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Felon Voting Rights

By Jennie Drage Bowser

Some felons never lose their right to vote.

State approaches to felon disenfranchisement vary tremendously. In Maine and Vermont, felons never lose their right to vote. In Kentucky and Virginia, felons and ex-felons permanently lose their right to vote absent a pardon from the governor. The remaining 46 states have 46 different approaches to the issue.

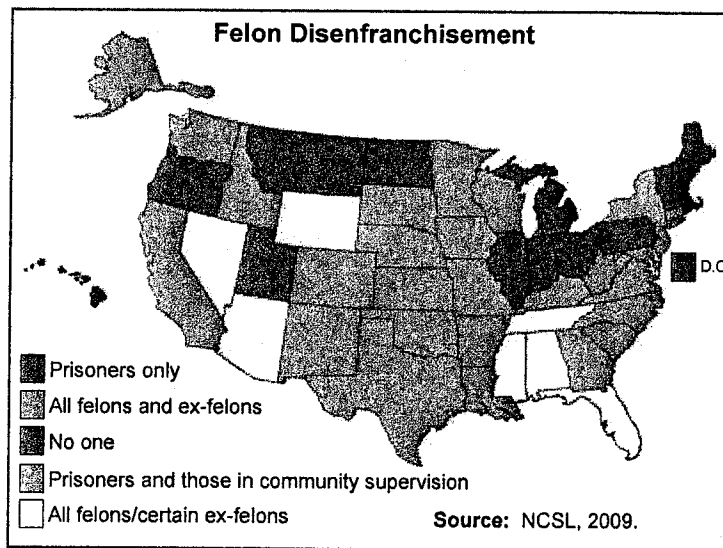
According to the Washington, D.C.-based advocacy group, The Sentencing Project, 5.3 million Americans who were otherwise eligible to vote in 2008 were prevented from doing so due to a felony conviction. Of these, 2.1 million were ex-offenders who had served their sentences, 1.4 million were African-American men, and more than 676,000 were women.

Some states allow those serving a prison sentence to vote.

Categories of Disenfranchisement.

- In Maine and Vermont, felons do not lose their right to vote; even felons who are serving a prison sentence can vote.
- In 13 states and the District of Columbia, felons are ineligible to vote only while serving a prison sentence. Ex-offenders and people on probation and parole can vote.
- In 25 states, prisoners and people under community supervision (probation and/or parole) are ineligible to vote, but ex-offenders are eligible.
- In eight states, all felons in prison and those in community supervision, as well as certain ex-offenders, are ineligible to vote.
- In Kentucky and Virginia, all felons and ex-offenders are permanently ineligible to vote, absent a pardon.

All ex-offenders are eligible to vote in 40 states.



How Rights Are Restored. In 38 states, felons' voting rights are automatically restored upon completion of their sentence, which in some states includes probation and parole. In five states, certain ex-offenders are barred for life from voting, while the rights of others—generally first-time,

National Conference
of State Legislatures

Executive Director
William T. Pound

Denver
7700 East First Place
Denver, Colorado 80230
Phone (303) 364-7700
www.ncsl.org

Washington, D.C.
444 North Capitol Street, NW, Suite 515
Washington, D.C. 20001
Phone (202) 624-5400

non-violent offenders—are restored automatically upon completion of their sentence. In the three remaining states where felons lose and can regain their voting rights, certain ex-offenders are barred from voting for life, while others can apply to have their rights restored.

Barriers to Restoration of Voting Rights. Even in states where ex-offenders automatically regain the right to vote upon completion of their sentence, the process of re-registering to vote often is difficult. One reason is the complexity of the laws and processes surrounding disenfranchisement. In some cases, it is difficult to determine whose rights can be restored. This can vary according to the date of the crime, the conviction or the release from prison, or to the nature of the crime. The complex restoration process also can be daunting. It often involves lengthy paperwork, burdensome documentation, and involvement of several state agencies.

A second barrier to restoration of voting rights for ex-offenders is the often inconsistent communication among agencies. The methods of communicating the loss and restoration of voting rights among courts, corrections and elections officials are not always reliable, timely or consistent. This inconsistency can result in uneven application of the law, even when the laws are clear.

Another barrier is lack of information. Ex-offenders sometimes are not aware that they regain their voting rights automatically upon completion of their sentence. They go through life believing they cannot vote when, in fact, they can. In other cases, they are not informed of the process for regaining their rights or offered assistance in doing so. As long as they remain ignorant of the necessary steps, ex-offenders cannot begin the process of regaining voting rights.

