

# **50-State Report on Re-Enfranchisement – A Guide to Restoring Your Right to Vote**

**A Resource for Individuals with Felony  
Convictions and Advocates who Work with  
Disenfranchised Communities**



A report issued by the Lawyers' Committee for  
Civil Rights Under Law

Written and researched by the Lawyers'  
Committee for Civil Rights Under Law and the  
law firm of Kilpatrick Stockton LLP

## Acknowledgements

The Lawyers' Committee for Civil Rights Under Law would like to thank the law firm of Kilpatrick Stockton LLP and particularly David Adams, John Alemanni, Chris Chan, Laurisa Curran, Jim Ewing, Bruce Gray, Debbie Segal, Tywanda Harris, Afi Johnson-Parris, Janina Malone, Aleta Mills, and Michael Turton for their excellent research and writing. We would also like to thank our staff and interns for their commendable research, writing and editing. In particular, we would like to thank Cara Fineman, Anita Earls, Lori Outzs Borgen, Jon Greenbaum, Jonah Goldman, Nancy Anderson, Chiraag Bains, Daniel Savery, Dotie Joseph, Elizabeth Weyant, Emily Benfer, Eva Gunasekera, Samuel Spital, Synta Keeling, and Narendra Gosh.

The importance of this report continues to grow, as we learn of more and more individuals with felony convictions from across the country who do not know whether or not they have the right to vote. We hope that this report will be distributed widely. To download individual state reports, please visit the Lawyers' Committee's website at [www.lawyerscomm.org](http://www.lawyerscomm.org).

## RESTORE YOUR RIGHT TO VOTE IN

### ALABAMA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Persons convicted of crimes involving “moral turpitude” are prohibited from voting in Alabama. This includes all felonies and some misdemeanor crimes, including:

- intent to defraud
- theft and attempted theft
- receipt of stolen property
- bad checks
- domestic violence
- fraud
- desertion from the military

For a complete list of crimes involving moral turpitude you should check with your probation or parole officer.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Maybe. You can apply to restore your voting rights after completion of 3 consecutive years of successful parole. Your application must be based on innocence and requires the approval of the sentencing court and/or prosecuting attorney.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, unless you apply for and are granted a pardon or a Certificate of Eligibility to Register to Vote from the Alabama Board of Pardons and Paroles.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

You must receive a Certificate of Eligibility to Register to Vote. If you are not eligible for a Certificate of Eligibility to Register to Vote, you must receive a pardon to regain your right to vote.

#### **WHEN AM I ELIGIBLE TO APPLY FOR A CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE OR A PARDON?**

You are eligible to apply for a Certificate of Eligibility to Register to Vote if you:

- 1) do not have felony criminal charges pending; and
- 2) have paid all fines, court costs, fees and victim restitution ordered by the sentencing court;
- 3) have either been released upon completion of sentence;
- 4) have been pardoned; or
- 5) have successfully completed probation or parole; and
- 6) were not convicted of any of the following crimes: impeachment, treason, murder, rape, sodomy, sexual abuse, incest, sexual torture, enticing a child to enter a vehicle for immoral purposes, soliciting a child by computer, production of obscene matter involving a minor, production or possession of obscene matter, parents or guardians permitting children to engage in obscene matter, or possession with intent to distribute child pornography.

If you are not eligible for a Certificate of Eligibility to Vote, you must apply for a pardon to restore your right to vote. You are eligible to apply for a pardon:

(1) after completion of a state or federal parole period; (2) after completion of a state or federal probation period; (3) after completion of a state jail sentence; (4) after completion of a full penitentiary sentence or federal sentence; or (5) after three years of successful parole in Alabama if your parole has not ended and if you have no other felony convictions.

You may receive a pardon earlier if the Board of Pardons and Paroles votes unanimously to do so after receiving “clear proof” of your innocence as well as the written approval of the presiding judge or prosecuting attorney.

## **HOW DO I APPLY FOR A CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE OR FOR A PARDON?**

### *For Certificate of Eligibility to Register to Vote*

Request an application form from the Board of Pardons and Paroles. After completing the application, return it to: The Board of Pardons and Paroles 500 Monroe Street Montgomery, Al 36130-3019 (334) 242-8700

### *For a Pardon*

If you are not eligible for a Certificate of Eligibility to Vote, you must apply for a pardon. To apply for a pardon, write to the Alabama Board of Pardons and Paroles in Montgomery and request an application for a pardon for restoration of your civil rights.

Alabama Board of Pardons and Paroles  
P.O. Box 302405  
Montgomery, Alabama 36130-2405  
1-334-242-8730  
[www.pardons.state.al.us](http://www.pardons.state.al.us)

(Note: If you were convicted under a city ordinance, you should apply for a pardon from the mayor of the city of conviction and not the Board of Pardons and Paroles in Montgomery.)

Certain persons applying for a pardon, including felons convicted after May 6, 1994 and felons incarcerated as of that date, must submit a DNA sample as a mandatory condition of the pardon. If you are unsure whether your DNA sample is on file with the Alabama Department of Forensic Sciences, contact your probation or parole officer.

## **WHAT INFORMATION SHOULD I INCLUDE IN MY REQUEST FOR A PARDON APPLICATION?**

Your request for a pardon should include the following information:

1. Name convicted under
2. True name
3. Sex and race
4. Date of birth
5. Social Security Number
6. AIS# (Alabama Prison number), if you have one
7. Current physical address including county
8. Current mailing address, if different
9. Indicate whether the conviction was a State or Federal conviction
10. Home telephone number
11. Work telephone number, if you have one
12. List of charges, county you were convicted in, and year of conviction

## **WHAT TYPE OF INFORMATION DOES THE PARDON APPLICATION REQUIRE?**

The application seeks information about the crime for which you lost your right to vote, and other basic personal information, including employment history and a list of references.

**WHO CAN I CALL FOR HELP WITH MY PARDON APPLICATION OR MY APPLICATION FOR CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE?**

If you have any questions about the restoration of your right to vote, you can reach the Board of Pardons and Paroles at: 1-334-242-8730. You may also contact your probation or parole officer for guidance on the process.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

Yes, if you apply for a pardon. Thirty days notice must be provided to the following people before you may be granted a pardon: Alabama Attorney General, presiding judge, prosecuting attorney, and the chief of police in the city where the disqualifying crime occurred. Notice must also be given to the victim for certain enumerated crimes. Notice is not required if you apply for a Certificate of Eligibility to Register to Vote.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR A PARDON OR FOR CERTIFICATE FOR ELIGIBILITY TO REGISTER TO VOTE?**

For pardon

Once you submit your pardon application to the Board of Pardons and Paroles, it will be forwarded to a probation officer for completion of an in-depth investigation. The investigation may take up to one year to complete. The following matters will be investigated:

1. Have you committed any additional offenses since the disqualifying crime was committed? If so, your pardon application may be denied.
2. What is your personal, social and employment history? Are you currently employed? Your references will be contacted, including current and former employers, current and former spouses, as well as friends and family members.
3. Have you paid all restitution and court fees? If you have any outstanding fees or fines, including your annual supervision fee of \$30.00, your pardon application may be denied.

Once the investigation is complete, the investigating probation officer will write a report recommending approval or denial of your pardon application. Also, a letter is sent to the victim requesting input on whether to grant or deny your pardon application. Finally, a date for a hearing before a three-member panel of the Board of Pardons and Paroles will be set.

You will be notified at least 30 days prior to the hearing, which will be conducted at the following location:

Lurleen B. Wallace Building, 2<sup>nd</sup> Floor  
500 Monroe Street  
Montgomery, Alabama

At your hearing, you will be allowed an opportunity to present your case before the three-member panel. Note that your attendance at the hearing is not mandatory. Notice of the hearing is provided to the appropriate authorities, as well as the victim. (See above). The victim will have an opportunity to oppose your pardon at the hearing. A three-member panel of the Board of Pardons and Paroles has ultimate authority to grant or deny your pardon application.

For Certificate of Eligibility to Vote

Once you apply, the board staff must give the Board members all reports and recommendations no later than 45 days from the date you apply. The certificate shall be granted unless a Board member objects to a staff member's recommendation within 5 days. Board members can object only if you do not meet the requirements in the law. If you are denied a certificate, the Board must give you a reason why. If you are denied a certificate, you should reapply after you have met all the eligibility requirements

**If I receive a pardon, will records of my conviction be destroyed?**

No. Alabama does not expunge records. The arrest and conviction will continue to appear on your criminal history record.

**ONCE I receive a pardon or a Certificate of Eligibility to Register to Vote, how do I register to vote?**

Once you receive a pardon or a certificate of eligibility, you should take your certificate with you to your county elections office. The county elections office may make a copy of the certificate for their records; make sure you keep the original certificate.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote no later than 10 days prior to an election. If you mail your voter registration application to your county elections office, it must be postmarked at least 10 days prior to the election in which you intend to vote.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county elections office. You may register to vote in person or by mail. Registration applications may be found at the following locations:

- County Board of Registrar's Office
- Driver's Licensing Office
- County and select municipal libraries
- Department of Human Resources
- WIC Program, Department of Public Health
- Medicaid Agency
- Department of Rehabilitation Services

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the U.S. Department of Justice, the Lawyers' Committee for Civil Rights (see page 1) or one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Anita Tatum  
Office of Voter Registration  
State Capitol  
600 Dexter Avenue Room E-210  
Montgomery, AL 36130  
(334) 242-4337 (tel)  
(334) 242-2444 (fax)

Ed Packard  
NVRA Administrator  
State Capitol  
600 Dexter Avenue Room E-210  
Montgomery, AL 36130

(334) 242-4845 (tel)  
(334) 242-2444 (fax)  
(800) 274-8683

ACLU of Alabama  
207 Montgomery St., Suite 825  
Montgomery, AL 36101  
334-262-0304  
[acluofal@aol.com](mailto:acluofal@aol.com)

### **FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Alabama?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>241,100</b>	<b>7.5%</b>	<b>105,000</b>	<b>31.5%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at <http://www.hrw.org/reports98/vote/>.

**What are the demographics of Alabama?**

White	71.1%
Black	26.0%
American Indian/Alaskan Native	0.5%
Asian	0.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.7%
Other	0.7%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

Alabama law does not create a “liberty interest” in receiving a pardon. Therefore, there is no constitutionally protected “right” to a pardon.

***Moore v. State*, 12 Ala. App. 243, 250; 67 So. 789 (1915). Definition of crimes of “moral turpitude”**

A felony of moral turpitude is defined in Alabama as "anything done contrary to justice, honesty, principle, or good morals; an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man."

**Alabama Const., Art. VIII, § 182**

The following persons shall be disqualified both from registering, and from voting, namely:

All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

**Ala. Code § 17-4-125. Re-registration; when required**

No person heretofore registered and no person hereafter registered shall again be required to register unless he or she has changed the county of his or her residence, or was convicted of a disqualifying criminal offense and was subsequently pardoned with restoration of the right to vote expressed in the pardon, or was declared non compos mentis (incompetent), but has subsequently had those disabilities removed, or was stricken from the registered voter list for failure to vote at least once in four years.

**Ala. Code § 17-4-132. List of electors; purging of names**

The board of registrars shall purge the registration list whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense mentioned in Section 182 of the Constitution since being registered or otherwise become disqualified as an elector. A person convicted of a disqualifying offense must be notified by certified mail of the board's intention to strike his name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending. Notice of the names of all other persons proposed to be stricken from the list shall be published in some newspaper published in the county.

**Ala. Code § 15-22-36 Authority of board**

- (a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the Board of Pardons and Paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.
- (b) Each member of the Board of Pardons and Paroles favoring a pardon, parole, remission of a fine or forfeiture or restoration of civil and political rights shall enter in the file his reasons in detail, which entry and the order shall be public records, but all other portions of the file shall be privileged.
- (c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon; and no pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his sentence if his sentence was for less than three years, except upon the unanimous affirmative vote of the board following receipt and filing of clear proof of his innocence of the crime for which he was convicted and the written approval of the judge who tried his case or district attorney or with the written approval of a circuit judge in the circuit where he was convicted if the judge who tried his case is dead or no longer serving.
- (d) The Board of Pardons and Paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights until 30 days' written notice that the prisoner is being considered therefor has been given by the board to the Attorney General, the judge and the district attorney who tried the subject's case, the chief of police in the city in which the crime occurred, if the crime was committed in a city, and to the sheriff of the county where convicted, and to the same officials of the county where the crime occurred if different from the county of conviction; provided, however, that if they



are dead or not serving, such notice shall be given to the district attorney, incumbent sheriff and one of the judges of the circuit in which the subject was convicted.

(e) (1) The Board of Pardons and Paroles shall have no power or authority to in any way approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave or early release of a person who has been convicted of:

- a. A Class A felony;
- b. Any felony committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be designated a Class A felony;
- c. Any felony involving violence, death or any physical injury to the person of another;
- d. Any felony involving unlawful sexual assault or other unlawful sexual conduct on the person of another;
- e. Any felony involving sexual assault, or a lewd or lascivious act upon a child under the age of 16 years or attempt thereof;
- f. Sexual abuse or any other criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as sexual abuse under the Alabama Criminal Code;
- g. Child abuse or any criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as child abuse under the Alabama Criminal Code;
- h. Sodomy or any criminal conduct committed prior to the 1st day of January, 1980, which if committed after the 1st day of January, 1980, would be defined as sodomy under the Alabama Criminal Code;
- i. Any violation of Section 13A-6-69, as amended; until and unless at least 30 days written notice of the board action to be considered has been given by the board to the victim.

(2) Such notice shall be given by U.S. mail, certified mail, return receipt requested, and shall include:

- a. The name of the prisoner or defendant involved;
- b. The crime for which the prisoner or defendant was convicted;
- c. The date of the conviction;
- d. The court in which the conviction occurred;
- e. The sentence imposed;
- f. The actual time the prisoner has been held in confinement without regard to the operation of any incentive good time, or other good time laws;
- g. The action to be considered by the board;
- h. The date, time, and location of the board meeting at which the action is to be considered; and
- i. A statement that all persons required to be notified under the provisions of this section will be allowed, at their option, to either appear before the board or give their views in writing.

(3) Provided however, if the victim is a child such notice shall be given the parents of such victim, or in the event there is no parent, to the guardian of such victim. Provided further, if such victim is deceased such notice shall be given to the surviving members of such victim's immediate family, or in the event there is no immediate family, to a relative of such victim, if any. Provided further, such notice may be waived in writing by any person who is entitled to receive such notice.

(f) After any board action is taken granting any pardon or parole, the board shall promptly notify all persons who are entitled to notice, pursuant to any provision of this section as to the action taken by the board and the conditions, if any, of any such parole or pardon.

**Ala. Code § 15-22-36.1 (Effective September 24, 2003)**

(a) Any other provision of law notwithstanding, any person, regardless of the date of his or her sentence, may apply to the board of pardons and paroles for a Certificate of Eligibility to Register to Vote if all of the following requirements are met:

- (1) The person has lost his or her right to vote by reason of conviction in a state or federal court in any case except those listed in subsection (h);
- (2) The person has no criminal felony charges pending against him or her in any state or federal court;
- (3) The person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court; and
- (4) Any of the following are true:
  - a. The person has been released upon completion of sentence;

- b. The person has been pardoned; or
- c. The person has successfully completed probation or parole and has been released from compliance by the ordering entity.

(b) The Certificate of Eligibility to Register to Vote shall be granted upon a determination that all of the requirements in subsection (a) are fulfilled.

(c) Upon receipt of an application under this section, investigation of the request shall be assigned forthwith to an officer of the state board of pardons and paroles. The assigned officer shall verify, through court records, records of the board, and records of the department of corrections, that the applicant has met the qualifications set out in subsection (a). The officer shall draft a report of his or her findings and make a recommendation concerning whether the offender has successfully completed his or her sentence and has complied with all the eligibility requirements provided in subsection (a).

(d) After completing the investigation set out in subsection (c), the officer shall submit his or her report of investigation and recommendation to the executive director of the board of pardons and paroles, who shall refer the report and recommendation to a senior staff member to determine whether the applicant has met the qualifications set out in subsection (a).

(e) Upon the senior staff member's completion of his or her review of the report and recommendation and a determination that all eligibility requirements of subsection (a) have been met, he or she shall file a report with the executive director of the board of pardons and paroles stating whether or not all of the criteria for obtaining a Certificate of Eligibility to Register to Vote have been met. Within forty-five days of the date of the initial application for a certificate under this section, the executive director shall make the reports and recommendations available to the members of the board for review and if, within five days, no objection is made by a board member on the basis that the criteria set out in subsection (a) have not been met, the executive director shall issue a Certificate of Eligibility to Register to Vote to the applicant; provided, however, that the forty-five day requirement in this sentence shall not apply for the first 90 days following the effective date of this Act. Upon determination by the senior staff member that any of the criteria have not been met, the applicant shall be notified of the reasons the Certificate of Eligibility to Register to Vote will not be issued and that upon satisfaction of all outstanding requirements, a new request may be submitted by the applicant.

