passed additional legislation requiring information be provided about voting rights restoration on the internet and in person to felons exiting prison.

Colorado

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In 2019 Colorado enacted HB 1266, giving voting rights to individuals on parole, putting it in the category of states that only disenfranchise those who are in prison.

In 2018, Colorado enacted SB 150 which permitted an individual on parole, who is otherwise eligible, to pre-register to vote. When the secretary of state receives notification that the individual has been released from parole, he/she is then registered to vote.

Connecticut

People who have been convicted of a felony lose their voting rights only while incarcerated, and receive automatic restoration upon release. (CT ST § 9-46 Current through the 2019 January Regular Session).

Delaware

People who are convicted of disqualifying felonies (murder, bribery, sexual offenses) are permanently disenfranchised. Those disqualified as a voter because of another type of felony shall have the disqualification removed upon being pardoned or after the expiration of the sentence, whichever comes first (Del. Const., Art. 5, § 2). In 2013 Delaware removed its five-year waiting period, allowing those convicted of non-disqualifying offenses to vote upon completion of sentence and supervision (HB 10).

District of Columbia

A person is a “qualified elector” if he or she is not incarcerated for the conviction of a crime that is a felony in the District. For the purpose of determining whether an individual is a qualified elector, a person is considered incarcerated if he or she is confined to prison, jail or penitentiary. A person is not considered incarcerated if he or she has completed the court-ordered sentence of confinement and subsequently resides in a halfway house or other community supervision center as terms of probation or parole. (3 DC ADC § 500 Current through District of Columbia Register, Volume 66, Number 45 dated Nov. 1, 2019.)

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Florida

Felons must have completed all terms of sentence, which includes probation and parole, and must pay any outstanding fines or fees before they can get their voting rights restored (Flor. Stat. §98.0751).

In 2018 Florida, passed a citizen-initiated constitutional amendment to automatically restore the voting rights of felons after completion of their sentences (including parole and probation). Those convicted of murder or a felony sexual offense must still apply to the governor for voting rights restoration on a case by case basis. Before the amendment, anyone convicted of a felony had to have voting rights restored by a full pardon, conditional pardon, or restoration of civil rights by the governor. The Executive Clemency Board set the rules for restoration of civil rights, which at the time the amendment passed, included a five or seven-year waiting period and a list of crimes for which an individual could never apply for rights restoration.

In July 2019, SB 7066 was signed by the governor of Florida which defined “completion of sentence” to include: release from imprisonment, termination of any ordered probation, fulfillment of any terms ordered by the courts, termination of any ordered supervision, full payment of any ordered restitution and the full payment of any ordered fines, fees or costs.

Georgia

No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence. (Ga. Code Ann., § 21-2-216, eff. April 2, 2019.)

Hawaii

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. (HI CONST Art. 1, § 5.)

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Idaho

Felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well.

(<http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>).

Illinois

In 2019 Illinois enacted SB 2090 to require election authorities in a county with a population over 3 million to collaborate with the primary county jail where eligible voters are confined or detained to facilitate an opportunity to vote by mail for eligible voters. Illinois also enacted HB 2541 requiring the departments of corrections and juvenile justice to provide nonpartisan peer-led civics programs throughout the correctional institutions on voting rights, governmental institutions, current affairs, and simulations of voter registration, election and democratic processes.

Indiana

(a) A person who is: (1) convicted of a crime; and (2) imprisoned following conviction; is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is: (1) imprisoned; or (2) otherwise subject to lawful detention.

A person described in subsection (a) of this chapter who is otherwise qualified to register under this article is eligible to register when the person is no longer: (1) imprisoned; or (2) otherwise subject to lawful detention. (I.C. 3-7-13-4, IN ST 3-7-13-4. The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session).

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Iowa

A person convicted of any infamous crime shall not be entitled to the privilege of an elector (Iowa Const. Art. 2, § 5). In 2016 the Iowa Supreme Court upheld the ban on felon voting, finding that all felonies are “infamous crimes” resulting in permanent disenfranchisement (*Griffin v. Pate*, 2016). The ability of the governor to restore voting rights to persons convicted of infamous crimes through pardoning power was upheld in *State v. Richardson*, 2017. In 2005 Governor Tom Vilsack restored voting rights to individuals with former felony convictions via executive order. Governor Terry Branstad reversed this executive order in 2011.