A final obstacle is under-funding of parole boards in some states where offenders must apply to have their rights restored. A massive backlog of applications can exist because the agencies do not have adequate staff or resources to process them in a timely manner.

State Action Most recent state legislation seeks to expand felon voting rights and ease the process of restoration. Between 1996 and 2008, 28 states passed new laws on felon voting rights.

- Seven repealed lifetime disenfranchisement laws, at least for some ex-offenders.
- Two gave probationers the right to vote.
- Seven improved data-sharing procedures among state agencies.
- Nine passed requirements that ex-offenders be given information and/or assistance in regaining their voting rights at the time they complete their sentence.
- Twelve simplified the process for regaining voting rights, for instance, by eliminating a waiting period or streamlining the paperwork process.

To date in 2009, 79 bills addressing the voting rights of felons and ex-offenders have been introduced in 25 state legislatures. In the 2007-2008 biennium, 129 bills were introduced in 27 states.

Contacts for More Information

Jennie Drage Bowser
NCSL—Denver
(303) 364-7700, ext. 1356
jennie.bowser@ncsl.org

NCSL's Election Legislation Database
www.ncsl.org/programs/legismgt/elect/elections.cfm

The Sentencing Project
www.sentencingproject.org

Re-registering to vote often is a daunting process.

Most recent legislation seeks to expand felon voting rights.



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For More Information

For more information on felon voting rights, contact [Jennie Drage Bowser](#) at 303-364-7700.

Felon Voting Rights



In 48 of the 50 states, at least some felons -- and in some states, all felons and ex-offenders -- lose their right to vote.

Background and History

The idea of taking away a criminal's right to vote has been around since ancient Greece and Rome. A condition called "civil death" in Europe involved the forfeiture of property, the loss of the right to appear in court, and a prohibition on entering into contracts, as well as the loss of voting rights. Civil death was brought to America by English

colonists, but most aspects of it were eventually abolished, leaving only felon disenfranchisement intact in some parts of modern America.

The Face of Disenfranchisement

According to [The Sentencing Project](#), 5.3 million Americans (1 in 40 adults) were unable to vote due to a felony conviction in the 2008 elections. This included 1.4 million African-American men, more than 676,000 women, and 2.1 million ex-offenders who have completed their sentences.

Categories of Disenfranchisement

State approaches to felon disenfranchisement vary tremendously. In Maine and Vermont, felons never lose their right to vote. In Kentucky and Virginia, felons and ex-felons permanently lose their right to vote absent a pardon from the governor. The remaining 46 states have 46 different approaches to the issue.

[MAP HERE](#)

In Maine and Vermont, felons do not lose their right to vote; even felons serving a prison sentence can vote.

In 13 states and the District of Columbia, felons are ineligible to vote only while serving a prison sentence. Ex-offenders and people on probation and parole can vote.

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In eight states, all felons in prison and under community supervision, as well as certain ex-offenders, are ineligible to vote.

In Kentucky and Virginia, all felons and ex-offenders are permanently ineligible to vote, absent a pardon.

How Rights Are Restored

In 38 states, felons' voting rights are automatically restored upon completion of their sentence, which in some states includes probation and parole. In five states, certain ex-offenders are barred for life from voting, while the rights of others--generally first-time, non-violent offenders--are restored automatically upon completion of their sentence. In the three remaining states where felons lose and can regain their voting rights, certain ex-offenders are barred from voting for life, while others can apply to have their rights restored.

[MAP HERE](#)

Barriers to the Restoration of Rights

Even in states where ex-offenders automatically regain the right to vote upon completion of their sentence, the process of re-registering to vote often is difficult. One reason is the complexity of the laws and processes surrounding disenfranchisement. In some cases, it is difficult to determine whose rights can be restored. This can vary in some states according to the date of the crime, the conviction, or the release from prison, or the nature of the crime. The complex restoration process also can be daunting. It often involves lengthy paperwork, burdensome documentation, and the involvement and coordination of several state agencies.

A second barrier to restoration of voting rights for ex-offenders is the often inconsistent communication among agencies. The methods of communicating the loss and restoration of voting rights among courts, corrections and elections officials are not always reliable, timely or consistent. This inconsistency can result in uneven application of the law, even when the laws are clear.

Another barrier is lack of information. Ex-offenders sometimes are not aware that they regain their voting rights automatically upon completion of their sentence. They go through life believing they cannot vote when, in fact, they can. In other cases, they are not informed of the process for regaining their rights or offered assistance in doing so. As long as they remain ignorant of the necessary steps, ex-offenders cannot begin the process of regaining voting rights.