(f) In the event a board member objects to the issuance of a Certificate of Eligibility to Register to Vote on the basis that the criteria set out in subsection (a) have not been met, the matter shall be referred to the next hearing docket of the board, without regard to any other provision of law affecting the setting of a hearing date, for the board to determine whether the applicant has met the criteria established by subsection (a). In the event the board determines, by a majority vote, that the criteria have been met, the executive director shall forthwith issue a Certificate of Eligibility to Register to Vote to the applicant. Upon a determination by the board that the criteria have not been met, the applicant shall be notified of the reasons the Certificate of Eligibility to Register to Vote will not be issued, and that upon satisfaction of all outstanding requirements, a new application may be submitted by the applicant.

(g) A person who has lost his or her right to vote by reason of conviction in a state or federal court for any of the following will not be eligible to apply for a Certificate of Eligibility to Register to Vote under this section:

Impeachment, murder, rape in any degree, sodomy in any degree, sexual abuse in any degree, incest, sexual torture, enticing a child to enter a vehicle for immoral purposes, soliciting a child by computer, production of obscene matter involving a minor, production of obscene matter, parents or guardians permitting children to engage in obscene matter, possession of obscene matter, possession with intent to distribute child pornography, or treason.

(h) This section shall not affect the right of any person to apply to the board for a pardon with restoration of voting rights pursuant to Section 15-22-36, Code of Alabama 1975.”

**RESTORE YOUR RIGHT TO VOTE IN**

**ALASKA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN ALASKA?**

Felonies involving moral turpitude. This includes those crimes which are immoral or wrong in and of themselves, such as but not limited to:

- murder,
- sexual assault,
- robbery,
- burglary, and
- theft.

(For a more complete list of disqualifying felonies, see Alaska Statute Sec. 15.60.010(7).)

**CAN I VOTE WHILE I'M *INCARCERATED* ?**

No.

**CAN I VOTE WHILE I'M ON *PROBATION*?**

Yes.

**CAN I VOTE WHILE I'M ON *PAROLE* ?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Upon your discharge, the discharging agent will provide to you a Notification of Restoration of Right to Register to Vote or will mail this Notification to your address of record. A copy of the Notification will also be mailed to the Director of the Division of Elections and a copy will be placed in your permanent case record.

**WHAT IF I DO NOT RECEIVE A NOTIFICATION UPON COMPLETION OF MY SENTENCE?**

If you do not receive your Notification at the time of your discharge or in the mail, you should contact the Department of Corrections at either of the following addresses:

Department of Corrections  
Juneau Central Office  
802 3rd Street  
Douglas, Alaska 99824  
(907)465-3342

Department of Corrections  
Anchorage Central Office  
4500 Diplomacy Drive Suite 109  
Anchorage, Alaska 99508-5927  
(907)269-7350

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, however, once your right to vote is restored upon completion of your sentence, you must register to vote.

#### **HOW DO I REGISTER TO VOTE?**

The Director of the Division of Elections should have received a copy of your Notification of Restoration of Right to Register to Vote. However, you should retain your copy of the Notification to provide with your registration application.

If you have not previously registered to vote in Alaska and you are submitting your registration application by mail, you must provide a copy of ONE of the following:

- Driver's License
- State Identification Card
- Birth Certificate
- Passport
- Hunting and Fishing License

In addition, you should provide 1) your birth date and 2) your social security number or at least the last four digits of your social security number.

#### **When do I need to register to vote?**

You must register to vote at least **30 days** before an election. If you mail your voter registration application, it must be postmarked at least 30 days before the election in which you intend to vote.

#### **Where do I go to register to vote?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your Regional Elections Office.

You may register in person, by fax, by mail or online. A registration form can be obtained at: <http://www.gov.state.ak.us/ltegov/elections/>

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the following individuals or organizations:**

Director's Office  
Division of Elections  
240 Main Street, 4th Floor  
Juneau, AK 99801  
Phone (907) 465-4611  
Fax (907) 465-3203  
TTY (907) 465-3020

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
**(800) 253-3931(toll-free)**  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600

(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Alaska?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>4,900</b>	<b>1.2%</b>	<b>500</b>	<b>6.3%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/>.

#### **What are the demographics of Alaska?**

White	69.3%
Black	3.5%
American Indian/Alaska Native	15.6%
Asian	4.0%
Native Hawaiian/Other Pacific Islander	0.5%
Hispanic/Latino	4.1%
Other	1.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Alaska Constitution Article V, Section 2. Disqualifications.**

No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

"felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery,

receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, promoting prostitution, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography. Alaska Statutes Sec. 15.60.010(7).

**Alaska Statutes Section 15.05.030. Loss and restoration of voting rights.**

(a) 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.

(b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures.

**Alaska Statutes Section 15.07.135. Cancellation of registration of convicted persons.**

(a) The director shall make reasonable efforts to obtain the names of persons convicted of a felony involving moral turpitude. Promptly after receipt of evidence satisfactory to the director that a person has been convicted of a felony involving moral turpitude, the director shall cancel the registration of the person.

(b) Upon presenting proof that a person whose registration was canceled under (a) of this section has been unconditionally discharged from custody, the person may register. The director shall make reasonable efforts to verify the unconditional discharge of persons applying for registration under this subsection.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **ARIZONA**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

You will lose the right to vote if you have been convicted of a felony that has not been reversed or set aside.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, but only if you do not apply to have your civil rights restored or if your application is denied.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

If you have been convicted of only one felony, then your right to vote is automatically restored upon completion of your sentence and the payment of any fines.

After a second felony conviction, if you served a sentence of probation, you must first obtain an affidavit of discharge from the judge who discharged you at the end of your term of probation. You must go to the court where the judge sits and request from the court an affidavit of discharge from the judge who discharged you. You must file this affidavit with an application to have your rights restored with the clerk of the superior court in the county where you live.

If you served a prison sentence, you must wait two years from the date you are released to have your civil rights restored. You must obtain a Certificate of Absolute Discharge from the federal bureau of prisons. Write to the Offender Services Bureau at 1601 West Jefferson Street, Phoenix, AZ, 85007.

In the letter include,

- A statement that you requesting your Certificate of Absolute Discharge,
- your name,
- address,
- telephone number,
- DOC prison number,
- your signature.

If you have any questions, you can call the Offender Services Bureau at (602) 542-5478. If you have satisfactorily completed your sentence and parole, and paid any restitution you owe, then you should receive in the mail, within ten days of your application, your Certificate of Absolute Discharge with a cover letter explaining the process of how to restore your civil rights. You must then file an application for the restoration of your civil rights, attaching the Certificate of Absolute Discharge, with the clerk of the superior court in the county where you live. A list telephone numbers and addresses of all the county superior court clerks is located at the back of this document.

#### **WHEN DO I REGISTER TO VOTE?**

If you served a sentence of probation, then you can apply to have your rights restored as soon as you have completed your probation term.

If you served time in prison, you must wait two years from the date of your release to apply to have your rights restored.

You need to register to vote at least 29 days before an election to be eligible to vote in that election. If you mail-in your voter registration form, it must be postmarked at least 29 days before the election and be received by 7:00pm on the day of the election. You do not need to re-register before every election, once you are registered, your registration will not expire. You must only re-register if you move, change your name, or change your political party affiliation.

#### **WHERE DO I REGISTER TO VOTE?**

You can have a voter registration form mailed to you by calling 602-506-1511, T.D.D. 602-506-2348, or 1-877-THE-VOTE (1-877-843-8683).

You can obtain voter registration forms from:

- an elections office
- a City or Town Clerk's office
- a county recorder's office
- the department of motor vehicles
- a county library
- some banks
- some grocery stores
- some post offices

After completing the form, return it to the County Recorder's office.

You can also register online at <http://www.sos.state.az.us/election/voterregistration.htm>

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM Contact the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Office of the Arizona Secretary of  
State



Elections Division  
 Capitol Executive Tower  
 7th Floor  
 1700 West Washington Street  
 Phoenix, AZ 85007-2888  
 1-877-843-8683 (toll free)  
 (602) 542-8683 (voice)  
 (602) 542-6172 (fax)  
[elections@sos.state.az.us](mailto:elections@sos.state.az.us) (e-mail)

Arizona Department of Corrections  
 Offender Services Bureau  
 1601 West Jefferson Street  
 Phoenix, AZ 85007  
 (602) 542-5478

Arizona Civil Liberties Union  
 Eleanor Eisenberg  
 P.O. Box 17148  
 Phoenix, AZ 85011-0148  
 Phone: 602-650-1967  
[www.azclu.org](http://www.azclu.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Arizona?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>74,600</b>	<b>2.3%</b>	<b>6,600</b>	<b>12.1%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/>.

**What are the demographics of Arizona?**

White	75.5%
Black	3.1%
American Indian/Alaskan Native	5.0%
Asian	1.8%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	25.3%
Other	11.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Arizona Constitution, Article 7, Section 2a:**

#### **Qualifications of voters; disqualification**

Section 2. A. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for the period of time preceding such election as prescribed by law, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.

B. The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the state, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

C. No person who is adjudicated an incapacitated person shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.

### **§16-165. Causes for cancellation**

A. The county recorder shall cancel a registration:

1. At the request of the person registered.
2. When the county recorder knows of the death of the person registered.
3. If the person has been adjudicated an incapacitated person as defined in section 14-5101.
4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside. The county recorder shall cancel the registration on receipt of notice of a felony conviction from the court or from the secretary of state or when reported by the elector on a signed juror questionnaire that is completed pursuant to section 21-314.

### **§ 13-905. Restoration of civil rights; persons completing probation**

A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction restored by the judge who discharges him at the end of the term of probation.

B. Upon proper application, a person who has been discharged from probation either prior to or after adoption of this chapter may have any civil rights which were lost or suspended by his felony conviction restored by the superior court judge by whom the person was sentenced or his successors in office from the county in which he was originally convicted. The clerk of such superior court shall have the responsibility for processing the application upon request of the person involved or his attorney. The superior court shall cause a copy of the application to be served upon the county attorney.

C. If the person was convicted of a dangerous offense under section 13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of a serious offense as defined in section 13-604 the person may not file for the restoration of his right to possess or carry a gun or firearm for ten years from the date of his discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or

firearm for two years from the date of his discharge from probation.

**§13-909 Restoration of civil rights; persons completing probation for federal offense**

- A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction in a United States district court restored by the presiding judge of the superior court in the county in which he now resides, upon filing of an affidavit of discharge from the judge who discharged him at the end of the term of probation.
- B. Upon proper application, a person who has been discharged from probation either prior to or after adoption of this chapter may have any civil rights which were lost or suspended by his felony conviction restored by an application filed with the clerk of the superior court in the county in which he now resides. The clerk of the superior court shall process the application upon request of the person involved or his attorney.

**§13-910 Applications by persons discharged from federal prison**

- A. Upon proper application, a person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment in a federal prison may have any civil rights which were lost or suspended by his conviction restored by the presiding judge of the superior court in the county in which he now resides.
- B. A person who is subject to the provisions of subsection A of this section may file, no sooner than two years from the date of his absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain such certificate. Such application shall be filed with the clerk of the superior court in the county in which the person now resides, and such clerk shall be responsible for processing applications for restoration of civil rights upon request of the person involved or his attorney.

**§13-911 Restoration of civil rights in the discretion of the presiding judge of the superior court**

The restoration of civil rights under provisions §§ 13-909 or 13-910 is within the discretion of the presiding judge of the superior court in the county in which the person resides.

**§13-912 Restoration of civil rights for first offenders; exception**

- A. Any person who has not previously been convicted of any other felony shall automatically be restored any civil rights that were lost or suspended by the conviction if the person both:
  - 1. Completes a term of probation or receives an absolute discharge from imprisonment.
  - 2. Pays any fine or restitution imposed.

**Arizona Department of Corrections, Department Order Manual, Order Number 1002.06, Section 1.3**

**1.3 Absolute Discharge**

1.3.1 The Board may grant an Absolute Discharge, pursuant to ARS 31-411 and 31-414, if an inmate has been certified Parole eligible.

1.3.1.1 If an Absolute Discharge is granted, it shall be effective on the parole eligibility date.

1.3.1.2 If an inmate is past the parole eligibility date, the Board shall specify the effective date of the Absolute Discharge.

1.3.1.3 The Offender Services Bureau shall complete a Certificate of Absolute Discharge, Form 1002-21P, and forward it to the Director for signature.

1.3.1.4 After the approving authority has signed the Certificate of Absolute Discharge, the Offender Services Bureau, Offender Information Unit Supervisor shall prepare a cover letter

advising the inmate of the process for restoration of civil rights, send the certificate and letter to the inmate and file a copy of the certificate in the inmate's Master Record File.

1.3.2 An Arizona parolee who has been on continuous supervision for a minimum of one year shall be eligible for consideration of an Absolute Discharge, in accordance with the Board procedures.

1.3.2.1 All Parolees may submit an application for an Absolute Discharge on their own behalf.

1.3.2.2 Upon the request by the Board, the Parole Officer shall verify information regarding the offender's compliance with the conditions of supervision and progress while under supervision. No recommendations shall be made. The information shall be submitted through the chain-of-command to the Assistant Director for Community Corrections for review.

1.3.2.3 The Assistant Director for Community Corrections or designee shall submit the report to the Board. The Board shall:

1.3.2.3.1 Have sole discretion to grant or deny an Absolute Discharge.

1.3.2.3.2 Notify the Community Corrections Division of the decision.

1.3.2.4 If an Absolute Discharge is granted, section 1002.06, 1.3.1.4 shall be followed.

1.3.3 A parolee may request a Certificate of Absolute Discharge upon completion of the sentence(s) imposed.

1.3.3.1 The Request for Absolute Discharge shall be in writing and may be requested by:

1.3.3.1.1 The parolee.

1.3.3.1.2 The parolee's parole officer.

1.3.3.1.3 The parolee's attorney.

1.3.3.2 The Offender Services Bureau Administrator shall ensure that a Certificate of Absolute Discharge is issued when requested by an eligible individual.

1.3.3.3 Upon receipt of the written Request for an Absolute Discharge, the Offender Services Bureau, Offender Information Unit Supervisor shall:

1.3.3.3.1 Verify that the sentence(s) have been completed.

1.3.3.3.2 If applicable, verify that court ordered restitution has been paid prior to the issuing the Absolute Discharge certificate, unless the offender is scheduled to begin a term of county probation.

1.3.3.3.3 Prepare a Certificate of Absolute Discharge, and a cover letter advising the parolee of the process for restoration of civil rights.

1.3.3.3.4 Send the certificate and letter to the requestor and file a copy in the Master Record File.

1.3.4 When an offender has a term of probation to serve, and if the offender's term of probation is equal to or exceeds the offender's SED, the Director shall issue the offender an absolute discharge on the offender's ERC. The Department shall not supervise the offender, nor is the offender under the control of the Department.

**RESTORE YOUR RIGHT TO VOTE IN**

**ARKANSAS**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights in Arkansas.

**CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

**CAN I VOTE WHILE I'M ON *PROBATION*?**

No.

**CAN I VOTE WHILE I'M ON *PAROLE*?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Arkansas, the right to vote is automatically restored upon your discharge.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Once you have completed your sentence you should take proof of your discharge to your local county clerk. Once your local county clerk has received this proof you are eligible to register to vote.

**WHAT IF I DO NOT RECEIVE PROOF OF MY DISCHARGE?**

If you do not have proof of your discharge, you should contact the Department of Correction at the address below:

P.O. Box 8707  
Pine Bluff, Arkansas 71611  
(870) 267-6999

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes.

**HOW DO I REGISTER TO VOTE?**

You should take proof of your discharge to your local county clerk. Once you have presented this proof to the county clerk you will be eligible to register to vote.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before an election. If you mail your voter registration application to the elections office, it must be postmarked at least 30 days before the election in which you intend to vote.

**WHERE DO I REGISTER TO VOTE?**

You may obtain a voter registration application at:

- state revenue offices,
- public assistance agencies,
- disabilities agencies,
- recruitment offices of the Armed Forces of the United States,
- public libraries, and
- offices of the Arkansas National Guard.

You may also obtain an application from the Secretary of State at:

Secretary of State -- Charlie Daniels  
Attn: Voter Registration  
P.O. Box 8111  
Little Rock, AR 72203-8111

An online application may also be obtained at:  
<http://www.sosweb.state.ar.us/elections/vote/vote.html>

You may return your application to a voter registration agency representative or your county clerk.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact the following individuals or organizations:**

Secretary of State  
State Capitol, Room 256  
Little Rock, Arkansas 72201  
(501) 682-1010  
1-800-247-3312  
[ElectionsEmail@sosmail.state.ar.us](mailto:ElectionsEmail@sosmail.state.ar.us)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
**(800) 253-3931(toll-free)**  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
**(888)299-5227 (toll free)**  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Arkansas?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
27,400	1.5%	10,700	9.2%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. [Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428) (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Arkansas?**

White	80.0%
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Black	15.7%
American Indian/Alaskan Native	0.7%
Asian	0.8%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	3.2%
Other	1.5%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Arkansas Constitution Article 3 Section 1**

Every citizen of the United States:

- of the age of twenty-one years,
- who has resided in the State twelve months,
- who has resided in the county six months, and in the precinct, town or ward one month, next preceding any election at which they may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the General Assembly.

#### **Arkansas Constitution Amendment 51, Section 11. Cancellation of registration.**

(a) It shall be the duty of the Permanent Registrar to cancel the registration of voters:

(1) Who have failed to respond to address confirmation mailings described in section 10 of this amendment and have not voted or appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the address confirmation notice;

(2) Who have changed their residence to an address outside the county;

(3) Who have died;

(4) Who have been convicted of felonies and have not discharged their sentence or been pardoned;

(5) Who are not lawfully qualified or registered electors of this state, or of the county; or

(6) Who have been adjudged mentally incompetent by a court of competent jurisdiction.

