



Expanding the Vote

State Felony Disenfranchisement Reform, 1997-2008

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"Once somebody has truly paid their debt to society, we should recognize it. We should welcome them back into society and give them that second chance. Who doesn't deserve a second chance?"

– Florida Governor Charlie Crist, Restoration of Rights Summit, June 17, 2008.

In 1998, The Sentencing Project and Human Rights Watch published *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, which documented the broad sweep of laws that restrict voting rights for people with felony convictions. Since that time, felony disenfranchisement policies have received high-level policymaker and media attention. This increased public exposure has extended across the spectrum, from high-stakes presidential politics in Florida in which purging procedures were questioned, to neighborhood-level efforts to educate and register people with felony convictions. This escalation in attention to felony disenfranchisement policies has translated into substantial state-level reform.

This report provides an assessment of the national movement for reform over the past eleven years. We find that since 1997, 19 states have amended felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. These include:

- Nine states either repealed or amended lifetime disenfranchisement laws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

These policy changes represent a national momentum for reform of restrictive voting rights laws. As a result of these reforms, at least 760,000 persons have regained the right to vote. These include:

- Texas’s repeal of the two-year waiting period before regaining eligibility to vote restored rights to an estimated 317,000 persons
- A simplification of Florida’s clemency process resulted in the restoration of voting rights for 115,000 residents
- Governor Tom Vilsack’s executive order in Iowa restored voting rights to nearly 100,000 state residents
- New Mexico’s repeal of its lifetime disenfranchisement provision restored the right to vote to more than 69,000 individuals
- Maryland’s repeal of its lifetime prohibition against voting for persons who have completed sentence resulted in the restoration of voting rights for more than 52,000 residents
- Nebraska’s reform to its disenfranchisement law regarding persons who have completed sentence resulted in the return of the right to vote to more than 50,000 residents
- Connecticut’s repeal of its ban on voting for persons on probation extended the right to vote to more than 33,000 residents
- Rhode Island’s repeal of a state prohibition against voting for persons on probation and parole resulted in the restoration of voting rights to more than 15,000 residents
- Delaware’s repeal of lifetime disenfranchisement for individuals convicted of felonies restored the right to vote to 6,400 persons
- In Virginia and Kentucky, recent efforts to ease the restoration process by their respective governors have resulted in the restoration of voting rights to 5,000 residents

In addition to these developments, procedural changes in states like Alabama and Tennessee have eased the process of restoration, thereby resulting in an increase in the number of persons who have regained their voting eligibility. And reforms in Nevada and Wyoming have expanded the pool of eligible voters, although there are not yet any estimates to measure their impact.

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

Despite these reforms, in November, an estimated 5 million people will be ineligible to vote in the Presidential election, including nearly 4 million of whom reside in the 35 states that still prohibit some combination of persons on probation, parole, and/or people who have completed their sentence from voting. In addition, the racial disparities in the criminal justice system translate into higher rates of disenfranchisement in communities of color, resulting in one of every eight adult black males being ineligible to vote.

Felony Disenfranchisement Policy Reforms, 1997-2008

State	Reform
ALABAMA	Streamlined restoration for most persons upon completion of sentence (2003)
CONNECTICUT	Restored voting rights to persons on felony probation (2001), Repealed requirement to present proof of restoration in order to register (2006)
DELAWARE	Repealed lifetime disenfranchisement, replaced with five-year waiting period for persons convicted of most offenses (2000)
FLORIDA	Simplified clemency process (2004 & 2007), Adopted requirement for county jail officials to assist with rights restoration (2006)
HAWAII	Codified data sharing procedures regarding removal and restoration process (2006)
IOWA	Eliminated lifetime disenfranchisement law (2005)
KENTUCKY	Simplified restoration process (2001 & 2008); modified restoration process (2004, repealed in 2008)
LOUISIANA	Required Department of Public Safety and Corrections to provide notification of rights restoration process (2008)
MARYLAND	Repealed lifetime disenfranchisement laws (2002 & 2007)
NEBRASKA	Repealed lifetime disenfranchisement, replaced with two-year waiting period (2005)
NEVADA	Repealed five-year waiting period to restore rights (2001), Restored voting rights to persons convicted of first-time non-violent offense (2003)
NEW MEXICO	Repealed lifetime disenfranchisement law (2001), Codified data sharing procedures, certificate of completion provided after sentence (2005)
NORTH CAROLINA	Required state agencies to establish a process whereby individuals will be notified of their rights (2007)
RHODE ISLAND	Restored voting rights to persons on felony probation and parole (2006)
TENNESSEE	Streamlined restoration process for most persons upon completion of sentence (2006)
TEXAS	Repealed two-year waiting period to restore rights (1997)
UTAH	Clarified state law pertaining to federal and out-of-state convictions (2006)
VIRGINIA	Required notification of rights and restoration process by Department of Corrections (2000), Streamlined restoration process (2002)
WYOMING	Restored voting rights to persons convicted of first-time non-violent offense (2003)