Kansas

The legislature may, by law, exclude persons from voting because of commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote. (KS CONST Art. 5, § 2 Statutes are current through laws effective on or before July 1, 2019).

Kentucky

“Persons convicted of treason, a violent offense, any offense under KRS Chapter 507 or KRS 508 or 529, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon” (KY Const. § 145).

In 2019, Governor Andy Beshear issued an executive order that restored voting rights to individuals with former non-violent felony convictions. It is estimated that this executive order will restore voting rights to more than 140,000 formerly convicted individuals in Kentucky. Gov. Andy Beshear’s executive order was effective as of December 12, 2019 and is both prospective and retroactive in application. Additionally, this order reverses Governor Matt Bevin’s 2015 executive order.

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Louisiana

In 2017, Louisiana enacted HB 168 improving reporting requirements between the Department of Public Safety and Corrections and the Department of State.

Maine

Felons never lose their right to vote, even while they are incarcerated. (ME CONST Art. 1, § 6-A. Current with legislation through the 2019 First Regular Session.)

Maryland

Convicted felons may register to vote, provided he or she has been so convicted only once and has fully served the entire sentence, and conversion of Maryland misdemeanor to federal felony pursuant to Assimilative Crimes Act (ACA) would therefore not deprive a defendant of the right to vote, or the right to hold public office derived therefrom. (18 U.S.C.A. § 13)

In 2016, Maryland's legislature enacted HB 980 and SB 340 (overriding a veto) so that voting rights are automatically restored after completion of the term of incarceration. Convictions for buying or selling votes can only be restored through pardon. (Code Md.1957, art. 33, §§ 3-4, 3-4(c), 24-14)

Massachusetts

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. (MA ST 51 § 1. Current through Chapter 88 of the 2019 1st Annual Session.)

Michigan

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. If in jail, awaiting arraignment or trial, one may register to vote. If in jail after being convicted and sentenced, one may *not* register to vote or vote while confined.

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Minnesota

Felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well. (MN CONST Art. 7, § 1. Current with legislation effective through January 1, 2020).

Mississippi

“A person convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy is no longer considered a qualified elector” (Miss. Const. Art. 12, § 241). If an individual hasn’t committed one of these offenses, rights are automatically restored. If an individual has been convicted of one of these, he or she can still receive a pardon from the governor to restore voting rights (Miss. Code Ann. § 47-7-41) or by a two-thirds vote of both houses of the legislature (Miss. Const. Art. 12, § 253).

Missouri

Felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well.

Montana

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Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release.

Nebraska

In felony cases, there is a two-year waiting period after completion of probation for the restoration of voting rights (Neb. Rev. St. § 29-2264).

Nevada

In 2019 Nevada enacted AB 431, restoring the right to vote to anyone convicted of a felony upon release from prison. Previous to this legislation, first-time, non-violent offenders could have rights restored upon completion of sentence but those that had committed a violent crime or two or more felonies had to petition a court to grant the restoration of civil rights.

New Hampshire

A person sentenced for a felony, from the time of his or her sentence until his or her final discharge, may not vote in an election, but if the execution of the sentence is suspended, with or without the defendant being placed on probation, or he or she is paroled after commitment to imprisonment, he or she may vote during the period of the suspension or parole. (RSA 654:2-a.)

New Jersey

The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right. (N.J.S.A. Const. Art. 2, § 1, ¶ 7).

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New Mexico

A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code, unless the person:

- (1) has completed the terms of a suspended or deferred sentence imposed by a court;
- (2) was unconditionally discharged or was conditionally discharged and has completed all conditions of probation or parole;
- (3) has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship.

B. When a person has completed the terms of a suspended or deferred sentence imposed by a court for a felony conviction, the clerk of the district court shall notify the secretary of state. The secretary of state shall notify all county clerks that the person is eligible for registration.