(b) It shall be the duty of the permanent registrar of each county upon the registration of a person who has been registered previously in another county or state to notify promptly the permanent registrar of such other county or state of the new registration.

(c) It shall be the duty of the state registrar of vital statistics to notify promptly the secretary of state of the death of all residents of this state.

(d) It shall be the duty of the circuit clerk of each county upon the conviction of any person of a felony to notify promptly the Permanent Registrar of the county of residence of such convicted felon.



**RESTORE YOUR RIGHT TO VOTE IN**

**CALIFORNIA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN CALIFORNIA?**

Any felony crime that results in a conviction and prison and/or parole.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

**I HAVE BEEN RELEASED FROM INCARCERATION AND COMPLETED ANY PAROLE. HOW DO I RESTORE MY RIGHT TO VOTE?**

As indicated above, the right to vote is immediately restored for felons residing in California upon completion of the sentence or period of parole. However, you must register to vote.

**WHAT IF MY CONVICTION WAS FOR A FEDERAL CRIME?**

The same rules apply for federal and state crimes.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, but you must register to vote.

**HOW DO I REGISTER TO VOTE?**

1. You can register in person.
2. You may call 1-800-345-VOTE (8683) and request a voter registration form.
3. You may complete an on-line form at <http://www.ss.ca.gov/votereg/OnlineVoterReg> and the Secretary of State will mail a typed registration form to you. After you receive the pre-typed form, just sign it and mail it to your county election official. The Secretary of State recommends that you use this service at least one month before election day to avoid missing your opportunity to vote due to postal delays.

Once you receive your form in the mail, which takes approximately 7 to 10 days, you must sign, date, and return it by mail to the county elections official on the return address side of the voter registration card. Please make sure all of the information is correct and drop it back in the mail. The state will pay for the postage.

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 15 days before an election.

**CAN I REGISTER AT THE POLLS ON ELECTION DAY?**

No.

**WHERE DO I GO TO REGISTER TO VOTE?**

A resident may register at any of the following locations:

- at any local election office in any city or town;
- at any registration event you encounter anywhere in California;
- at the Department of Motor Vehicles;
- most post offices and libraries have mail-in registration forms;
- a form can be sent to you if you call 1-800-345-VOTE; and
- through the Internet at [www.ss.ca.gov/elections/votereg1.html](http://www.ss.ca.gov/elections/votereg1.html).

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

California Secretary of State  
 Elections Division  
 1500 11<sup>th</sup> Street  
 Sacramento, California 95814  
 (916) 653-6814  
**(800) 345-VOTE (toll-free)**  
**(800) 345-8683 (voter fraud hotline)**

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (voice)  
**(800) 253-3931(toll-free)**  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers Committee for Civil Rights Under Law  
 1401 New York Avenue, NW  
 Suite 400  
 Washington, DC 20005  
 Tel: 202-662-8600  
**(888)299-5227 (toll free)**  
 Fax: 202-783-0857  
[www.lawyerscomm.org](http://www.lawyerscomm.org)  
 email: [kcoates@lawyerscomm.org](mailto:kcoates@lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in California?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>241,400</b>	<b>1.0%</b>	<b>69,500</b>	<b>8.7%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. [Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States](http://www.hrw.org/reports98/vote) (1998), at <http://www.hrw.org/reports98/vote>.

### What are the demographics of California?

White	59.5%
Black	6.7%
American Indian/Alaskan Native	1.0%
Asian	10.9%
Native Hawaiian/Other Pacific Islander	0.3%
Hispanic/Latino	32.4%
Other	16.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **California Elections Code § 2000. Qualifications to register and vote**

(a) Every person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of electors may vote at any election held within the territory within which he or she resides and the election is held.

(b) Any person who will be at least 18 years of age at the time of the next election is eligible to register and vote at that election.

#### **§ 2101**

A person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

## RESTORE YOUR RIGHT TO VOTE IN

### COLORADO

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN COLORADO?**

You can lose your right to vote if you are confined as a prisoner or serving any part of a sentence under mandate.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is restored automatically upon completion of a sentence of confinement, including any period of parole. In order to vote after you have completed your sentence and parole, you simply must register. If you were sentenced only to probation, your right to vote was not affected by your conviction, and you can immediately register to vote.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes. The right to vote is automatically restored upon completion of sentence and/or parole, but you must register to vote

#### **HOW DO I REGISTER TO VOTE?**

Complete a voter registration form found at all of the places listed below and on the internet at <http://www.sos.state.co.us/pubs/elections/main.htm>. To vote in Colorado, you must be a citizen of the United States, a resident of Colorado at least 29 days before the election, and 18 years or older on or before election day.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

To be eligible to vote in an upcoming election, you must register at least 29 days before the election.

#### **WHERE DO I GO TO REGISTER TO VOTE?**

Registration is available at many places in Colorado, including:

- most state agency offices;
- most public libraries;
- at any county clerk and recorder's office;
- through the Internet -- <http://www.sos.state.co.us/pubs/elections/main.htm>; and
- Registration may also be available at other state service agencies (Contact the county clerk and recorder's office near you to find out which service agencies provide voter registration).

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Colorado Secretary of State  
Elections Division  
1560 Broadway  
Suite 200

Denver, CO 80202-5169  
 (303)894-2200 ext. 6307  
 (303) 894-2680, press 1 (voice)  
 (303) 869-4861 (fax)  
 (303) 894-2389 (TDD)  
[www.sos.state.co.us/pubs/elections/main.htm](http://www.sos.state.co.us/pubs/elections/main.htm)

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (voice)  
 (800) 253-3931(toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers Committee for Civil Rights Under Law  
 1401 New York Avenue, NW  
 Suite 400  
 Washington, DC 20005  
 Tel: 202-662-8600  
 Fax: 202-783-0857  
 email: [kcoates@lawyerscomm.org](mailto:kcoates@lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Colorado?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>15,700</b>	<b>0.6%</b>	<b>3,500</b>	<b>6.1%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/>.

**What are the demographics of Colorado?**

White	82.8%
Black	3.8%
American Indian/Alaskan Native	1.0%
Asian	2.2%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	17.1%
Other	7.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Colo. Const. Art. VII, Section 10. Disfranchisement during imprisonment**

No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

### **Colorado Statutes § 1-2-606. Cancellation by reason of criminal conviction in federal court.**

(1) If an elector whose residence is in the state of Colorado is convicted of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the secretary of state of Colorado. The notice shall include:

- the name of the offender,
- the offender's age and residence address,
- the date of entry of the judgment,
- a description of the offenses of which the offender was convicted, and
- the sentence imposed by the court.

The United States attorney shall additionally give the secretary of state written notice of the vacation of the judgment if the conviction is overturned.

- (2) The secretary of state shall forward the information received pursuant to this section to the applicable county clerk and recorder of the county in which the offender resides.
- (3) The county clerk and recorder shall cancel the registration of the elector as of the date of receipt of the information from the secretary of state, and the registration shall remain canceled until the offender reregisters to vote.

Colorado Statutes Section 1-2-201. Registration required - deadline

- (1) No person shall be permitted to vote at any election without first having been registered within the time and in the manner required by the provisions of this part 2. No charge shall be made for registration.
- (2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark or be provided assistance to make such a mark by the county clerk and recorder or any other person authorized by the county clerk and recorder or the elector. The elector shall answer the questions required by section 1-2-204 and shall complete the self-affirmation required by section 1-2-205.
- (3) Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to vote if the elector is registered to vote no later than twenty-nine days before any primary, presidential, general, special legislative election, municipal, congressional vacancy, special district, or other election, and, if the twenty-ninth day before an election is a Saturday, Sunday, or legal holiday, then electors shall be permitted to register on the next day that is not a Saturday, Sunday, or legal holiday.

**RESTORE YOUR RIGHT TO VOTE IN**

**CONNECTICUT**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN CONNECTICUT?**

Any felony conviction will result in the loss of voting rights in Connecticut. If convicted of a felony after 1/1/02 and you are not committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, you do not lose your voting rights, and, if you are not a voter, you may register to vote like anyone else.

If convicted of a disfranchising felony after 1/1/02 (1) only persons committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence lose their voting rights (also, the following persons convicted of a felony after 1/1/02 lose their voting rights: (a) persons committed to confinement in a federal correctional institution or facility, (b) persons committed to the custody of the chief correctional official of any other state or a county of any other state for confinement in a correctional institution or facility or a community residence in such state or county.) (2) you may restore your voting rights

**CAN I VOTE WHILE I'M INCARCERATED ?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

Yes. However, if you were convicted of a felony and committed for confinement for a violation of Title 9 of Connecticut election statutes, electoral privileges cannot be restored until you are discharged from probation.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Connecticut, the right to vote is restored upon proof of completion of your sentence, parole or probation, and the payment of any fines.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

If convicted of a felony before 1/1/02, once you have completed your sentence of imprisonment and/or parole, you must present to the Registrar of Voters in the town where you live satisfactory proof from the Commissioner of Corrections that you have been released from confinement and/or parole or probation. Then, the Registrar will restore your voting rights. You must complete a voter registration card if the Registrar does not have one on file for you.

If you were never committed to the custody of Dept. of Correction for confinement in a correctional institution or facility or a community residence, you must present to the Registrar written or other satisfactory proof (from Judicial Dept.) that you were not committed to the custody of Dept. of Correction for confinement for your felony conviction.

If convicted of a disfranchising felony after 1/1/02 you may restore your voting rights by contacting the Registrars of Voters of the town where you live. You must present to the Registrar (Deputy or Assistant) written or other satisfactory proof (from Commissioner of Correction) that you have been released from confinement, and, if applicable, discharged from parole. Then, the Registrar restores your electoral privileges. You must complete a voter registration card if the Registrar does not have one on file for you.

If you were committed to a correctional facility of another state or federal facility, proof that fines have been paid is also required.

**WHAT IF I DO NOT RECEIVE PROOF OF MY RELEASE UPON COMPLETION OF MY SENTENCE?**

If you do not receive from the Commissioner of Corrections proof that you have been released from confinement or discharged from parole, you should contact the Department of Corrections at the address below:

Connecticut Department of Corrections  
24 Wolcott Hill Road  
Wethersfield, CT 06109  
(860) 962-7780 (tel)  
(860) 692-7783 (fax)

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

No. You must contact the Registrar of Voters in your town to have your rights restored.

**HOW DO I REGISTER TO VOTE?**

You must complete a voter registration card upon presentment of your proof of discharge to the Registrar of Voters in your town.

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 30 days before an election.

**WHERE DO I GO TO REGISTER TO VOTE?**

You must register with the Registrar of Voters in the town where you reside. Voter registration forms are available on the state website: <http://www.sots.state.ct.us/ElectionsDivision/Elecform.html>

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Connecticut Secretary of State  
Election Services Division  
30 Trinity Street  
P.O. Box 150470  
Hartford, Connecticut 06115  
Phone: 860-509-6100  
Fax: 860-509-6127  
E-Mail: [elections@po.state.ct.us](mailto:elections@po.state.ct.us)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)



**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Connecticut?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>42,200</b>	<b>1.7%</b>	<b>13,700</b>	<b>14.8%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/>

**What are the demographics of Connecticut?**

White	81.6%
Black	9.1%
American Indian/Alaskan Native	0.3%
Asian	2.4%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	9.4%
Other	4.3%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Connecticut Constitution Article 6, Section 3**

The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored

**Connecticut Statutes Section 9-14a. Electors in custody of state.**

Any person in the custody of the state being held at a community correctional center or a correctional institution, whose voting rights have not been denied, shall be deemed to be absent from the town or city of which he is an inhabitant for purposes of voting, notwithstanding that such center or institution may be situated within such town or city.

**Connecticut Statutes Section 9-45. Removal of convicted felons from registry list.**

(a) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons who, during the preceding calendar month, have been convicted in the Superior Court of any crime for which the privileges of an elector are forfeited. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their conviction and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the towns in which such convicted persons resided at the time of their conviction and to the registrars of any towns where the secretary believes such persons may be electors. The registrars of such towns shall compare the same with the list of electors upon their registry lists and, after written notice mailed by certified mail to each of the persons named at his last-known place of address, shall erase such names from the registry lists in their respective towns or voting districts.

(b) Any person who procures himself or another to be registered after having been disfranchised by

reason of conviction of crime and committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, and any person who votes at any election after having forfeited his privileges by reason of conviction of crime, shall be fined not more than five hundred dollars and imprisoned not more than one year.

**Connecticut Statutes Section 9-46. Forfeiture of electoral rights.**

(a) A person shall forfeit his right to become an elector and his privileges as an elector upon conviction of a felony and committal to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, committal to confinement in a federal correctional institution or facility, or committal to the custody of the chief correctional official of any other state or a county of any other state for confinement in a correctional institution or facility or a community residence in such state or county..

(b) No person who has forfeited and not regained his privileges as an elector, as provided in section 9-46a, may be a candidate for or hold public office.

**Connecticut Statutes Section 9-46a. Restoration of electoral privileges.**

(a) A person who has been convicted of a felony . . . shall have his electoral privileges restored upon submission of written or other satisfactory proof to the admitting official before whom he presents his qualifications to be admitted as an elector, that all fines in conjunction with the conviction have been paid and that such person has been discharged from confinement, and, if applicable, parole.

(b) Upon the release from confinement in a correctional institution or facility or a community residence of a person who has been convicted of a felony and committed to the custody of the Commissioner of Correction and, if applicable, the discharge of such person from parole, (1) the person shall have the right to become an elector, (2) the Commissioner of Correction shall give the person a document certifying that the person has been released from such confinement and, if applicable, has been discharged from parole, (3) if the person was an elector at the time of such felony conviction and, after such release and any such discharge, is residing in the same municipality in which the person resided at the time of such felony conviction, the person's electoral privileges shall be restored upon submitting to an admitting official such document or other satisfactory proof that the person has been released from such confinement and, if applicable, discharged from parole, and (4) if the person was an elector at the time of such felony conviction and, after such release and any such discharge, is residing in a different municipality or if the person was not an elector at the time of such felony conviction, the person's electoral privileges shall be restored or granted upon submitting to an admitting official (A) satisfactory proof of the person's qualifications to be admitted as an elector, and (B) such document or other satisfactory proof that the person has been released from confinement and, if applicable, discharged from parole. The provisions of subdivisions (1) to (4), inclusive, of this subsection shall not apply to any person convicted of a felony for a violation of any provision of this title until such person has been discharged from any parole or probation for such felony.

(c) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) or (b) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of such person's conviction that such person's electoral rights have been so restored.

(d) The Commissioner of Correction shall establish procedures to inform those persons who have been convicted of a felony and committed to the custody of said commissioner for confinement in a correctional institution or facility or a community residence, and are eligible to have their electoral privileges restored or granted pursuant to subsection (b) of this section, of the right and procedures to have such privileges restored. The Office of Adult Probation shall, within available appropriations, inform such persons who are on probation on January 1, 2002, of their right to become electors and procedures to have their electoral privileges restored, which shall be in accordance with subsections (b) and (c) of this section.

(e) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons convicted of a felony and committed to the custody of said commissioner and who, during the preceding calendar month, have been released from confinement in a correctional institution or facility or a community residence and, if applicable, discharged from parole. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their convictions and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the municipalities in which such convicted persons resided at the time

of their convictions and to the registrars of any municipalities where the secretary believes such persons may be electors.

**RESTORE YOUR RIGHT TO VOTE IN**

**DELAWARE**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN DELAWARE?**

A person convicted of a crime that is considered a felony cannot vote in Delaware. A “felony” is typically any offense punishable by death or imprisonment for a term exceeding one year.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes. 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.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is restored when you are pardoned or 5 years have elapsed since the expiration of your sentence. Expiration of sentence includes completion of imprisonment, probation and parole, and satisfaction of all financial obligations required by the sentence. The right to vote can also be restored through pardon.

**WHEN AM I ELIGIBLE TO APPLY FOR A PARDON?**

Although there is no statutorily required waiting period, the Board of Pardons typically requires a 3-5 year waiting period – with demonstrated good behavior – before being eligible for a pardon.

**HOW DO I APPLY FOR A PARDON?**

There is no official application form, but you may prepare a petition for pardon, using the following steps.

**WHAT INFORMATION SHOULD I INCLUDE IN MY REQUEST FOR A PARDON?**

1. A copy of your Criminal History. This can be obtained from either the Delaware State Police troop in your area or the State Bureau of Identification:

State Bureau of Identification  
Division of State Police  
1407 N. DuPont Highway  
Dover, DE 19901

Ensure that *all* criminal convictions are included in your application for pardon.

2. A certified copy of your court docket and the sentencing order for each guilty charge on your record. This can be obtained by contacting the court where you were sentenced. The court will need to know your arrest date in order to locate your docket.
3. A Board of Pardons Cover Sheet (obtained from the Board of Pardons).
4. A statement indicating your reasons for applying and why you believe you should be considered for a pardon.