ALABAMA

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

In Alabama, persons who have completed a sentence for a felony conviction can file an application to request a pardon from the Board of Pardons and Parole in order to restore their right to vote. In 2003, Act 2003-415 streamlined the process for application by allowing eligible persons convicted of a non-violent offense to apply for a Certificate of Eligibility to Register to Vote immediately upon completion of sentence. The Board is required to issue a Certificate within 50 days of application, or to issue an explanation for denial within 45 days. In 2004, approximately 2,000 restorations were granted and by 2005 this number increased to 3,589 restorations. Demand for restoration certificates continues to rise, and five years after expansion, the Board of Pardons and Parole remains overwhelmed. One survey indicated that 82% of applications within a given month are not reviewed within the statutorily prescribed timeframe.

Disenfranchisement Impact

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



CONNECTICUT

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

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

Disenfranchisement Impact

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

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

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

Disenfranchisement Impact

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

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

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

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

In that same year, Republican gubernatorial candidate Charlie Crist proclaimed his support for the automatic restoration of voting rights for persons upon the completion of sentence and promised to work to expand voting rights to persons with a felony conviction in his capacity as a member of the Board of Executive Clemency. Crist stated, "I think the time has come in our state that we look for automatic renewal of those [voting] rights." Only months after winning the election and taking office, Governor Crist and the Board of Executive Clemency voted to change the rules of clemency, thereby making the restoration of voting rights automatic for individuals convicted of certain, mostly non-violent, offenses. Persons who have been convicted of more serious crimes, not including some violent and sex

crimes, can now have their rights restored without a hearing before the Board. People convicted of certain serious offenses, such as murder or sex crimes, can either wait 15 years after the completion of sentence (during which they must have remained crime-free) to apply without a hearing, or petition the Board directly for a review and in-person hearing. While it was estimated that this change would eventually impact between 250,000 and 300,000 of Florida's 1 million residents who are disenfranchised due to a felony conviction, a July 2008 figure indicates that 115,000 Floridians have had their right to vote restored since the new policy took effect 15 months prior. The Governor's office has acknowledged that a shortage of staff has limited the pace at which applications can be reviewed. In August 2008, Governor Crist issued an order to state parole agencies to provide additional information regarding the restoration process to persons who have completed their sentence.

Disenfranchisement Impact

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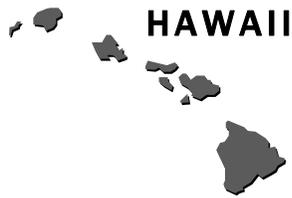
MICHAEL HARGRETT, FLORIDA



“I was number 84 out of 150 people lined up to request their rights back from the governor,” recalls Michael Hargrett, a 52-year-old father of twin daughters. “I watched just about everybody get their rights turned down. It was bad.”

After appealing to the governor and executive committee and “selling” himself, Hargrett’s voting rights were restored March 1, 2007. Though Hargrett, a BMW service advisor, is happy he can now vote and that some changes

have come for others like him, he still questions Florida’s lifetime felony disenfranchisement policy. Hargrett was sentenced in 1993 for a crime committed while visiting family in Florida. After a four-year sentence, he returned to his home state of Illinois, where he voted because the state automatically restores voter eligibility upon release from prison. When his father had taken ill, Hargrett relocated to Florida – only to find out that his name was on the state’s felon list and he was permanently barred from voting. He petitioned the state with the help of the American Civil Liberties Union of Florida, but only after several years of interviews and investigations, was he granted a hearing before the Executive Clemency Board. “They thoroughly vetted me like I was interviewing to be an FBI agent, Hargrett recalls. “They should let this [voter restoration] process be automatic.”