A final obstacle is under-funding of parole boards in some states where offenders must apply to have their rights restored. A massive backlog of applications can exist because the agencies do not have adequate staff or resources to process them in a timely manner.

Recent Trends in State Action

Most recent state legislation seeks to expand felon voting rights and ease the process of restoration. Between 1996 and 2008, 28 states passed new laws on felon voting rights.

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- Seven improved data-sharing procedures among state agencies.

- Nine passed requirements that ex-offenders be given information and/or assistance in regaining their voting rights at the time they complete their sentence.

- Twelve simplified the process for regaining voting rights, for instance, by eliminating a waiting period or streamlining the paperwork process.

To date in 2009, 82 bills addressing the voting rights of felons and ex-offenders have been introduced in 25 state legislatures. In the 2007-2008 biennium, 129 bills were introduced in 27 states.

For more detailed information on 2001-2009 state legislation dealing with the voting rights of convicted felons, visit NCSL's Election Legislation Database and select the subtopic "Voters-Convicted Felons."

For More Information

For more information on felon voting rights, contact [Jennie Drage Bowser](#) at 303-364-7700.

Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700
East First Place | Denver, CO 80230

Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol
Street, N.W., Suite 515 | Washington, D.C. 20001

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Voting Rights Restoration Process

Source

: U.S. Department of Justice, December 2000;
Updated by the National Conference of State Legislatures, January 2002

	Restoration Process
Alabama	The right to vote may be regained only through a pardon.
Alaska	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Arizona	1 st offense - rights are automatically restored; 2 nd and subsequent offenses - must apply to court for restoration; If felony convictions resulted in a prison sentence, felon must wait until two years after your unconditional release from incarceration or completion of parole before felon can apply. If felony convictions resulted in a sentence of probation, felon may apply for restoration of your voting rights immediately upon discharge from probation.
Arkansas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote. Felons must provide evidence of their eligibility to vote after discharge of their sentence.*
California	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Colorado	Automatically restored upon completion of sentence and/or parole; felon must register to vote.
Connecticut	Felon may regain the right to vote upon submission of written or other satisfactory proof that all fines in conjunction with conviction have been paid and that felon has been discharged from confinement or parole. Felon must submit this information to the office of the Registrar of Voters. Probationers automatically regain the right to vote.*
Delaware	-A person convicted of murder, manslaughter or any felony constituting a sexual offense or an offense against public administration involving bribery, improper influence or abuse of office, may not have their voting rights restored. -Any other person who is disqualified as a voter because of a conviction of a crime shall have such disqualification removed upon being pardoned or five years after expiration of sentence, whichever may occur first. Expiration of sentence means satisfactory completion of imprisonment, probation and parole and satisfaction of all financial obligations required by the sentence, including restitution.
D.C.	Automatically restored upon release from confinement; felon must register to vote.
Florida	Civil rights, including the right to vote, are suspended when a person is convicted of a felony. A felon may have his or her civil rights restored by obtaining a full pardon, conditional pardon, or restoration of civil rights from the Governor of Florida.
Georgia	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Hawaii	Automatically restored upon release from confinement; felon must register to vote.

Idaho	Automatically restored upon completion of sentence, probation and parole; felon must register to vote.
Illinois	Automatically restored upon release from confinement; felon must register to vote.
Indiana	Automatically restored upon release from confinement; felon must register to vote.
Iowa	Must obtain a pardon or a restoration of citizenship from the Governor.
Kansas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Kentucky	Must obtain a pardon from the Governor.
Louisiana	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Maine	Eligibility to vote not affected.
Maryland	<p>-A first time offender for theft or infamous crime, other than buying or selling votes, the right to vote is automatically restored upon completion of your sentence, including any probation or parole.</p> <p>-If convicted of two or more such crimes, a person is not eligible to vote unless and until a pardon is obtained.</p> <p>-If convicted of buying or selling votes, a person is permanently prohibited from voting in Maryland.</p>
Massachusetts	Automatically restored upon release from confinement; felon must register to vote.
Michigan	Automatically restored upon release from confinement; felon must register to vote.
Minnesota	If convicted of treason or of a felony, the right to vote is automatically restored upon discharge from sentence. Discharge occurs either by order of the sentencing court, following stay of sentence or stay of execution of sentence, or upon final expiration of sentence.
Mississippi	Right to vote may be restored by a pardon or an executive order issued by the Governor upon discharge from probation. The right to vote may also be restored by a two-thirds vote of the state legislature.
Missouri	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote; however, a person is forever disqualified from voting if convicted of a crime connected to the exercise of the right to vote.
Montana	Automatically restored upon release from confinement; felon must register to vote
Nebraska	Must obtain a "warrant of discharge" from the Nebraska Board of Pardons to regain the right to vote; however, if sentenced to confinement in an adult correctional facility, the felon can only regain the right to vote by applying to the Board of Pardons for a warrant of discharge
Nevada	<p>-Felons who have completed probation may apply 6 months after the expiration of their term of probation to have their rights restored.*</p> <p>-Felons who have completed parole or who have served their full sentence may immediately petition the State Board of Parole Commissioners who may petition the district court for restoration of civil rights. *</p>
New Hampshire	Automatically restored upon release from confinement; felon must register to vote.