5. A short history of the case on the same page as number 4. This should explain in detail what happened, who was involved, where the offense happened, etc.
6. A statement of all pending procedures. If any federal or state cases are pending, you must state the nature of those cases and the courts that are involved. If no cases are pending, you should state: "I have no proceedings pending." This statement should follow the history of the case, number 5.
7. Letters of character reference may be submitted.
8. Once you have secured the date, time and place for your meeting, send notices to the Chief of Police for the city or county where you were arrested; the judge who presided at your sentencing hearing, the Attorney General, and the Superintendent, Department of Public Safety, Division of State Police:

The Attorney General of Delaware  
820 N. French Street  
Wilmington, DE 19801

The Superintendent, Department of Public Safety  
Division of State Police  
P.O. Box 430  
Dover, DE 19903

The notices should include the tentative date, time and place of the meeting, the offenses and date(s) of arrest, your date of birth and the reasons why you are applying for pardon.

The notices should be mailed via certified mail at least 30 days before the hearing date. Include one copy of each notice and the paid certified mail receipts with your petition.

9. Photocopy and submit an original and five (5) copies of items 1-7 to the Secretary of State's Office:

Secretary of State's Office  
401 Federal Street, Suit 3  
Dover, DE 19901

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

Yes. Thirty (30) days notice must be given to the following people before your right to vote can be restored: the Chief of Police for the city or county where you were arrested; the judge who presided at your sentencing hearing, the Attorney General and the Superintendent, Department of Public Safety, Division of State Police.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION/PETITION FOR A PARDON?**

Once a petition is submitted to the Board of Pardons you will be scheduled for a hearing. The Board acts as a screening panel and will determine which petitions will be sent to the Governor. Once a petition is sent to the Governor, he or she will make a decision based on that petition and you will be notified by mail of the Governor's decision.

**IF I RECEIVE A PARDON, WILL RECORDS OF MY CONVICTION BE DESTROYED?**

No. In Delaware, an expungement of your records can only take place if you have been acquitted or a nolle prosequi is taken or the charges are otherwise dismissed.

**ONCE I RECEIVE A PARDON, HOW DO I REGISTER TO VOTE?**

You will need to take your notice of pardon with you to any of the voter registration sites in Delaware.

**IS THERE ANYONE I CAN CALL AT THE BOARD OF PARDONS FOR HELP WITH MY PARDON APPLICATION/PETITION?**

If you have questions about the pardon process, you can reach the Board of Pardons assistant at (302) 739-4111.

**WHEN DO I NEED TO REGISTER TO VOTE?**

Registration is available year-round in Delaware. To be eligible to vote in an upcoming election, you must register at least 30 days prior to the election.

**WHERE DO I REGISTER TO VOTE?**

Registration is available at many places in Delaware, including:

- Department of Elections (by phone, mail or in person)
- Division of Motor Vehicles
- Department of Health and Human Services
- Other State Service Agencies – contact your County Department of Elections office to find out which service agencies provide voter registration.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

State Commissioner of Elections Office  
32 West Loockerman Square  
Suite M-101  
Dover, DE 19904  
(302) 739-4277  
(302) 739-6794 (fax)  
[www.state.de.us/election](http://www.state.de.us/election)

US Department of Justice, Civil Rights Division  
950 Pennsylvania Avenue, NW  
Voting Section, Room 7524 – NWB  
Washington, D.C. 20530  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961  
[www.usdog.gov/crt](http://www.usdog.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, D.C. 20005  
(202) 662-8600  
**(888) 299-5227 (toll free)**  
(202) 783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Delaware?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>20,500</b>	<b>3.7%</b>	<b>8,700</b>	<b>20.0%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

### **What are the demographics of Delaware?**

White	74.6%
Black	19.2%
American Indian/Alaskan Native	0.3%
Asian	2.1%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	4.8%
Other	2.0%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Delaware Constitution, Art. V, §2: Qualifications for voting; members of the Armed Services of the United States stationed within State; persons disqualified; forfeiture of right.**

Every citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he or she may offer to vote, and in which he or she shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he or she shall at the time be a resident, and in which he or she shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people; provided, however, that no person who shall attain the age of twenty-one years after the first day of January in the year of our Lord, nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he or she shall be able to read this Constitution in the English language and write his or her name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith; and provided also, that no person in the military, naval or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no person adjudged mentally incompetent or person convicted of a crime deemed by law a felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime. Any person who is disqualified as a voter because of a conviction of a crime deemed by law a felony shall have such disqualification removed upon being pardoned, or five years after the expiration of the sentence, whichever may first occur. The term "sentence" as used in this Section shall include all periods of modification of a sentence, such as, but not limited to, probation, parole and suspension. The provision of this paragraph shall not apply to (1) those persons who were convicted of any felony of murder or manslaughter, (except vehicular homicide); or (2) those persons who were convicted of any felony constituting an offense against public administration involving bribery or improper influence or abuse of office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia; or (3) those persons who were convicted of any felony constituting a sexual offense, or any like offense under the laws of any state or local jurisdiction or of the United States or of the District of Columbia.

### **Delaware Statutes, § 15-44-4401. Registration Qualifications**

The department in each of the 3 counties of this State shall permit registration by:

- (1) Any citizen of this State who shall have changed his or her residence from 1 county, hundred, or election district to another located within the State, but who has not resided therein for a sufficient time so as to be otherwise eligible to register from his or her new place of residence; provided that such citizen would have been eligible to register within this State had such citizen not moved; and provided that such citizen is not entitled to vote in any other place; and provided further that such citizen would be otherwise qualified to register under the Constitution of this State.
- (2) Any citizen of the United States who is a bona fide resident of this State as of the day of final registration next preceding a presidential election and provided that such citizen is not entitled to vote in any other state.

### **§ 15-61-6102. Definitions**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

(1) "Commissioner of Elections" shall mean the State Election Commissioner or the Commissioner's designee.

(2) "Disqualifying felony" shall mean that type of felony set forth in § 2,

Article V of the Constitution of this State which permanently disqualifies any person convicted of such felony from voting.



(3) "Financial obligations" includes such fees, fines, costs and restitution which a felony offender may be required to pay as part of the criminal sanctions imposed upon such offender.

(4) "Full discharge" or "fully discharged" shall mean that a person convicted of a criminal offense has served the required sentence of imprisonment, parole, work release, early release, supervised custody, probation and community supervision, and has also paid all financial obligations required by the sentence. (b) For the purposes of § 2 of Article V of the Constitution of this State and for the purposes of this chapter, no sentence shall be deemed to be expired until a person convicted of a criminal offense has served the required sentence of imprisonment, parole, work release, early release, or supervised custody and community supervision and has also paid all financial obligations and restitution required by the sentence.

**§ 15-61-6103 Application for registration: felony conviction reviews.**

- (a) The county department of elections shall not register any applicant as a qualified voter until it has been determined that such applicant is lawfully eligible to vote. The county department shall, for each registration application, perform an electronic inquiry against the Criminal Justice Information System (CJIS) and other data to determine if the applicant has been convicted of a felony. If the applicant has not been convicted of a felony and is otherwise eligible to register to vote pursuant to the Delaware Constitution and this title, the applicant shall be registered.
- (b) If a review by the county department of elections shows that the applicant has been convicted of a disqualifying felony, the registration application shall be denied and the applicant shall not be permitted to register.
- (c) If the applicant has been convicted of a felony which is not disqualifying by the felony conviction occurred within 5 years preceding the date of the application, then the registration application shall be denied.
- (d) If the results of the (CJIS) inquiry cannot determine the eligibility of the applicant, the respective county department of elections shall forward the application to the Commissioner of Elections.

**§ 6104. Commissioner's review of application.**

- (a) If the applicant has not been convicted of a felony within the 5 years preceding the date of the application, the Commissioner of Elections shall request that both the Office of State Court Collections Enforcement (OSCCE) and the Department of Correction separately conduct a review and data search of all records relating to the applicant.
- (b) Upon request by the Commissioner of Elections, the OSCCE shall review its records to determine if the applicant has paid all financial obligations assessed against such applicant. Upon request by the Commissioner of Elections, the Department of Correction shall review its records to determine if all sentences of imprisonment and community supervision imposed upon the applicant have been fully discharged.
- (c) Where it has been determined that the applicant was convicted of a felony which is not disqualifying, has fully discharged all imposed sentences, and otherwise meets all constitutional requirements, the applicant shall be permitted to register as a qualified voter. Each stage of the review process shall be completed within a reasonable time.
- (d) Where the Commissioner of Elections determines from information received from OSCCE or from the Department of Correction that there are financial obligations which have not been paid; or that not all sentences have been fully discharged; or that other questions or issues relating to the applicant's eligibility are still unresolved, the Commissioner shall deny the application for registration. Upon denial of an application under this section, the applicant shall be notified by mail.

**RESTORE YOUR RIGHT TO VOTE IN**

**DISTRICT OF COLUMBIA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

You lose your right to vote in DC for any felony conviction.

**CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

**CAN I VOTE WHILE I'M ON *PROBATION*?**

Yes.

**CAN I VOTE WHILE I'M ON *PAROLE*?**

Yes.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored as soon as you are released from prison. You must simply register to vote.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes.

**HOW DO I REGISTER TO VOTE?**

You may pick up a mail-in voter registration form at any:

- D.C. public library
- fire station
- police station
- Bureau of Motor Vehicle Services

You may also download a voter registration form at [http://www.dcooe.org/serv/Download\\_index.shtm](http://www.dcooe.org/serv/Download_index.shtm)

After completing the form, mail it into the address listed on the form.

You may also register at the Department of Motor Vehicles while applying for a Driver's License.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election. If you mail in your registration form, it must be postmarked at least 30 days before the election.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931(toll-free)

(202) 307-3961 (fax)  
www.usdoj.gov/crt

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

D.C. Board of Elections and Ethics  
441 4<sup>th</sup> St. NW, Suite 250N  
Washington, DC 20001  
(202) 727-2525

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in District of Columbia?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>8700</b>	<b>2.0%</b>	<b>8,100</b>	<b>7.2%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of District of Columbia?**

White	30.8%
Black	60.0%
American Indian/Alaskan Native	0.3%
Asian	2.7%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	7.9%
Other	3.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **DC Code §3-500.1**

No person shall be registered to vote in the District of Columbia unless the following occurs:

- (a) He or she meets the qualifications as a qualified elector as defined by D.C. Code §1-1302(2) (1992 Repl. Vol.);
- (b) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved by the Board or by the Federal Election Commission attesting that he or she meets the requirements as a qualified elector; and
- (c) The Board approves his or her registration application as provided in D.C. Code §1-1311(e)(1) (1992 Repl. Vol.).

500.2 For purposes of this section, the term "qualified elector" means a citizen of the United States:

- (a) Who resides or is domiciled in the District and who does not claim voting residence or the right to **vote** in any other state or territory;
- (b) Who is, or will be, eighteen (18) years old by the date of the next election; and
- (c) Who has not been adjudged mentally incompetent by a court of competent jurisdiction.

### **§3-500.3**

Any person in the District of Columbia who meets the requirements of §500.2 but has been convicted of a crime in the United States which is a felony in the District of Columbia, may be a qualified elector, if not incarcerated.

### **§3-517.1**

The grounds for cancellation of registration by the Board shall be the following:

- (a) Death of the voter;
- (b) Change in residence from the District of Columbia;
- (c) Signed authorization from a voter, or written notification from the voter that he or she is not a qualified elector;
- (d) Incarceration following a felony conviction;
- (e) Successful challenge to voter registration;
- (f) Falsification of information on the voter's Mail Registration Application;
- (g) Declaration of mental incompetence by a court of competent jurisdiction; and
- (h) In the case of a registrant whose registration is deemed inactive, failure to provide the Board with a current residence address in the District, in writing, or failure to vote in any election in accordance with D.C. Code §1-1311(i)(4)(B) by not later than the day after the date of the second general election for federal office that occurs after the date of the notice;

**RESTORE YOUR RIGHT TO VOTE IN**

**FLORIDA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN FLORIDA?**

Any felony conviction will result in the loss of voting rights in Florida.

**CAN I VOTE WHILE I'M INCARCERATED**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, unless you apply for and are granted clemency from the Florida Clemency Board.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

The Clemency Board, comprised of the Governor and the members of the Cabinet, has the exclusive power to restore civil rights, and all applications for re-enfranchisement must be made to this board. The right to vote may be regained in two ways, both of which can be granted by the concurrence of the Governor and three Cabinet members: you can apply for a full or conditional pardon, or you can apply for restoration of your civil rights. A pardon signifies forgiveness of all Florida convictions and restores all the rights of citizenship. Restoration of civil rights restores all rights of citizenship except the right to own, possess, or use firearms.

It appears easier to obtain a restoration of civil rights than a pardon. If you are interested primarily in regaining your right to vote, you should submit an application for restoration of civil rights.

**WHEN AM I ELIGIBLE TO APPLY FOR CLEMENCY?**

You are eligible for a pardon or restoration of civil rights after you have completed all sentences and conditions of supervision, including probation and parole. You must have no outstanding detainers or warrants and no pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction. You must have paid all victim restitutions. You must be a legal resident of the state of Florida.

In the case of a pardon request, you must wait a period of 10 years after completing your sentence before applying.

If you do not meet these requirements (e.g., you are not able to pay all victim restitutions), you can apply for a waiver of the rules as long as two years have elapsed since you were first convicted. If you received a mandatory minimum sentence, you must serve at least one-third of the sentence before applying. Request for Waiver forms are available from the Office of Executive Clemency. After you submit the original, eight copies, and all supporting documentation, your request will be forwarded to the Clemency Board and the Florida Parole Commission. A waiver may be granted with the agreement of the Governor and one member of the Cabinet. If 90 days pass without the request being acted upon, it will be denied automatically. If you are granted a waiver, your application will be submitted to the Commission for a full investigation and placed on the agenda of the next meeting of the Clemency Board. The Clemency Board meets at least four times a year.

**HOW DO I APPLY FOR CLEMENCY?**

Write to the Office of Executive Clemency in Tallahassee and request an application for a pardon or restoration of civil rights.

Coordinator  
Office of Executive Clemency  
2601 Blairstone Road  
Building C, Room 229  
Tallahassee, FL 32399-2450  
(850) 488-2952  
(850) 488-0695 (fax)  
[www.state.fl.us/fpc/exclem.html](http://www.state.fl.us/fpc/exclem.html)

Applications can also be secured from your probation officer or online at <http://www.state.fl.us/fpc/clemencyapp.htm>.

You may be eligible to be granted restoration of civil rights without filing an application and without appearing for a hearing. Please see below for more information.

**WHAT INFORMATION SHOULD I INCLUDE IN MY APPLICATION FOR CLEMENCY?**

Your application for a pardon should include the following information:

1. Personal information: name convicted under, current name, date of birth, race and sex, social security number, driver's license number, prison or probation number, citizenship, and address;
2. Convictions information: court name and location, date convicted, date of sentence, date sentence completed; and
3. Your attorney's name, address, and telephone number

Your application for restoration of civil rights should include the same information, except the only information you need to provide about your conviction is the crime for which you were sentenced.

**IN ADDITION TO COMPLETING THE APPLICATION AND SUBMITTING IT TO THE CLEMENCY BOARD, WHAT ELSE DO I HAVE TO DO TO QUALIFY FOR A PARDON OR RESTORATION OF CIVIL RIGHTS?**

Along with the application, you must submit a certified copy of the charging instrument (indictment, information, or warrant with supporting affidavit) for each felony conviction you have. You may also include character references and letters of support from individuals such as friends, family members, and employers.

**IS THERE ANYONE I CAN CALL AT THE CLEMENCY BOARD FOR HELP WITH MY PARDON APPLICATION?**

If you have any questions about the pardon process or the status of your application for a pardon, you can reach the Clemency Board at 850-487-3865. You may also contact your probation or parole officer for guidance on the pardon process.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

No. Upon receiving your application, the Coordinator, an appointed official who arranges all hearings, will make reasonable attempts to notify the victims of record, the respective State Attorney's Office, the Office of Statewide Prosecutor, if applicable, and the Bureau of Advocacy and Grants in the Office of the Attorney General.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR CLEMENCY?**

If you are applying for restoration of civil rights, you may be granted clemency without having to file an application and without appearing for a hearing. To qualify for this process, you must have completed your sentence; have no outstanding detainers; not have received a pardon or restoration of civil rights in the past 10 years; not have been declared a Habitual Felony Offender, a Habitual Violent Felony Offender, a Three-time Violent Offender, a Violent Career Criminal, or a Prison Release Reoffender; and be a U.S. citizen and legal resident. Conviction for certain felonies may also disqualify you from this process. The Coordinator manages a list of people who qualify for this process. If you qualify, your name will automatically be forwarded to the Clemency Board, upon completion of your sentence, for a 20-day

review. If two or more members of the board object to restoration of civil rights during that period, you must submit an application and go through the longer process. If there are no objections, your rights will be restored automatically. Either way, you will be notified of the results after this process is complete.

Once you submit your application to the Coordinator of the Clemency Board, if it is complete and accurate, the Coordinator will place it on the agenda, which includes all cases that qualify for a hearing, for the board's next meeting. The Clemency Board meets four times a year, in the months of March, June, September, and December, but the Governor may call a meeting at any time.

Applications are typically referred to the Florida Parole Commission, which will conduct an investigation and issue a report and recommendation on the applicant to the Clemency Board. The Coordinator will then notify the applicant of the hearing date.