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

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

Disenfranchisement Impact

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

Eliminated lifetime disenfranchisement law (2005)

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

Disenfranchisement Impact

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

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

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

In 2004, Governor Ernie Fletcher issued an executive order that reversed some of the progress made toward easing the restoration process in 2001. The policy change required all applicants to submit a formal written letter explaining why they believed their voting rights should be restored in addition to three letters of personal reference. Consequently, the numbers of people who had their rights restored under the Fletcher administration declined relative to prior governors. This policy was subsequently abolished in March 2008 by Governor Steve Beshear. The new policy eliminates the requirements of a filing fee, personal statement, and letters of reference. As of July 2008, Governor Beshear had restored rights to 790 people since the policy change in March.

Disenfranchisement Impact

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



When she was a star basketball player at the University of Kentucky, Tayna Fogle understood the importance of voting. After receiving her degree in 1984 and becoming the recreational director at the Kentucky Correctional Psychiatric Center in La Grange, Fogle continued to take seriously her right to vote. So after her conviction for a drug offense, a six-year incarceration and drug treatment, she quickly sought the return of her voting rights.

“It took me 13 years to get my voting rights back,” said Fogle as she recalled the painstaking pardon process required in Kentucky for voter restoration. At the time Fogle regained her voting rights, Kentucky policy required citizens with felony convictions to “jump through hoops” for the governor to even consider a restoration application. Fogle jumped through the hoops, she said, and received backing from a mayor, senator and officer of the court. In September 2006, Fogle’s right to vote was finally granted. “I cried as I came out of the voting booth,” she stated. “It was like my first Christmas.” Still, reform is not moving as fast as she would like for others who are disenfranchised. She believes automatic restoration upon completion of sentence must be adopted as a Constitutional amendment, so she volunteers in grassroots campaigns and voter registration drives in hopes of advancing reform.



LOUISIANA

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

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

Disenfranchisement Impact

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

Repealed lifetime disenfranchisement laws (2002 & 2007)

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

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

Disenfranchisement Impact

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



Tears of joy ran down Kimberly Haven's face as she stood outside the doors of the Baltimore City Board of Elections and prepared to enter to submit her voter registration application. She was joined by a crowd of onlookers, supporters, and other individuals who recently won back their right to vote. It was July 2, 2007, the first day on which 52,000 newly eligible citizens in Maryland who had previously been denied the right to vote because of a felony conviction could apply for voter registration cards. "It's a very sobering, very powerful moment for me," said Haven. "We're changing the political landscape in Maryland... [and] it has the ability to ripple across the country."

Haven wanted her voting rights restored after her release from a Maryland prison in 2001. As the Executive Director of Justice Maryland, Haven led the campaign that resulted in the 2007 law change.



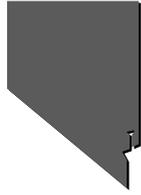
NEBRASKA

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

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

Disenfranchisement Impact

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

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

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

Disenfranchisement Impact

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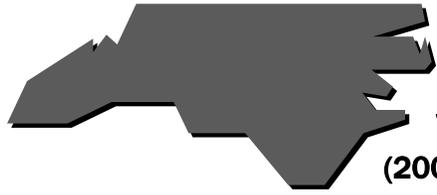
NEW MEXICO

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

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

Disenfranchisement Impact

<p>Disenfranchised Populations:</p> <ul style="list-style-type: none"> • Prison • Probation • Parole 	<p>Total Disenfranchisement (2004): 18,080 Rate: 1.32%</p> <p>African American Disenfranchisement: 1,722 Rate: 6.71%</p>
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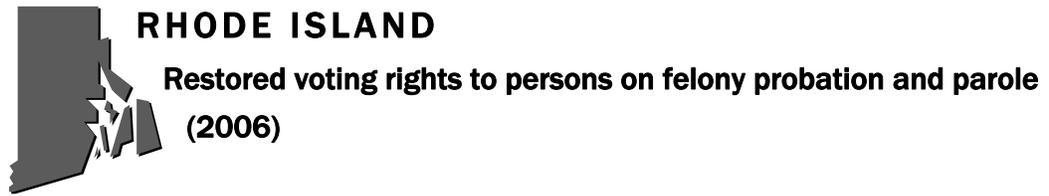
NORTH CAROLINA

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

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

Disenfranchisement Impact

<p>Disenfranchised Populations:</p> <ul style="list-style-type: none"> • Prison • Probation • Parole 	<p>Total Disenfranchisement (2004): 73,113 Rate: 1.16%</p> <p>African American Disenfranchisement: 42,227 Rate: 3.31%</p>
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Prior to 2006, Rhode Island was the only state in New England with felony disenfranchisement laws extending to persons on both probation and parole. In November 2006, voters in Rhode Island approved a ballot referendum to amend the state constitution and extend voting rights to persons on probation and parole. The new law restores the right to vote to more than 15,000 residents.