New Jersey	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
New Mexico	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote. *
New York	-If convicted of a felony and sentenced to incarceration, felon automatically regains the right to vote upon expiration of the maximum time to which he or she was sentenced, or upon discharge from parole, whichever occurs first. -If convicted of a felony but not sentenced to incarceration, or if the sentence was suspended, felon's conviction does not affect the right to vote.
North Carolina	Automatically restored upon completion of sentence, probation and/or parole. For a North Carolina conviction, the agency having jurisdiction over a felon at the time he or she was unconditionally discharged is required to issue a certificate to the clerk of the General Court of Justice in the county where the felon was convicted, and that clerk shall then file the certificate with the original record at no fee. Once this is done, the felon can simply register and vote.
North Dakota	Automatically restored upon release from confinement; felon must register to vote.
Ohio	Automatically restored upon release from confinement; felon must register to vote.
Oklahoma	Once a conviction has become final and the maximum time set forth in the felon's sentence has expired, his or her right to vote is automatically restored.
Oregon	Automatically restored upon release from confinement or completion of parole; felon must register to vote.
Pennsylvania	Automatically restored upon release from confinement; felon must register to vote; however, if a felon was not registered to vote at the time of his or her conviction, the felon may need to wait 5 years from the date of release from incarceration in order to vote.
Rhode Island	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
South Carolina	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
South Dakota	In South Dakota, the right to vote is restored upon termination of a felon's sentence. When the sentence has been fully discharged, including parole, a felon should receive a certificate from the Secretary of Corrections stating that he or she has been restored to the full rights of a citizen. The Secretary should file a copy of the certificate with the sentencing court. After receiving this certificate the felon must register to vote.
Tennessee	-Persons convicted of murder, aggravated rape, treason, or voter fraud after July 1, 1986, or of rape after June 30, 1996, are ineligible to have their voting rights restored. -For other felony convictions after June 30, 1996, a felon may seek restoration of voting rights after the maximum sentence imposed for his or her conviction has expired, or after the felon has been pardoned, by petitioning the circuit court of the county where the felon lives or was convicted. -If a felon was convicted after July 1, 1986 but before June 30, 1996 of a felony other than murder, aggravated rape, treason, or voter fraud, a felon may request that either the board of probation and parole or the authority that supervised or incarcerated him or her during the sentence issue a Certificate of Restoration of Voting Rights. A felon is eligible to request this certificate after either being pardoned or after the maximum sentence which was imposed for the conviction has expired.
Texas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote; if convicted persons may also regain their voting rights if they have been granted a gubernatorial pardon or release from the resulting disability to vote.

Utah	Automatically restored upon release from confinement/completion of sentence; felon must register to vote.
Vermont	Eligibility to vote not affected.
Virginia	If convicted of a felony in Virginia, then a felon must obtain a "removal of political disabilities" from the Governor in order to regain the right to vote. A felon is eligible to apply for the removal of political disabilities if he or she completed the sentence more than 5 years ago and if all court costs and restitution have been satisfied.
Washington	In order to regain the right to vote, a felon must have his or her civil rights restored. Civil rights are restored by the issuance of a certificate of discharge. When a felon has completed all of the requirements of sentence, the Department of Corrections notifies the sentencing court. The sentencing court then issues and provides the felon with a certificate of discharge, which will have the effect of restoring the right to vote. A felon must then register to vote, unless the crime was committed before 1984.
West Virginia	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Wisconsin	Automatically restored upon release from confinement/completion of sentence; felon must register to vote.
Wyoming	The right to vote may be regained either by a pardon or by restoration of civil rights. The Governor has the power both to pardon and to restore rights. The Governor may issue certificates of restoration of rights upon a person's completion of probation or expiration of the term of the sentence. A felon must submit a written application to the Governor in order to request a certificate restoring the right to vote.

*Legislation passed in 2001

Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230

Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

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