At your hearing, you will be allowed an opportunity to present your case before the three-member panel. Note that your attendance at the hearing is not mandatory, and failure to attend will not count against you. Notice of the hearing is provided to the appropriate authorities, as well as the victim. The victim will have an opportunity to oppose your request for clemency at the hearing. If you would like to make an oral presentation to the Clemency Board and/or have someone else speak on your behalf, you must notify the Office of Executive Clemency at least 10 days prior to the hearing. Any person who makes an oral presentation is limited to 5 minutes, and all oral presentations made in favor of your application are cumulatively limited to 10 minutes.

If you are granted clemency, the Clemency Board will issue an Executive Order and issue you a Certificate indicating that your civil rights have been restored. The Coordinator will mail you a copy and file a copy with the Secretary of State. You will also receive a letter informing you that your rights have been restored.

If your application is denied, you will receive a letter informing you that you have not been granted clemency. You must wait two years before applying again.

**IF I RECEIVE A PARDON, WILL RECORDS OF MY CONVICTION BE DESTROYED?**

No. Florida does not expunge records. The arrest and conviction will continue to appear on your criminal history record. You may request, however, that the pardon appear on your criminal record.

**ONCE I RECEIVE CLEMENCY, HOW DO I REGISTER TO VOTE?**

Once you receive clemency, you can register to vote by mail or in person. You may want to register in person at your county supervisor of elections' office, since you may be required to present your copy of the Certificate as proof that your rights have been restored.

**WHEN DO I NEED TO REGISTER TO VOTE?**

The registration books are closed on the 29th day before each election, so you must register to vote before then. If you mail your voter registration application to your county elections office, it must be postmarked earlier than 29 days prior to the election in which you intend to vote.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county elections office. You may register to vote in person or by mail. Registration applications may be found at the following locations:

- Local supervisor of elections' offices
- Division of Elections
- Driver's license offices
- Public libraries
- Any state agencies that provide public assistance or serve people with disabilities
- Military recruitment offices
- City Hall

You can also register to vote through mail-in registration forms provided by the Division of Elections. Registration forms can be secured online at <http://election.dos.state.fl.us/RegToVote/regform.shtml>.

**If you have questions or need assistance with your application contact the Department of Corrections, Office of Community Corrections at (850) 487-3865 or by e-mail at [co-supervision@mail.dc.state.fl.us](mailto:co-supervision@mail.dc.state.fl.us)**

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact the one of the following individuals or organizations:**

Coordinator  
Office of Executive Clemency  
2601 Blairstone Road  
Building C, Room 229  
Tallahassee, FL 32399-2450  
(850) 488-2952  
(850) 488-0695 (fax)  
[www.state.fl.us/fpc/exclem.html](http://www.state.fl.us/fpc/exclem.html)

Florida Department of State  
Division of Elections  
The Collins Building, Room 100  
107 West Gaines Street  
Tallahassee, FL 32399-0250  
(850) 245-6200  
(850) 245-6217 (fax)  
(850) 245-6218 (fax)  
[DivElections@dos.state.fl.us](mailto:DivElections@dos.state.fl.us)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel.)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Florida?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
647,100	5.9%	204,600	31.2%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised



Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of Florida?**

White	78.0%
Black	14.6
American Indian/Alaskan Native	0.3
Asian	1.7
Native Hawaiian/Other Pacific Islander	0.1
Hispanic/Latino	16.8
Other	3.0

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Florida Constitution, Article VI, § 2**

Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

**Florida Constitution, Article VI, § 4(a)**

No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

**Florida Statutes § 97.041(2)(b)**

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

**§ 940.01(1)**

Except in cases of treason and in cases when impeachment results in conviction, the Governor may, by executive order filed with the Secretary of State, suspend collection of fines and forfeitures, grant reprieves not exceeding 60 days, and, with the approval of two members of the Cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

**§ 940.03**

When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, or for pardon or restoration of civil rights, he or she shall request an application form from the Parole Commission in compliance with such rules regarding application for executive clemency as are adopted by the Governor with the approval of three members of the Cabinet. Such application may require the submission of a certified copy of the applicant's indictment or information, the judgment adjudicating the applicant to be guilty, and the sentence, if sentence has been imposed, and may also require the applicant to send a copy of the application to the judge and prosecuting attorney of the court in which the applicant was convicted, notifying them of the applicant's intent to apply for executive clemency. An application for executive clemency for a person who is sentenced to death must be filed within 1 year after

the date the Supreme Court issues a mandate on a direct appeal or the United States Supreme Court denies a petition for certiorari, whichever is later.

**§ 940.04**

In the event any applicant for executive clemency is required to supply a certified copy of the applicant's information, indictment, judgment, or sentence, said document shall be furnished by the clerk of court to the applicant free of charge and without delay.

**§ 940.05**

Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship enjoyed by him or her prior to conviction if the person has:

- (1) Received a full pardon from the board of pardons;
- (2) Served the maximum term of the sentence imposed upon him or her; or
- (3) Been granted his or her final release by the Parole Commission.

**§ 940.061**

The Department of Corrections shall inform and educate inmates and offenders on community supervision about the restoration of civil rights and assist eligible inmates and offenders on community supervision with the completion of the application for the restoration of civil rights.

**§ 98.0977(3)**

(d) When the supervisor of elections finds information through the database that suggests that a voter has been convicted of a felony and has not had his or her civil rights restored . . . the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to be registered to vote and shall request information from the voter on forms provided by the supervisor of elections. As an alternative, the voter may attend a hearing at a time and place specified in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls. After reviewing the information provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to be registered to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she has been removed from the voter registration rolls. The supervisor of elections shall remove from the voter registration rolls the name of any voter who fails either to respond within 30 days to the notice sent by certified mail or to attend the hearing.

(e) Upon hearing all evidence in a hearing, the supervisor of elections must determine whether there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(f) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration books or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **GEORGIA**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN GEORGIA?**

You lose your right to vote for any felony conviction.

#### **CAN I VOTE WHILE I'M INCARCERATED IN GEORGIA?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION IN GEORGIA?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE IN GEORGIA?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. The right to vote is automatically restored upon completion of your entire sentence of imprisonment, probation, fees tied to probation, or parole.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Once you've completed your sentence you can restore your voting rights by re-registering to vote.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes. However, once your right to vote is restored upon completion of your sentence, you must register to vote.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

You can register to vote at any time. The deadline to register for a given election is usually the fifth Monday prior to the date of the election. For a mail in application, your application must be postmarked by the fifth Monday prior to the election.

#### **WHERE DO I GO TO REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county election commission. You may register in person or by mail. Registration applications may be found at the following locations:

- County Registration Offices
- Driver's license station
- Public agencies providing assistance such as: WIC, DFCAS
- Public Libraries
- City Halls
- Agencies providing state-funded services to the disabled
- Military recruitment offices

You can also register to vote through mail-in registration forms provided by the Elections Division. Registration forms are available online at <http://www.sos.state.ga.us/elections/applications.htm>

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact the one of the following individuals or organizations:**

Office of the Secretary of State  
 Elections Division  
 1104 West Tower  
 2 Martin Luther King Jr. Drive SE  
 Atlanta, GA 30334  
 (404) 656-2871  
 (800) 551-8029 (TDD)

U.S. Department of Justice, Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
 Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202) 662-8600  
 (888) 299-5227 (toll free)  
 (202) 783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Georgia?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
134,800	2.5%	66,400	10.5%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of Georgia?**

White	65.1%
Black	28.7
American Indian/Alaskan Native	0.3
Asian	2.1
Native Hawaiian/Other Pacific Islander	0.1
Hispanic/Latino	5.3
Other	2.4

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Georgia Constitution, Article II, § 1**

Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.

No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.

### **Georgia Code § 21-2-216**

(a) No person shall vote in any primary or election held in this state unless such person shall be:

- (1) Registered as an elector in the manner prescribed by law;
- (2) A citizen of this state and of the United States;
- (3) At least 18 years of age;
- (4) A resident of this state and of the county or municipality in which he or she seeks to vote; and
- (5) Possessed of all other qualifications prescribed by law.

(b) In addition to the qualifications in subsection (a) of this Code section, no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence and no person who has been judicially determined to be mentally incompetent may register, remain registered, or vote unless the disability has been removed.

### **§ 21-2-231**

(a) The clerk of the superior court of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who were convicted of a felony involving moral turpitude during the preceding calendar month in the county.

(c) Upon receipt of the lists . . . the Secretary of State shall transmit the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who shall remove all such names from the list of electors and shall mail a notice of such action and the reason therefore to the last known address of such persons by first-class mail.

## RESTORE YOUR RIGHT TO VOTE IN

### HAWAII

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN HAWAII?**

Any felony conviction will result in the loss of voting rights in Hawaii.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes, if your execution of sentence was suspended or after you served time.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes, if your execution of sentence was suspended or after you served time.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Hawaii, the right to vote is automatically restored upon completion of your sentence of imprisonment.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

In Hawaii, the right to vote is automatically restored upon lawful release from incarceration regardless of whether the person has been placed on probation or parole or given a suspended sentence. In order to vote, you must simply register.

#### **WHAT IF MY CONVICTION WAS FOR A FEDERAL CRIME?**

Hawaii applies the same rules for state and federal convictions.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, however, once your right to vote is restored upon completion of your sentence, you must register to vote.

#### **HOW DO I REGISTER TO VOTE?**

You may register to vote by:

- completing a WikiWiki voter registration form and mailing it to your county elections office or by visiting the Office of the County Clerk where you reside and filling out the WikiWiki voter registration form.
- applying for your driver's license at the Department of Motor Vehicles. The Application for Motor Vehicle Driver's License also contains a Motor Voter Affidavit on Application for Voter Registration allowing you to apply for a driver's license and register to vote at the same time.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 30 days before an election. If you mail your voter registration application to the elections office, it must be postmarked at least 30 days before the election in which you intend to vote.

#### **WHERE DO I GO TO REGISTER TO VOTE?**

You may register to vote by obtaining and completing a **WikiWiki voter registration form** and submitting the form to your local county election commission. You may register in person or by mail. Registration forms are available at:

- County Clerk's offices
- City Hall
- State service agencies

WikiWiki voter registration applications may be found at the following locations:

- Verizon Hawaii Yellow Pages
- The Paradise Pages Oahu Telephone Directory
- All public libraries
- All U.S. Post Offices
- Office of the City/County Clerk
- Satellite City Hall locations
- Most State agencies
- Internet at [www.hawaii.gov/elections](http://www.hawaii.gov/elections)
- State of Hawaii Tax Booklet Insert

Registration forms can be secured online at [www.hawaii.gov/elections/voterreg.html](http://www.hawaii.gov/elections/voterreg.html).

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact the one of the following individuals or organizations:**

Office of Elections, State of Hawaii  
802 Lehua Ave.  
Pearl City, Hawaii 96782  
(808) 453-VOTE(8683)  
(800) 442-VOTE(8683) (toll-free)  
[elections@aloha.net](mailto:elections@aloha.net) (email)  
<http://www.hawaii.gov/elections>

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
**(888)299-5227 (toll free)**  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Hawaii?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>3,000</b>	<b>0.3%</b>	<b>100</b>	<b>0.9%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote,  
the Impact of Felony Disenfranchisement Laws in the United States (1998), at  
<http://www.hrw.org/reports98/vote/>.

### What are the demographics of Hawaii?

White	24.3%
Black	1.8%
American Indian/Alaskan Native	0.3%
Asian	41.6%
Native Hawaiian/Other Pacific Islander	9.4%
Hispanic/Latino	7.2%
Other	1.3%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

#### **Hawaii Constitution Article II, Section 2**

No person who is non compos mentis (mentally incompetent) shall be qualified to vote. No person convicted of a felony shall be qualified to vote except upon the person's final discharge or earlier as provided by law.

**Final Discharge Construed:** If a prisoner is given his final discharge by the board of paroles and pardons, his maximum term of imprisonment is correspondingly terminated, he would have completed the period of parole, and he would be eligible to vote, but in all other cases the maximum term of imprisonment remains, and the prisoner is finally discharged upon completion of that term (whether while on parole or not) and thereafter is eligible to vote. Op. Att'y Gen. No. 69-2 (1969).

#### **Hawaii Revised Statutes Section 831-2**

(a) A person sentenced for a felony, from the time of the person's sentence until the person's final discharge, may not:

- (1) Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or the defendant is paroled after commitment to imprisonment, the defendant may vote during the period of the suspension or parole; or
- (2) Become a candidate for or hold public office.

(b) A public office held at the time of conviction is forfeited as of the date of the conviction, if the conviction is in this State, or, if the conviction is in another state or in a federal court, as of the date a certification of the conviction from the trial court is filed in the office of the lieutenant governor who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed the defendant shall be restored to any public office forfeited under this chapter from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

For purposes of this section, "time of conviction" means the day upon which the person was found guilty of the charges by the trier of fact or determined to be guilty by the court.

(c) Subsections (a) and (b) of this section and any other laws to the contrary notwithstanding, any person convicted of any act, attempt, or conspiracy to overthrow the state or the federal government by force or violence shall not hold any public office or employment.



## RESTORE YOUR RIGHT TO VOTE IN

### IDAHO

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN IDAHO?**

Any felony conviction will result in the loss of voting rights in Idaho.

#### **CAN I VOTE WHILE I'M *INCARCERATED* ?**

No.

#### **CAN I VOTE WHILE I'M ON *PROBATION*?**

No.

#### **CAN I VOTE WHILE I'M ON *PAROLE*?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Idaho, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation and parole.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

In Idaho, the right to vote is automatically restored to a person convicted of an Idaho felony upon completion of your sentence of imprisonment, probation and parole. In order to vote, you must simply register.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, however, once your right to vote is restored upon completion of all aspects of your sentence, you must register to vote.

#### **HOW DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county election commission.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

You must register at least 25 days before an election. If you mail your voter registration application to the elections office, it must be postmarked at least 25 days before the election in which you intend to vote.

#### **WHERE DO I GO TO REGISTER TO VOTE?**

You may register by mail or in person at:

- County Clerk's offices
- Department of Transportation
- Many public service agencies
- Aid to families with dependent children (AFDC) offices
- Medicaid offices
- Food stamps offices
- Women, infants and children (WIC) benefits offices
- Agencies that provide services to people with disabilities

You can also register to vote in person at the polls on election day by providing proof of residence. Only the following documents showing your current address can be accepted to register at the polls on election day:

- A valid Idaho driver's license
- A valid Idaho identification card issued through the Department of Transportation

- Any document which contains a valid address in the precinct together with a photo identification card
- A valid student identification card from an Idaho college accompanied by a current student fee statement that contains the student's valid address, together with a photo identification card.

Voter registration forms can be secured online at:  
[http://www.idsos.state.id.us/elect/voterreg/vtr\\_reg\\_form.pdf](http://www.idsos.state.id.us/elect/voterreg/vtr_reg_form.pdf).

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
 Contact the one of the following individuals or organizations:**

Office of the Secretary of State  
 700 W Jefferson, Room 203  
 Boise ID 83720-0080  
 (208) 334-2300  
 (208) 334-2282 (fax)  
<http://www.idsos.state.id.us/>

U.S. Department of Justice, Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767  
 (800) 253-3931(toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
 Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Idaho?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>3,800</b>	<b>0.5%</b>	<b>100</b>	<b>2.7%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Idaho?**

White	91.0%
Black	0.4%
American Indian/Alaskan Native	1.4%

Asian	0.9%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	7.9%
Other	4.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Idaho Const., Article 6 Section 3. Disqualification of certain persons.**

No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense.

#### **Idaho Code Section 18-310.**

(1) A sentence of custody to the Idaho state board of correction suspends all the civil rights of the person so sentenced including the right to refuse treatment authorized by the sentencing court, and forfeits all public offices and all private trusts, authority or power during such imprisonment: provided that any such person may bring an action for damages or other relief in the courts of this state or have an action brought against such person; and provided further that any such person may lawfully exercise all civil rights that are not political during any period of parole or probation, except the right to ship, transport, possess or receive a firearm, and the right to refuse treatment authorized by the sentencing court.

(2) Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason or those offenses enumerated in paragraphs (a) through (jj) of this subsection the right to ship, transport, possess or receive a firearm shall not be restored. As used in this subsection, "final discharge" means satisfactory completion of imprisonment, probation and parole as the case may be.