Disenfranchisement Impact

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



While a student at Brown University in Providence, Rhode Island, Andres Idarraga became a prominent advocate for restoring the right to vote to thousands of people disenfranchised in the state because of a felony conviction. His commitment to the cause was deeply personal. Because of a felony conviction he received when he was 20 years old, Idarraga would have to wait over 30 years to complete probation before he could vote. Now that the law has changed, he has registered and voted for the first time. “I do

know I have enjoyed the journey and enjoyed the process of being able to turn my life around,” said Idarraga. “It feels great to see the spectrum of what our entire society has to offer ... from the underbelly, to the very privileged setting being at Brown. I'm learning how to put it to good use and give back to society and that starts with participating in the democratic process and encouraging others to vote.”

In fall 2008, Idarraga began his first year at Yale Law School.



TENNESSEE

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

In 2006, Tennessee passed legislation that simplified what was previously the nation's most complex and confusing disenfranchisement laws. Prior to 2006, eligibility and the process of restoration varied significantly based on the type of offense and the date of conviction. Under the new law, persons convicted of certain felonies after 1981 can apply for voting rights restoration directly with the Board of Probation and Parole upon sentence completion. However, the new law requires that all outstanding legal financial obligations, including child support, must be paid before voting rights will be restored. The American Civil Liberties Union filed suit in February 2008 to challenge this law on the basis that it is tantamount to a poll tax, and thus violates the Equal Protection Clause of the 14th Amendment.

Disenfranchisement Impact

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

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

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

Disenfranchisement Impact

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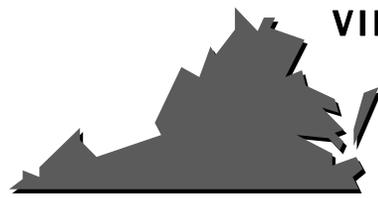
UTAH

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

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

Disenfranchisement Impact

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

Required notification of rights restoration process by Department of Corrections (2000); streamlined restoration process (2002)

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

Upon taking office in 2002, Governor Mark Warner streamlined the process of applying for a gubernatorial restoration of rights. He reduced the necessary paperwork from 13 pages to 1 for most persons convicted of a non-violent offense and decreased the waiting period to apply to three years. The prior requirement of three letters of reference was also rescinded. In his four years in office, Governor Warner restored the voting rights of 3,414 Virginians, exceeding the combined total of all governors between 1982 and 2002. His successor, Governor Tim Kaine, has continued this commitment to rights restoration, granting voting rights to 1,809 persons since taking office in 2007.

Disenfranchisement Impact

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



Kemba Smith’s 24-year federal sentence was commuted by President Bill Clinton in 2000, but the consequences of her conviction— including losing her right to vote, were not. Smith’s relationship with an abusive, drug-dealing boyfriend and the harsh mandatory sentences associated with crack cocaine offenses led to her long sentence. As a resident of Virginia, she faces life-long disenfranchisement under state law.

Smith, now an advocate for voting rights restoration and the repeal of mandatory minimum sentencing, struggles daily with the fact that she cannot vote. When her 13-year-old son asked her who she was going to vote for, she found it hard to explain that she was not allowed to vote. Virginia law bans Smith from even requesting rights restoration from the governor until 2010 – ten years after her release. “It’s one thing to affect me, but for our kids to realize that their parents are different is another thing. I don’t focus on the psychological ramifications that go along with it and I’ve tried to lock out the emotion, but come this historic Election Day, I’m going to be upset.”



WYOMING

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

In 2003, Wyoming revised its lifetime felony disenfranchisement law. Under the current law, persons convicted for a first-time, non-violent offense may apply to the Board of Parole to have their right to vote restored five years after completion of sentence. Persons convicted of any other offense must wait five years before applying for restoration.

Disenfranchisement Impact

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

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

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

[The Vanishing Black Electorate: Felony Disenfranchisement in Atlanta, Georgia](#)



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