C. A person who has served the entirety of a sentence imposed for a felony conviction, including a term of probation or parole shall be issued a certificate of completion by the corrections department. Upon issuance, the corrections department shall inform the person that the person is entitled to register to vote. The certificate of completion shall state that the person's voting rights are restored.

D. When the corrections department issues a person a certificate of completion, the corrections department shall notify the secretary of state that the person is entitled to register to vote. The secretary of state shall notify all county clerks that the person is eligible for registration.

(NMSA 1978, § 31-13-1. Current through the end of the 2019 First Regular Session.)

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New York

No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him. (NY ELEC § 5-106. Current through L.2019, chapter 444.)

In 2018, New York Governor Andrew Cuomo issued an executive order removing the restriction on parolees voting. New York already allows those on probation to vote. The order may be challenged in court.

North Carolina

When convicted of a misdemeanor in North Carolina, the convicted do not lose the right to vote, even while incarcerated.

When convicted of a felony one cannot vote or register to vote until all the terms of the felony sentence have been completed, including any probation or parole. Attempting to register to vote or voting while serving a felony sentence is a felony.

Upon release, one may ask the releasing officer for a *Certificate of Restoration of Forfeited Rights of Citizenship*. It is not required to register to vote, but will prove eligibility to vote if challenged.

(https://www.ncsbe.gov/Portals/0/Documents/VotingRightsGuide_CriminalJusticeSystem.pdf).

North Dakota

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Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. North Dakota is the only state without voter registration so felons voting rights are automatically restored upon release. (NDCC § 16.1-01-04.2)

Ohio

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. (OH ST § 2961.01. Current through Files of the 133rd General Assembly (2019-2020).

Oklahoma

In 2019 Oklahoma HB 2253 clarified that persons convicted of a felony shall be "eligible to register to vote when they have fully served their sentence of court-mandated calendar days, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by the court."

Oregon

In Oregon, an individual who has been sentenced for a felony loses the right to vote. A county inactivates that registration to prevent the delivery of ballots to someone ineligible to vote. Under Oregon law the right to vote is restored automatically upon release from incarceration. (OR ST § 137.281).

Pennsylvania

You can register and vote if:

A pretrial detainee, confined in a penal institution awaiting trial on charges of a felony or a misdemeanor; were ever convicted of a misdemeanor; got released or will get released by the date of the next election from a correctional facility or halfway house; are on probation or released on parole (this includes parolees who are living in a halfway house); are under house arrest (home confinement).

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You are **not** eligible to register and vote if:

Currently confined in a penal institution for conviction of a felony and will not get released from confinement until after the next election; are in a halfway house or other alternative correctional facility on pre-release status for conviction of a felony and who will not get released until after the date of the next election; got convicted of violating any provision of the Pennsylvania Election Code within the last four years.

(<https://www.votespa.com/Register-to-Vote/Pages/Convicted-Felon,-Misdemeanant-or-Pretrial-Detainee.aspx>).

Rhode Island

Under the Rhode Island Restoration of Voting Rights Act of 2006 (RIRVRA) the secretary of state must ensure that persons who were not eligible to vote due to incarceration, will have their eligibility restored upon release from prison.

If you are a convicted felon who was registered to vote in Rhode Island and plan to stay in the state, you will have your voter registration restored when you are released from prison. If you are sentenced to home confinement, you are still eligible to vote. (RI CONST Art. 2, § 1. Current through Chapter 310 of the 2019 Regular Session.)

South Carolina

Any person who is convicted of a felony or an offense against the election laws is not qualified to register or to vote, unless the disqualification has been removed by service of the sentence, or unless sooner pardoned. Service of sentence includes completion of any prison/jail time, probation and parole. (S.C. Code of Laws Section 7-1-25).

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South Dakota

A person convicted of a felony in either federal or state court on or after July 1, 2012 loses the right to vote. A person so disqualified becomes eligible to register to vote upon completion of his or her entire sentence (must complete probation, parole and restitution). A person who receives a suspended imposition of sentence does not lose the right to vote. (South Dakota Codified Law § 12-4-18).