- (a) aggravated assault (18-905, 18-915, Idaho Code);
- (b) aggravated battery (18-907, 18-915, Idaho Code);
- (c) assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (d) battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (e) burglary (18-1401, Idaho Code);
- (f) crime against nature (18-6605, Idaho Code);
- (g) domestic battery, felony (18-918, Idaho Code);
- (h) enticing of children, felony (18-1509, Idaho Code);
- (i) forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);
- (j) indecent exposure, felony (18-4116, Idaho Code);
- (k) injury to child, felony (18-1501, Idaho Code);
- (l) intimidating a witness, felony (18-2604, Idaho Code);
- (m) lewd conduct with a minor or child under sixteen (18-1508(3), (4), (5) and (6), Idaho Code);
- (n) sexual abuse of a child under sixteen (18-1506, Idaho Code);
- (o) sexual exploitation of a child (18-1507, Idaho Code);
- (p) felonious rescuing prisoners (18-2501, Idaho Code);
- (q) escape by one charged with, convicted of or on probation for a felony (18-2505, Idaho Code);
- (r) unlawful possession of a firearm (18-3316, Idaho Code);
- (s) degrees of murder (18-4003, Idaho Code);
- (t) voluntary manslaughter (18-4006(1), Idaho Code);
- (u) assault with intent to murder (18-4015, Idaho Code);
- (v) administering poison with intent to kill (18-4014, Idaho Code);

- (w) kidnapping (18-4501, Idaho Code);
- (x) mayhem (18-5001, Idaho Code);
- (y) rape (18-6101, Idaho Code);
- (z) male rape (18-6108, Idaho Code);
- (aa) robbery (18-6501, Idaho Code);
- (bb) ritualized abuse of a child (18-1506A, Idaho Code);
- (cc) cannibalism (18-5003, Idaho Code);
- (dd) felonious manufacture, delivery or possession with the intent to manufacture or deliver, or possession of a controlled or counterfeit substance (37-2732, Idaho Code);
- (ee) trafficking (37-2732B, Idaho Code);
- (ff) threats against state officials of the executive, legislative or judicial branch, felony (18-1353A, Idaho Code);
- (gg) unlawful discharge of a firearm at a dwelling house, occupied building, vehicle or mobile home (18-3317, Idaho Code);
- (hh) unlawful possession of destructive devices (18-3319, Idaho Code);
- (ii) unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (jj) attempt (18-306, Idaho Code), conspiracy (18-1701, Idaho Code), or solicitation (18-2001, Idaho Code), to commit any of the crimes described in paragraphs (a) through (ii) of this subsection.
- (kk) The provisions of this subsection shall apply only to those persons convicted of the enumerated felonies in paragraphs (a) through (jj) of this subsection on or after July 1, 1991. . . .

(3) A person not restored to the civil right to ship, transport, possess or receive a firearm may make application to the commission of pardons and parole to restore the civil right to ship, transport, possess or receive a firearm. The commission shall not accept any such application until five (5) years after the date of final discharge. The commission shall conduct the proceeding upon such application pursuant to rules adopted in accordance with the law. The commission shall not restore the right to ship, transport, possess or receive a firearm to any person convicted of murder in the first degree (18-4003, Idaho Code), murder in the second degree (18-4003, Idaho Code), or any felony enumerated in paragraphs (a) through (jj) of subsection (2), upon which the sentence was enhanced for the use of a firearm during the commission of said felony.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **ILLINOIS**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any crime for which you are sentenced to confinement will result in the loss of voting rights in Illinois as long as you are confined.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

In Illinois, the right to vote is automatically restored upon lawful release from incarceration. In order to vote, you must register to vote.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

No.

#### **WHEN DO I REGISTER TO VOTE?**

You must register at least 28 days before an election. Registration is available year round in Illinois, except during the 27 days before an election, and during the 2 days after an election.

#### **WHERE DO I REGISTER TO VOTE?**

Once you are released from incarceration, go to the County Clerk's office in which you reside to register to vote. You may register to vote by obtaining and completing a voter registration form and submitting the form to the Illinois State Board of Elections. You may register in person or by mail. If you register by mail, you must vote in person in your first election.

Registration applications may be found at the following locations:

- County Clerk's offices
- Board of Election's offices
- City and village offices
- Township offices
- Precinct Committeemen
- Some schools
- Some public libraries
- Some labor groups
- Some civic groups
- Some corporations
- Military recruitment offices

*Voter registration is also available when applying for services at the following:*

- Driver's License Facilities
- Department of Public Aid offices
- Department of Public Health offices
- Department of Mental Health & Developmental Disabilities offices
- Department of Rehabilitation Services offices

You will need to bring two pieces of identification with you, and one of them must include your current address.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Illinois State Board of Elections  
1020 South Spring Street  
Springfield, IL 62704  
(217) 782-4141 (voice)  
(217) 782- 1518 (TDD)  
<http://www.elections.state.il.us/voteinfo/pages/Register.htm>

Illinois State Board of Elections  
100 West Randolph, Suite 14-100  
Chicago, IL 60601  
(312) 814-6440 (voice)  
(312) 814-6431 (TDD)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Illinois?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>38,900</b>	<b>0.4%</b>	<b>24,100</b>	<b>4.5%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428)

**What are the demographics of Illinois?**

White	73.5%
Black	15.1%
American Indian/Alaskan Native	0.2%
Asian	3.4%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	12.3%
Other	5.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Illinois Compiled Statutes, § 10 ILCS 5/3-5**

No person who has been legally convicted, in this or another State or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any section of this Act and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement.

Confinement for purposes of this Section shall include any person convicted and imprisoned but granted a furlough as provided by Section 3-11-1 of the "Unified Code of Corrections", or admitted to a work release program as provided by Section 3-13-2 of the "Unified Code of Corrections". Confinement shall not include any person convicted and imprisoned but released on parole.

**Illinois Compiled Statutes, § 730 ILCS 5/5-5**

Loss and Restoration of Rights.

- (a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.
- (b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.
- (c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.
- (d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.
- (e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.



**RESTORE YOUR RIGHT TO VOTE IN**

**INDIANA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN INDIANA?**

You will lose your right to vote for any crime in which you are both convicted and incarcerated.

**CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

**CAN I VOTE WHILE I'M ON *PROBATION*?**

Yes.

**CAN I VOTE WHILE I'M ON *PAROLE*?**

Yes.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Indiana, the right to vote is automatically restored upon completion of your sentence of imprisonment.

**I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

After you are released, you must simply register to vote.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, however, once your right to vote is restored, you must register to vote.

**HOW DO I REGISTER TO VOTE?**

To register, you must be 18 years or older and have lived in the precinct in which you wish to vote for at least 30 days before registering.

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 29 days before an election or more than 2 days after an election. If you mail your voter registration application to the elections office, it must be postmarked at least 29 days before the election in which you intend to vote.

**WHERE DO I GO TO REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration at the following locations:

- Voters Registration Office
- Bureau of Motor Vehicles
- Public Library
- Township Trustees Offices.
- There are also registration forms available in your IRS tax booklets.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Indiana Office of the Secretary of State  
302 West Washington Street  
Room E-204  
Indianapolis, IN 46204  
Phone: 317.232.3939  
(800) 622-4941  
E-mail: [elections@iec.state.in.us](mailto:elections@iec.state.in.us)

[www.state.in.us/sos/electio](http://www.state.in.us/sos/electio)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Indiana?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>16,800</b>	<b>.4%</b>	<b>6,800</b>	<b>4.6%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/>.

**What are the demographics of Indiana?**

White	87.5%
Black	8.4%
American Indian/Alaskan Native	0.3%
Asian	1%
Native Hawaiian/Other Pacific Islander	*
Hispanic/Latino	3.5%
Other	1.6%

\*Value greater than zero but less than half unit of measure shown

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **§ 3-7-13-4. Disfranchisement of prisoners**

(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.

### **Indiana Code Section 3-7-13-5. Disfranchisement of prisoners; restoration of voting rights.**

A person described in section 4 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.

### **Indiana Code Section 3-7-13-6. Disfranchisement of prisoners; exceptions.**

(a) This section applies to a person who is:

- (1) otherwise qualified to register under this article; and
- (2) not imprisoned or subject to lawful detention.

(b) A person described in subsection (a) who is:

- (1) on probation;
- (2) on parole;
- (3) subject to home detention under IC 35-38-2.5; or
- (4) placed in a community corrections program under IC 35-38-2.6;

is eligible to register and to vote.

### **§ 3-7-13-8. Persons not required to register again.**

(a) This section applies to a voter:

- (1) who is a resident of a precinct; and
- (2) whose name appears on the registration record of a precinct.

(b) A person described in subsection (a) is not required to register again as long as:

- (1) the voter continues to reside at the same address at which the voter is registered;
- (2) the voter is not disfranchised according to law; and
- (3) the voter's registration is not canceled under this title.

### **§ 3-7-13-9. Persons required to register or request transfer of registration.**

During a registration period, only those voters whose names do not appear on the registration record of the precincts of a county must register or request a transfer of previous registration.

**RESTORE YOUR RIGHT TO VOTE IN**

**IOWA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN IOWA?**

You will lose your right to vote if you are convicted of a felony.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes. If you are convicted of a felony you must receive a pardon from the Governor to regain your right to vote.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

If you were convicted of a felony, then you must obtain a pardon or a restoration of your citizenship from the Governor in order to regain your right to vote. To apply, write to the Governor at the State Capitol, Des Moines, IA 50319, or telephone (515) 281-5211 or fax (515) 281-6611 for more information.

**WHEN AM I ELIGIBLE TO APPLY FOR A PARDON?**

A person convicted of a criminal offense has the right to make application to the Board of Parole for recommendation or to the Governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

**IN ADDITION TO COMPLETING THE PARDON APPLICATION AND SUBMITTING IT TO THE BOARD OF PARDONS AND PAROLES, WHAT ELSE MUST OCCUR BEFORE I QUALIFY FOR A PARDON?**

Before the Governor may grant a reprieve, pardon, or commutation to an offender convicted of a violent crime, the Governor shall notify a registered victim that the victim's offender has applied for a reprieve, pardon, or commutation. The Governor shall notify a registered victim regarding the application not less than forty-five days before issuing a decision on the application. The Governor shall inform the victim that the victim may submit a written opinion concerning the application.

Also, the county attorney may notify an offender being considered for a reprieve, pardon, or commutation of sentence of a victim's registration with the county attorney and the substance of any opinion submitted by the victim concerning the reprieve, pardon, or commutation of sentence.

**How do I apply for a pardon?**

A person convicted of a criminal offense must make an application to the Board of Parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship, including the right to vote.

Write to the Iowa Board of Pardons and request an application for a pardon for restoration of your civil rights.

Iowa Board of Pardons  
c/o Richard E. George, Executive director Board of Pardons  
Capitol Annex  
Des Moines, Iowa 50319

Or call (515) 281-4818

**WHAT INFORMATION SHOULD I INCLUDE IN MY REQUEST FOR A PARDON APPLICATION?**

1. Name convicted under.
2. True name.
3. Sex and race.
4. Date of birth.
5. Social Security Number.
6. Iowa prison number, if you have one.
7. Current physical address including county.
8. Current mailing address, if different.
9. Indicate whether the conviction was a State or Federal conviction.
10. Home telephone number.
11. Work telephone number.
12. List of charges, county you were convicted in, and year of conviction.
13. All information mitigating information that may be used by the Board of Pardons in a recommendation to the Governor to grant a pardon.

**WHAT TYPES OF INFORMATION DOES THE PARDON APPLICATION REQUIRE?**

The application seeks information about the crime for which you lost your right to vote, and other basic personal information, including employment history and a list of references.

**IS THERE ANYONE I CAN CALL AT THE BOARD OF PARDONS AND PAROLES FOR HELP WITH MY PARDON APPLICATION?**

Iowa Board of Pardons  
c/o Richard E. George, Executive director Board of Pardons  
Capitol Annex  
Des Moines, Iowa 50319

Or call (515) 281-4818

For more information contact:  
Office of the Secretary of State  
Voter Registration Commission  
Lucas State Office Building  
Des Moines, Iowa 50319

Or call (515) 281-5781; or your county auditor

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

Before the Governor can grant a reprieve, pardon, or commutation to an offender convicted of a violent crime, the Governor shall notify a registered victim that the victim's offender has applied for a reprieve, pardon, or commutation. The Governor shall notify a registered victim regarding the application not less than forty-five days before issuing a decision on the application. The Governor shall inform the victim that the victim may submit a written opinion concerning the application.

Also, the county attorney may notify an offender being considered for a reprieve, pardon, or commutation of sentence of a victim's registration with the county attorney and the substance of any opinion submitted by the victim concerning the reprieve, pardon, or commutation of sentence.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR A PARDON?**

Once you submit your pardon application to the Board of Pardons, it will be forwarded to a probation officer for investigation. This investigation may take some time to complete. The following matters will probably be investigated:

1. Have you committed any additional offenses since the disqualifying crime was committed? If so, your application may be denied.
2. What is your personal, social and employment history? Are you currently employed? Your references will be contacted, including current and former employers, current and former spouses, as well as friends and family members.
3. Have you paid all restitution and court fees? If you have any outstanding fees or fines, your pardon application may be denied.

Once the investigation is complete, the investigating probation officer will write a report recommending approval or denial of your pardon application. Also, a letter is sent to the victim requesting input on whether to grant or deny your pardon application. Finally, a date for a hearing may be set.

**IF I RECEIVE A PARDON, WILL RECORDS OF MY CONVICTION BE DESTROYED?**

No. The arrest and conviction will continue to appear on your criminal history.

**ONCE I RECEIVE A PARDON, HOW DO I REGISTER TO VOTE?**

Once you receive a pardon, you should take your Pardon Certificate with you to your county elections office. The county elections office may make a copy of the certificate for their records; make sure you keep the original certificate in a safe place.

**WHERE DO I REGISTER TO VOTE?**

The Iowa Secretary of State has made the official voter registration available online in a pdf format. You may print this online form from the internet and fill it out by hand, please be sure to sign the form after it is printed. Forms are available both in English and Spanish. The form is available at [http://www.sos.state.ia.us/elections/voterreg/reg\\_to\\_vote.html](http://www.sos.state.ia.us/elections/voterreg/reg_to_vote.html). After completing this form take it with you to your county elections office.

For more information contact: Office of the Secretary of State, Voter Registration Commission, Lucas State Office Building, 515/281-5781; Des Moines 50319; or your county auditor.

**What are Iowa's other voter registration requirements?**

To vote in Iowa, you must:

- be a U.S. citizen;
- be a resident of Iowa;
- be at least 18 years old on or before election day;
- not claim the right to vote anywhere else; and
- not currently be judged "mentally incompetent" by a court.

**WHEN DO I NEED TO REGISTER TO VOTE?**

Registration is available year round in Iowa, except during the 10 days before a primary or general election and 11 days before any other election. You may register after the deadline, but your registration will not be effective until after that election. Normally, an application must be received by the deadline in order to be valid for the election. However, if your registration is postmarked at least 15 days before the election, it will be accepted for that election even if it is received after the deadline. Registration is permanent. After you register, you do not have to register again unless you move to a new address.

**WHERE DO I GO TO REGISTER?**

Registration is available at many places in Iowa, including:

- Office of the County Auditor;
- Driver's licenses stations;
- Public assistance agencies;
- State offices serving people with disabilities; and
- Some city clerks and school board offices.

Voter registration forms may also be distributed by anyone who wants to register others to vote.

Forms are available from many sources including:

- Office of the County Auditor;
- Office of the Iowa Secretary of State;
- in person, by mail, or at the website [www.sos.state.ia.us](http://www.sos.state.ia.us);
- Most US West Direct telephone books;
- Most McLeod USA telephone books;
- Iowa Income Tax Booklets - even numbered years; and
- Iowa Voter Guide.

The Iowa Secretary of State has made the official voter registration available online in a pdf format. You may print this online form off of the internet and fill it out by hand, please be sure to sign the form after it is printed. Forms are available both in English and Spanish. The form is available at [http://www.sos.state.ia.us/elections/reg\\_to\\_vote.html](http://www.sos.state.ia.us/elections/reg_to_vote.html). After completing this form take it with you to your county elections office.

For more information contact: Office of the Secretary of State, Voter Registration Commission, Lucas State Office Building, 515/281-5781; Des Moines 50319; or your county auditor.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact the one of the following individuals or organizations:**

Iowa Secretary of State  
Statehouse  
Des Moines, Iowa 50319  
(515) 281-8993 (voice)  
**(888) SOS VOTE (toll-free)**  
[www.sos.state.ia.us](http://www.sos.state.ia.us)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (voice)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Iowa?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
42,300	2.0%	4,800	26.5%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

### **What are the demographics of Iowa?**

White	93.9%
Black	2.1%
American Indian/Alaskan Native	0.3%
Asian	1.3%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	2.8%
Other	1.3%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Iowa Statutes § 914.1. Power of governor.**

The power of the governor under the constitution to grant a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship shall not be impaired.

### **§ 914.2. Right of application.**

Except as otherwise provided in section 902.2, a person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

### **§ 914.3. Recommendations by board of parole.**

1. Except as otherwise provided in section 902.2, the board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship for persons who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.
2. The board of parole shall, upon request of the governor, take charge of all correspondence in reference to an application filed with the governor and shall, after careful investigation, provide the governor with the board's advice and recommendation concerning any person for whom the board has not previously issued a recommendation.
3. All recommendations and advice of the board of parole shall be entered in the proper records of the board.

### **§ 914.4. Response to recommendation.**

The governor shall respond to all recommendations made by the board of parole within ninety days of the receipt of the recommendation. The response shall state whether or not the recommendation will be granted and shall specifically set out the reasons for such action. If the governor does not grant the



recommendation, the recommendation shall be returned to the board of parole and may be refiled with the governor at any time. Any recommendation may be withdrawn by the board of parole at any time before its being granted. However, if the board withdraws a recommendation, a statement of the withdrawal, and the reasons upon which it was based, shall be entered in the proper records of the board.

**§ 914.5. Evidence--testimony--recommendation.**

1. When an application or recommendation is made to the governor for a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of rights of citizenship, the governor may require the judge or clerk of the appropriate court, or the county attorney or attorney general by whom the action was prosecuted, to furnish the governor without delay a copy of the minutes of evidence taken on the trial, and any other facts having reference to the propriety of the governor's exercise of the governor's powers in the premises.

2. The governor may take testimony as the governor deems advisable relating to any application or recommendation. A person who provides written or oral testimony pursuant to this subsection is subject to chapter 720.

3. With regard to an application for the restoration of the rights of citizenship, the warden or superintendent, upon request of the governor, shall furnish the governor with a statement of the person's deportment during the period of imprisonment and a recommendation as to the propriety of restoration.

**§ 914.6. Procedures--filing.**

1. Pardons, commutations of sentences, and remissions of fines and forfeitures shall be issued in duplicate. Restorations of rights of citizenship and reprieves shall be issued in triplicate.

2. In the case of a pardon, commutation of sentence, or reprieve, if the person is in custody, the executive instruments shall be forwarded to the officer having custody of the person. The officer, upon receipt of the instruments, shall do the following:

- a.* Retain one copy of the instrument.
- b.* Enter the appropriate notations on the records of the office.
- c.* Carry out the orders of the instrument.
- d.* On one copy, make a written return as required by the order and forward the copy to the clerk of court where the judgment is of record.
- e.* In the case of reprieves, deliver the third copy to the person whose sentence is reprieved.

3. In the case of a remission of fines and forfeitures, restoration of rights of citizenship, or a pardon, commutation of sentence, or reprieve, if the person is not in custody, one copy of the executive instrument shall be delivered to the person and one copy to the clerk of court where the judgment is of record. A list of the restorations of rights of citizenship issued by the governor shall be delivered to the state registrar of voters at least once each month.

4. The clerk of court shall, upon receipt of the copy of the executive instrument, immediately file and preserve the copy in the clerk's office and note the filing on the judgment docket of the case, except that remissions of fines and forfeitures shall be spread at length on the record books of the court, and indexed in the same manner as the original case.

**RESTORE YOUR RIGHT TO VOTE IN**

**KANSAS**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN KANSAS?**

Any felony conviction will result in the loss of voting rights in Kansas.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No, in Kansas the right to vote is automatically restored upon completion of one's sentence, including probation or parole.

**I HAVE COMPLETED MY SENTENCE. HOW DO I RESTORE MY RIGHT TO VOTE?**

Upon completion of your sentence, you simply need to register to vote. It is not necessary to submit proof of final discharge, but the voter registration application form contains an affidavit above the signature line. Signing a false affidavit is itself a felony offense.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes. However, it is necessary to register to vote upon completion of your sentence.

**HOW DO I REGISTER TO VOTE?**

Voter registration forms need to be submitted to the county election office where you live. This can also be done as part of application for a driver's license or non-driver identification card.

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 15 days in advance of an election.

**WHERE DO I GO TO REGISTER TO VOTE?**

The application form is available on the Secretary of State's web site at [http://www.kssos.org/elections/elections\\_registration.html](http://www.kssos.org/elections/elections_registration.html). Voter registration is also available at all places covered by the National Voter Registration Act (NVRA) including the department of motor vehicles, public assistance agencies, armed forces recruitment offices, and city clerks' offices.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Kansas Secretary of State  
Election and Legislative Matters Division  
First Floor, Memorial  
120 SW 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4561 (phone)  
(785) 291-3051 (fax)  
(800) 262-VOTE (toll-free)

[www.kssos.org/main.html](http://www.kssos.org/main.html)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, D.C. 20005  
(202) 662-8600  
(888) 299-5227 (toll free)  
(202) 783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Kansas?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
7,800	0.4%	2,800	5.6%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

#### **What are the demographics of Kansas?**

White	86.1%
Black	5.7%
American Indian/Alaskan Native	0.9%
Asian	1.7
Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	7.0%
Other	2.1%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Kansas Constitution Article 5, Section 2. Disqualification to vote.**

The legislature may, by law, exclude persons from voting because of mental illness or 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.

**Kansas Statutes, Revised, Section 21-4615 Supp. Rights of imprisoned persons; restoration.**

(1) A person who has been convicted in any state or federal court of a felony shall, by reason of such conviction, be ineligible to hold any public office under the laws of the state of Kansas, or to register as a voter or to vote in any election held under the laws of the state of Kansas or to serve as a juror in any civil or criminal case.

(2) The ineligibilities imposed by this section shall attach upon conviction and shall continue until such person has completed the terms of the authorized sentence.

(3) The ineligibilities imposed upon a convicted person by this section shall be in addition to such other penalties as may be provided by law.

## RESTORE YOUR RIGHT TO VOTE IN

### KENTUCKY

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN KENTUCKY?**

If you have been convicted of a felony, you are prohibited from voting in Kentucky.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, unless you have your civil rights restored by executive pardon from the Governor.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

The right to vote may be regained *only through application to have your civil rights restored and executive pardon from the Governor.*

#### **WHEN AM I ELIGIBLE TO APPLY FOR A PARDON?**

You are eligible for a pardon if you: (1) have reached the maximum expiration of your sentence or have received final discharge from the Division of Probation and Parole; (2) do not have any pending warrants, charges or indictments; and (3) have paid full restitution as ordered by the court of the Division of Probation and Parole.

#### **HOW DO I APPLY FOR A PARDON?**

You will need to complete the form, "**Application for Restoration to Civil Rights.**" You can obtain this form from the correctional institution where you were incarcerated, your parole office or the Division of Probation and Parole. You can contact the Division of Probation and Parole at:

P.O. Box 2400  
Frankfort, Kentucky 40602-2400  
Phone: (502) 564-4221

When you have completed the form, you mail it to the Division of Probation and Parole with a \$2.00 check or money order payable to the Kentucky State Treasurer. The address is on the back of the form. Remember to make a photocopy of the completed form for yourself before you mail it.

#### **WHAT INFORMATION SHOULD I INCLUDE IN MY REQUEST FOR A PARDON APPLICATION?**

Your request for restoration of your civil rights should include the following information:

1. Name used at time of conviction.
2. Aliases used.
3. Institution number.
4. Probation number.
5. Federal number.
6. Address.
7. Phone number.
8. Date of birth.
9. Social security number.
10. Most recent felony conviction, including length of sentence, court of conviction, and date of conviction.
11. Institution or jail entered, conditional release date, date entered, date paroled, and date of final discharge.

12. Date probated, date probation expired, name of last supervising officer and county
13. Any federal sentences.
14. Whether you are under indictment.
15. Whether you have any outstanding fines.
16. Whether you have any unpaid restitution.
17. Information regarding any previous felony convictions.

**WHAT TYPE OF INFORMATION DOES THE PARDON APPLICATION REQUIRE?**

The application seeks information about the crime which you lost your right to vote, and other basic personal information. The application also seeks information regarding whether you are currently under indictment and whether you owe any outstanding fines or unpaid restitution.

**IS THERE ANYONE I CAN CALL AT THE PAROLE BOARD FOR HELP WITH MY PARDON APPLICATION?**

If you have any questions about the pardon process or the status of your application to restore your civil rights, you can reach the Division of Probation and Parole at (502) 564-4221.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

Yes, the Division of Probation and Parole provides notice to the Commonwealth Attorney.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR A PARDON?**

Once the application has been returned to the Division of Probation and Parole, notice is provided to the Commonwealth Attorney. The application is audited to determine whether the information provided is complete and correct. The entire procedure takes approximately four months.

Monthly information regarding eligible felony offenders who have requested restoration of their rights is then forwarded to the Governor's office for consideration of a pardon.

**IF I RECEIVE A PARDON, WILL RECORDS OF MY CONVICTION BE DESTROYED?**

No.

**ONCE I RECEIVE A PARDON, HOW DO I REGISTER TO VOTE?**

If your civil rights are restored, you will receive certificate and an order signed by the Governor. You should attach a copy of these to your voter registration application. Make sure you keep the original certificate and order.

To vote in Kentucky, you must meet the following additional requirements:

- be a U.S. citizen and a Kentucky resident for at least 28 days
- be at least 18 years old by the date of the next general election
- not have been judged "mentally incompetent" in a court of law
- not claim the right to vote anywhere outside Kentucky

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 28 days before an election. If you mail your voter registration application, it must be postmarked at least 28 days before the election in which you intend to vote.

**WHERE DO I REGISTER TO VOTE?**

You must have completed a voter registration card and be registered at least 28 days before an election through the following sources:

- County clerk's office
- Driver's license office, if you are applying for or renewing your driver's license
- K-TAP,
- Food stamp,
- Medicaid,
- WIC, and state-funded offices serving those with disabilities, if you are a client of these public assistance offices

- Armed forces recruitment offices, if you are a prospective member of the armed forces
- High schools, if you are a student or staff member
- Kentucky mail-in voter registration form
- Federal mail-in voter registration form

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

State Board of Elections  
 140 Walnut Street  
 Frankfort, Kentucky 40601  
 (502) 573-7100  
 (502) 573-4369 (fax)  
<http://www.kyelect.com>

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel.)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
 Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**The following organization may be able to assist with restoration of voting rights in Kentucky:**

ACLU of Kentucky  
 425 W. Muhammad Ali Blvd., Suite 230  
 Louisville, KY 40202  
 (502) 581-1181  
 (502) 589-9687 (fax)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Kentucky?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
24,000	0.8%	7,000	7.7%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote. the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Kentucky?**

White	90.1%
Black	7.3%
American Indian/Alaskan Native	0.2%
Asian	0.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.5%
Other	0.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Kentucky Constitution, Section 145**

Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

- (1) Persons convicted in any court of competent jurisdiction of treason, or felony, 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.
- (2) Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.
- (3) Idiots and insane persons.

#### **Baldwin's Kentucky Revised Statutes Annotated Title X, § 116.025**

- (1) Every person who is a resident of this state and the precinct in which he or she offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.
- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county before the closing of the registration books and who fails to transfer his or her registration with the county clerk before the date the



registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).

(5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.

(6) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

#### **Title X, §116.113**

(1) Upon receipt of notification from the Cabinet for Health Services or other reliable sources of the death of a person, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.

(2) Upon receipt of notification from the circuit clerk that a person has been declared incompetent, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.

(3) Upon receipt of notification from the Administrative Office of the Courts that a person has been convicted of a felony offense, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.

(4) Following the purge of a name from the records of the State Board of Elections, the state board shall notify the clerk of the county in which the voter lived of the action; and the county clerk shall within ten (10) days update the county voter registration files to reflect the necessary change. If a protest is filed by the voter, the county board shall hear it at its next regular monthly meeting. If the county board decides in favor of the protesting voter, the voter's registration record shall be restored, including his voting record. If the protest is filed while the registration books are closed and the county board decides in favor of the protesting voter, the county board shall issue the voter an "Authorization to Vote" for the upcoming election and the voter's record shall be restored when the registration books open following the election.

#### **Title XVII, Section 196.045**

(1) The Department of Corrections shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement a simplified process for the restoration of civil rights to eligible felony offenders. As part of this simplified process, the Department of Corrections shall:

(a) Inform eligible offenders about the process for restoration of civil rights and provide a standard form which individuals may sign upon their release to formally request that the Department of Corrections initiate the process;

(b) Generate a list on a monthly basis of eligible offenders who have been released by the Department of Corrections or discharged by the Parole Board and who have requested that their civil rights be restored;

(c) Conduct an investigation and compile the necessary information to ensure that all restitution has been paid and that there are no outstanding warrants, charges, or indictments;

(d) Provide notice to the Commonwealth's attorney in the county of commitment and to the Commonwealth's attorney in the offender's county of residence, setting out in the notification the criminal case number and charges for which the offender was convicted; and

(e) Forward information on a monthly basis of eligible felony offenders who have requested restoration of rights to the Office of the Governor for consideration of a partial pardon.

(2) As used in this section, "eligible felony offender" means a person convicted of one (1) or more felonies who:

(a) Has reached the maximum expiration of his or her sentence or has received final discharge from the Parole Board;

(b) Does not have any pending warrants, charges, or indictments; and

(c) Had paid full restitution as ordered by the court or the Parole Board.

(3) As used in this section, "civil rights" means the ability to vote, serve on a jury, obtain a professional or vocational license, and hold an elective office. It does not include the right to bear arms.

(4) Any eligible offender not provided for under subsection (2) of this section may submit an application directly to the Department of Corrections to initiate the process outlined in subsection (1) of this section.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **LOUISIANA**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights in Louisiana.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Louisiana, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation, or parole.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Once you've completed your sentence of imprisonment or supervision, you will receive documentation from the facility in which you were incarcerated or from your probation officer stating that you have completed your sentence. You must take this documentation to the Registrar of Voters office, where your name will be restored to the voting rolls. You should also fill out a voter registration form at this time.

If you were convicted before the current state constitution took effect, which was January 1, 1975, you must apply for and receive a pardon from the governor to regain your right to vote. Legislation is currently pending to remove this law.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHT TO VOTE CAN BE RESTORED?**

No. You need only show the Registrar of Voters' office documentation that you have completed your sentence.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days prior to an election. If you mail your voter registration application to the elections office, it must be postmarked at least 30 days prior to the election in which you intend to vote.

#### **WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county election commission. You may register in person or by mail. Registration applications may be found at the following locations:

- Registrar of Voters offices
- Department of Social Services
- Driver's license station
- Public assistance agencies providing food stamps, TANF or WIC
- Military recruitment offices

You can also register to vote through mail-in registration forms provided by the county auditor's office. Registration forms can be secured online at <http://www.fec.gov/votregis/vr.htm>.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following organizations:**

Louisiana Secretary of State  
Elections Division  
P.O. Box 94125  
Baton Rouge, LA 70804-9125  
(225) 922-0900  
elections@sos.louisiana.gov

Louisiana Elections Division  
8549 United Plaza Boulevard  
Baton Rouge, LA 70809

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
www.usdoj.gov/crt

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
www.lawyerscomm.org

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Louisiana?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
26,800	0.9%	19,600	4.8%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of Louisiana?**

White	63.9%
Black	32.5
American Indian/Alaskan Native	0.6
Asian	1.2

Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	2.4
Other	0.7

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Louisiana Constitution, Article I, § 10**

Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

### **Louisiana Revised Statutes § 18:102**

#### Ineligible Persons

A. No person shall be permitted to register or vote who is:

- (1) Under an order of imprisonment, as defined in R.S. 18:2(8), for conviction of a felony; or
- (2) Interdicted after being judicially declared to be mentally incompetent.

B. Notwithstanding the provisions of Paragraph (A)(1) of this Section or any other provision of law to the contrary, a person who was convicted of a felony prior to the effective date of the 1974 Constitution of Louisiana who has fully satisfied and completed his sentence shall not be ineligible to register to vote, nor shall he be prohibited from voting, based upon that conviction.

### **Louisiana Revised Statutes § 18-171**

A. The clerk of a court having jurisdiction over a criminal proceeding shall record in the minute book in his office each conviction of a felony for which there is an order of imprisonment and the name, aliases, date of birth, sex, and address of the person subject to the conviction. This recordation shall be made immediately after the judgment is signed. By the tenth day of each calendar month, the clerk shall transmit to the registrar of voters for his parish and to the department of State a certified copy of the judgment.

B. The sheriff and district attorney shall also provide supplemental information to the registrar, if available, including the convicted felon's date of birth, driver's license number, address, and mother's maiden name.

C. (1) By January 1, 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a definitive felony conviction and who is currently under the custody or supervision of the Department of Public Safety and Corrections.

(2) Beginning February 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a supplemental report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a felony conviction, who is currently under the custody or supervision of the Department of Public Safety and Corrections, and whose name was not on the report sent by January 1, 1992, or any subsequent supplemental report. Such supplemental report shall be sent to the Department of Elections and Registration on a quarterly basis.

(3) The Department of Elections and Registration shall send to the registrar of voters of each parish such information received from the clerk of court of each parish and the Department of Public Safety and Corrections regarding persons with a felony conviction on a quarterly basis.

D. If a conviction of which notice was given pursuant to this Section is overturned, the clerk of court shall give written notice of the vacation of the judgment to the commissioner of elections. The commissioner of elections shall send such notice of the vacation of the judgment to the appropriate registrar of voters.

**Louisiana Revised Statutes § 18-171.1**

A. (1) Each United States attorney shall give written notice of any felony conviction of a person for which there is an order of imprisonment in a district court of the United States to the commissioner of elections.

(2) The notice shall include the name of the offender, the offender's age and residence address, the date of entry of the judgment, a description of the offenses of which the offender was convicted, and the sentence imposed by the court.

B. The commissioner of elections shall send to the registrar of voters of each parish such information received from a United States attorney regarding persons with a definitive felony conviction.

C. Upon request of the registrar of voters, the United States attorney shall provide such additional information as the United States attorney may have concerning the identity of the offender and the offense of which the offender was convicted.

D. If a conviction of which notice was given pursuant to this Section is overturned, the United States attorney shall give written notice of the vacation of the judgment to the commissioner of elections. The commissioner of elections shall send such notice of the vacation of the judgment to the appropriate registrar of voters.

**Louisiana Revised Statutes § 18-177**

A. The registration of a person whose registration has been suspended by the registrar of voters pursuant to R.S. 18:176 for conviction of a felony shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment, provided that any person who qualifies to vote under the special program for physically handicapped voters pursuant to Chapter 7-A of this Title may provide such documentation in the manner provided for such voters to vote absentee pursuant to R.S. 18:1332 and 1333.