Tennessee

The Tennessee Constitution denies the right to vote to persons convicted of an infamous crime (Tenn. Const. Art. 1, § 5). Any felony is considered an “infamous crime” and disqualifies a person from exercising the right of suffrage (T.C.A. § 40-20-112). Those convicted of infamous crimes may petition for restoration upon completion of the sentence or be pardoned by the governor (T.C.A. § 40-29-101, § 2-19-143). Proof of restoration is needed in order to register to vote (T.C.A. § 2-2-139).

Texas

A convicted felon regains the right to vote after completing his or her sentence. Therefore, once he/she has completed the punishment phase (including any term of incarceration, parole, or supervision, or completed a period of probation ordered by the court), he/she would be eligible to register and vote in the state of Texas. (V. T. C. A., Election Code § 13.002, TX ELECTION § 13.002. Current through the end of the 2019 Regular Session).

Utah

Felons lose their voting rights only while incarcerated, and receive automatic restoration upon release. (UT CONST Art. 4, § 2. Current through 2019 First Special Session.)

Vermont

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Convicted felons never lose their right to vote, even while they are incarcerated. (17 V.S.A. § 2121.)

Virginia

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 (VA Const. Art. 2, § 1). The Department of Corrections is required to provide persons convicted of felonies with information regarding voting rights restoration, and assist with the process established by the governor for the review of applications (VA Code Ann. § 53.1-231.1 et seq.). Individuals with felony convictions may petition the courts in an attempt to restore their voting rights (VA Code Ann. § 53.1-231.2).

In 2016, Virginia Governor Terry McAuliffe announced an executive order automatically restoring voting rights to convicted felons who have completed their prison sentence and their term of supervised release (parole or probation) as of April 22. In July 2016, the Virginia Supreme Court subsequently ruled that rights restoration needs to take place on an individual basis, rather than en masse and overturned the order.

Washington

If convicted of a felony in a Washington State court, the right to vote is restored automatically once no longer under the authority of DOC (in prison or on community custody).

If convicted of a felony in another state or in federal court, the right to vote is restored automatically as long as one is not currently incarcerated for that felony.

One does not lose the right to vote for a misdemeanor conviction or a conviction in juvenile court.

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In 2019 Washington enacted SB 5207 requiring that inmates are notified in writing of the process for restoration of voting rights before leaving the authority of the department of corrections.

West Virginia

Any person who has been convicted of a felony, treason or bribery in an election, under either state or federal law, is disqualified and is not eligible to register or to continue to be registered to vote while serving his or her sentence, including any period of incarceration, probation or parole related thereto.

Wisconsin

Anyone convicted of a felony who has not yet completed the terms of their sentence, including probation, incarceration and supervision, is ineligible to vote. Felons become eligible to vote again only when they complete the terms of their sentence, including any term of probation or extended supervision.

If convicted of a misdemeanor, not a felony, you are eligible to vote. This includes most people incarcerated at county jails and individuals who were convicted of a felony and a misdemeanor, but have served the entire sentence for the felony, and are still in jail or prison for the misdemeanor.

Wyoming

A person convicted of a felony is not a qualified elector unless his rights are restored (W.S. § 6-10-106). For persons convicted of nonviolent felonies or a first-time offender, rights are restored automatically (W.S. § 7-13-105). Persons who do not meet the above qualifications must be pardoned (W.S. § 6-10-106).

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In 2015, Wyoming enacted HB 15 requiring the department of corrections to issue a certification of the restoration of voting rights to certain non-violent felons after completion of sentence.

In 2017, Wyoming enacted HB75 automatically restoring the rights of nonviolent felons.

SUMMARY²

- North Dakota is the only state without voter registration, so voting rights are automatically restored upon release. In all other states, former felons must re-register to vote according to their state law.
- In Maine and Vermont, felons never lose their right to vote, even while they are incarcerated.
- In 16 states and the District of Columbia, felons lose their voting rights while incarcerated, and receive automatic restoration of voting rights upon release and are then eligible to re-register to vote.
- In 21 states, felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored and former felons are eligible to re-register to vote after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well.
- In 11 states, felons lose their voting rights indefinitely for some crimes, or require a governor's pardon in order for voting rights to be restored. Felons face an additional waiting period after completion of sentence (including parole and probation) or require additional action before voting rights and registration eligibility can be restored.

² <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

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