B. The registration of a person who has been interdicted and judicially declared mentally incompetent and whose registration has been suspended by the registrar pursuant to R.S. 18:176 shall be reinstated upon receipt by the registrar of a certified copy of a definitive judgment revoking such interdiction.

## RESTORE YOUR RIGHT TO VOTE IN

### MAINE

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MAINE:**

You do not lose your right to vote in Maine for conviction of a crime.

#### **CAN I VOTE WHILE I AM *INCARCERATED*?**

Yes.

#### **CAN I VOTE WHILE I AM ON *PROBATION*?**

Yes.

#### **CAN I VOTE WHILE I AM ON *PAROLE*?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

In Maine, your right to vote is not affected by being incarcerated.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

In Maine, your right to vote is not affected by being convicted for a crime. In order to vote, you simply must register.

#### **HOW DO I REGISTER TO VOTE?**

If you are confined, you can register to vote by absentee ballot. If you are not confined, go to the County Clerk's office in which you reside to register to vote.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

In-person registration is available year-round in Maine, and a person can register to vote on the day of the election. For mail-in registration, however, registration is not available during the nine (9) days before an election. A mailed registration form must be received by the registrar no later than ten (10) days before an election. Mail-in registration reopens the day after the election.

#### **WHERE DO I GO TO REGISTER?**

You may register to vote at your town office, through any Motor Vehicle branch office, through most state and federal social service agencies, or at voter registration drives. Completed voter registration cards may be hand delivered or mailed to your town office or the Secretary of State.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Office of the Secretary of State  
Division of Elections  
101 State House Station  
Augusta, ME 04333-0101  
(207) 624-7650 (voice)  
(207) 287-6545 (fax)  
<http://www.state.me.us/sos/cec>  
<http://www.state.me.us/sos/cec/elec/votreg.htm>  
<http://www.state.me.us/sos/cec/elec/absentee03.htm>  
<http://www.state.me.us/sos/cec/elec/votreg.htm>

U.S. Department of Justice, Civil Rights Division

Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
**(800) 253-3931(toll-free)**  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
**(888)299-5227 (toll free)**  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Maine?**

There is no impact, as no individual is disenfranchised for conviction of a crime.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of Maine?**

White	96.9%
Black	0.5%
American Indian/Alaskan Native	0.6%
Asian	0.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	0.7%
Other	0.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.



## VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

### **Maine Revised Statutes, Title 21-A, 3 “Voter Registration,” Subch. 2 “Voter Eligibility.”**

#### **Section 111. General qualifications.**

A person who meets the following requirements may vote in any election in a municipality.

1. **Citizenship.** He or she must be a citizen of the United States.
2. **Age.** He or she must be at least 18 years of age.
3. **Residence.** He or she must have established and maintain a voting residence in that municipality.
4. **Registration.** He or she must be registered to vote in that municipality.
5. **Enrollment.** He or she must be enrolled in a party in that municipality to vote at a caucus, convention or primary election, unless otherwise permitted by a political party pursuant to section 340.

### **Maine Revised Statutes, Title 21-A “Maine Law on Elections,” Ch. 3 “Voter Registration,” Subch. 4 “Absentee Voting,” Article 1, Section 753-A “Procedure for requesting an absentee ballot.”**

1. **Applications available.** On request, the clerk shall furnish a reasonable number of absentee ballot applications to any person, except that an application may not be furnished more than 3 months before the election for which the application will be used.
2. **Application for state and municipal ballots at same time.** If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application unless the municipal ballots are not ready to be issued at the time the statewide ballot is available. The clerk may not delay the issuance of a statewide absentee ballot in order to include a municipal ballot pursuant to this subsection.
3. **Request in writing.** A voter may complete an application or make a written request for the voter's own ballot by mail, in person or by facsimile. The voter may designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An immediate family member of a voter may also make an application or written request for an absentee ballot for the voter.
4. **Request by telephone.** A voter may make a telephone request for the voter's own ballot. In this case, the voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The clerk shall ask the voter for the information required on the application and complete the application, with the exception of the voter's signature, and shall write "telephone request" on the application. The clerk shall verify that it is the voter who is requesting the ballot by making the voter confirm the voter's residence and birth date on the voting list.
5. **Assistance to certain voters.** A voter who is unable to read, sign or complete an application because of physical disability, illiteracy or religious faith may request another person, other than the voter's employer or agent of that employer or an officer or agent of the voter's union, to assist the voter in reading, signing or completing the application. If an aide assists a voter by reading or signing the application, the aide shall complete and sign the certificate on the application stating that the aide has assisted the voter.

## RESTORE YOUR RIGHT TO VOTE IN

### MARYLAND

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MARYLAND?**

Anyone convicted of a “theft or other infamous crime” is ineligible to vote for some period of time; however, unless you have been convicted of a violent crime twice or more, you are eligible to have your voting rights restored upon completion of your court-ordered sentence. The list of “infamous crimes” is updated every year and includes all felonies, and misdemeanors that include an element of deceit, fraud or corruption. You can contact your local board of elections if you are unsure whether a particular offense is included in the list of “infamous crimes.”

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, but only if you have been convicted of a *violent* crime two or more times, or if you have been convicted of buying or selling votes. Violent crimes include committing or attempting: abduction, first-degree arson, kidnapping, voluntary manslaughter, mayhem, maiming, murder, rape, robbery, carjacking, sexual offenses, and the use of a handgun in the commission of a felony. Violent crimes also include committing first-degree assault, assault with intent to murder, assault with intent to rape, assault with intent to rob, assault with intent to commit a sexual offense in the first degree, and assault with intent to commit a sexual offense in the second degree.

#### **UNDER WHAT CONDITIONS CAN I HAVE MY VOTING RIGHTS RESTORED?**

- If you are a first time offender, your voting rights are restored upon completion of your sentence, including probation, parole, community service, restitution and fines.
- If you have been convicted of two or more non-violent crimes, your right to vote is restored ONLY when:
  - You have completed the court-ordered sentence imposed for your conviction, including probation, parole, community service, restitutions, and fines AND
  - At least three years have elapsed since completion of your court-ordered sentence including probation, parole, community service, restitutions, and fines.
- If you have been convicted of two or more crimes, your right to vote is NOT restored if your second or any subsequent crime was a *violent* crime.

#### **WHAT IF I AM UNSURE IF I MEET THESE CONDITIONS?**

You should contact the clerk of court's office in your court of conviction, as well as the Division of Parole and Probation within the Department of Public Safety and Correctional Services. You can call the Division of Parole and Probation at 410-585-3500 or 1-877-227-8031. You can email the Division of Parole and Probation at [dpp-pio@dpscs.state.md.us](mailto:dpp-pio@dpscs.state.md.us). The mailing address is:

Division of Parole and Probation  
6776 Reisterstown Road, Suite 305  
Baltimore, MD 21215-2341

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, assuming you meet the conditions for having your voting rights restored and register to vote with your local board of elections.

**I MEET THE CONDITIONS DESCRIBED ABOVE FOR HAVING MY VOTING RIGHTS RESTORED. HOW DO I RESTORE MY RIGHT TO VOTE?**

If you meet the conditions to have your voting rights restored, you should go to your local board of elections and register to vote. You will have to sign an affidavit swearing that you have in fact completed all aspects of your sentence. Be sure that the information you swear to on the affidavit is correct, as it is a crime to lie on the document.

**WHAT IF I DISAGREE WITH THE DECISION OF THE LOCAL BOARD OF ELECTIONS?**

Under section 3-602 of the state election law, you may challenge the decision of local election boards by using a form approved by the State Board of Elections. The local board of elections will schedule a hearing on the challenge 10-15 days after it receives your appeal. After the hearing, the local board will decide the matter. If you are still unsatisfied, you may file an appeal in court under Sec. 3-603 of the state election law.

**WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 15 days prior to an election. If you mail your voter registration application to the elections office, it must be postmarked at least 15 days prior to the election in which you intend to vote.

**WHERE DO I GO TO REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration application and submitting the form to your local board of elections or the State Board of Elections. You may register in person or by mail. Registration applications may be found at various state and local offices, including the following locations:

- Local Board of Elections
- State Board of Elections
- Motor Vehicle Administrations
- Department of Health and Mental Hygiene
- Department of Social Services
- Offices on Aging
- MTA Paratransit Certification Offices
- All Public Institutions of Higher Education

You can also print out a registration application at the State Board of Elections website, at [http://www.elections.state.md.us/pdf/md\\_voter\\_registration\\_application.pdf](http://www.elections.state.md.us/pdf/md_voter_registration_application.pdf) (in English) and [http://www.elections.state.md.us/pdf/solicitud\\_de\\_inscripcion\\_de\\_elector\\_md.pdf](http://www.elections.state.md.us/pdf/solicitud_de_inscripcion_de_elector_md.pdf) (en español). Or, you can call the State Board's 24-hour toll-free telephone number, 1-800-222-8683 and select Option #3 from the main menu in order to obtain a registration application (leave your name, mailing address and telephone number).

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
www.usdoj.gov/crt

State Board of Elections  
151 West Street, Suite 200  
P.O. Box 6486  
Annapolis, MD 21401  
(401) 269-2840 (phone)  
(800) 222-8683 (toll-free)  
(410) 974-2019 (fax)  
sep@elections.state.md.us (e-mail)

Judith A. Arnold  
Assistant Attorney General  
Counsel for Election Laws  
200 St. Paul Place, 20<sup>th</sup> Floor  
Baltimore, MD 21202  
(410) 576-6300  
(800) 743-0023 (toll-free in Maryland)  
(410) 576-6357 (TDD)

**The following organizations may be able to assist with restoration of voting rights in Maryland:**

**ACLU of Maryland**  
3600 Clipper Mill Road, Suite 350  
Baltimore, MD 21211  
410-889-8555 (phone)  
410-366-7838 (fax)  
aclu@aclu-md.org

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Maryland?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>135,700</b>	<b>3.6%</b>	<b>67,900</b>	<b>15.4%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Maryland?**

White	62.1%
Black	27.7%

American Indian/Alaskan Native	0.3%
Asian	4.0%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	4.3%
Other	1.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Maryland Constitution, Article I, Elective Franchise**

**§ 4:** The General Assembly by law may regulate or prohibit the right to vote of a person convicted of infamous or other serious crime or under care or guardianship for mental disability.

#### **Maryland Code, Election Article**

##### **§ 3-102: Qualifications for Voter Registration**

(a) In general. -- Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (1) is a citizen of the United States;
- (2) is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the county as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

(b) Exceptions. -- An individual is not qualified to be a registered voter if the individual:

- (1) has been convicted of theft or other infamous crime, unless the individual:
  - (i) has been pardoned; or
  - (ii) 1. in connection with a first conviction, has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines; or  
2. in connection with a subsequent conviction, has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines, and at least 3 years have elapsed since the completion of the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines;
- (2) is under guardianship for mental disability; or
- (3) has been convicted of buying or selling votes.

(c) Same -- Second or subsequent crime of violence. -- Notwithstanding subsection (b) of this section, an individual is not qualified to be a registered voter if the individual has been convicted of a second or subsequent crime of violence, as defined in § 14-101 of the Criminal Law Article.

#### **Maryland Criminal Law Code**

##### **§ 14-101. Mandatory sentences for crimes of violence**

(a) "Crime of violence" defined. -- In this section, "crime of violence" means: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of the Code; (7) murder; (8) rape; (9) robbery under § 3-402 or § 3-403 of this article; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) an attempt to commit any of the crimes described in items (1) through (14) of this subsection; (16) assault in the first degree; (17) assault with intent to murder; (18) assault with intent to rape; (19) assault with intent to rob; (20) assault with

intent to commit a sexual offense in the first degree; and (21) assault with intent to commit a sexual offense in the second degree....

**RESTORE YOUR RIGHT TO VOTE IN**

**MASSACHUSETTS**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MASSACHUSETTS?**

Any felony conviction will result in the loss of voting rights in Massachusetts.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

**CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

**I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

You need to register to vote.

**MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes.

**HOW DO I REGISTER TO VOTE?**

You must complete a registration form and submit it to the appropriate office.

**WHEN DO I NEED TO REGISTER TO VOTE?**

It is necessary to register at least 20 days before primaries and elections, and/or 10 days before a special town meeting.

**WHERE DO I GO TO REGISTER TO VOTE?**

Registration can be completed in person or by mail, by completing a mail-in registration form and delivering it to your city or town election office, or at any local election office in any city or town in the state and at any registration event you encounter anywhere in Massachusetts, or when applying for or renewing your driver's license at the Registry of Motor Vehicles or when applying for service at a designated voter registration agency. Registration forms are also available at all colleges, universities, high schools and vocational schools or on line at <http://www.state.ma.us/sec/ele/elestu/stuidx.htm>.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Secretary of the Commonwealth  
Elections Division  
One Ashburton Place, Room 1705  
Boston, MA 02108  
[election@sec.state.ma.us](mailto:election@sec.state.ma.us)  
(617) 727-2828  
dial (800) 462-VOTE  
(617) 742-3238 (fax)

U.S. Department of Justice, Civil Rights Division

Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931(toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Massachusetts?**

Until 2000, persons incarcerated for felonies were able to vote in Massachusetts. In the year 2000, 10,095 people were incarcerated for felonies in Massachusetts and were thus, disenfranchised.

Massachusetts Department of Corrections Inmate Statistics at:  
<http://www.state.ma.us/doc/pdfs/1102.pdf>

#### **What are the demographics of Massachusetts?**

White	84.5%
Black	5.4%
American Indian/Alaskan Native	0.2%
Asian	3.8%
Native Hawaiian/Other Pacific Islander	0%
Hispanic/Latino	6.8%
Other	3.7%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.



## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Massachusetts General Laws, Chapter 51, Section 1. Qualification of voters.**

Every citizen:

- eighteen years of age or older,
- not being a person under guardianship or incarcerated in a correctional facility due to a felony conviction, and
- not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections,
- who is a resident in the city or town where he claims the right to vote at the time he registers, and who has complied with the requirements of this chapter,

may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs.

Notwithstanding any special law to the contrary, every such citizen who resides within the boundaries of any district, as defined in section one A of chapter forty-one, may vote for district officers and in any district meeting thereof, and no other person may so vote. No person otherwise qualified to vote for national or state officers shall, by reason of a change of residence within the commonwealth, be disqualified from voting for such officers in the city or town from which he has removed his residence until the expiration of six months from such removal.

## RESTORE YOUR RIGHT TO VOTE IN

### MICHIGAN

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MICHIGAN?**

A person who has been legally convicted and sentenced for a crime for which the penalty imposed is confinement in jail or prison shall not vote, offer to vote, attempt to vote, or be permitted to vote at an election while confined. A person committed to the Department of Social Services under the Youth Rehabilitation Services Act, and placed by the department under that statute, may not be prohibited from registering to vote or voting.

#### **CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

#### **CAN I VOTE WHILE I'M ON *PROBATION*?**

Yes.

#### **CAN I VOTE WHILE I'M ON *PAROLE*?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

In Michigan, the right to vote is automatically restored upon lawful release from incarceration. In order to vote in Michigan, one simply must register.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes, however, you must register to vote.

#### **HOW DO I REGISTER TO VOTE?**

Every person who:

- is a citizen of the United States,
- has attained the age of 21 years,
- resides in this state at least six months, and
- meets the requirements of local residence provided by law,

shall be an elector and qualified to vote in any election. Residence is where a person habitually sleeps, keeps their personal effects, and has a place of lodging.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

Registration is available year round in Michigan. However, in order to vote in a primary or general election, you must register to vote at least 30 days before that election.

#### **WHERE DO I REGISTER?**

You can register to vote by mail or by visiting your resident county, city or township clerk's office or any of the 178 Secretary of State branch offices located throughout the state. In addition, specified agencies providing services through the Family Independence Agency, the Department of Community Health, and the Michigan Jobs Commission offer voter registration services to their clients. Military recruitment centers also provide voter registration services.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Michigan Department of State  
 Bureau of Elections  
 P.O. Box 20126  
 Lansing MI 48919  
 517-373-2540 (voice)  
 517-373-0941 (fax)  
<http://www.michigan.gov/sos>

Michigan Department of Corrections  
 206 E. Michigan Avenue  
 Grandview Plaza  
 P.O. Box 30003  
 Lansing, MI 48909  
<http://www.michigan.gov/corrections>

Michigan Department of Attorney General  
 525 W. Ottawa Street  
 P.O. Box 30212  
 Lansing, MI 48909  
<http://www.michigan.gov/ag>

U.S. Department of Justice, Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767  
 (800) 253-3931(toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
 Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Michigan?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>42,300</b>	<b>0.6%</b>	<b>22,700</b>	<b>5.4%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Michigan?**

White	80.2%
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Black	14.2%
American Indian/Alaskan Native	0.6%
Asian	1.8%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	3.3%
Other	1.3%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Michigan Statutes Section 168.492(a)**

A person confined in a jail, who is otherwise a qualified elector, before trial or sentence may, upon request, register under section 504. The person shall be deemed a resident of the city, township, and address at which he resided next before confinement. A person while confined in a jail after being convicted and sentenced shall not be eligible to register.

**Michigan Statutes Section 168.758(b)**

A person who, in a court of this or another state or in a federal court, has been legally convicted and sentenced for a crime for which the penalty imposed is confinement in jail or prison shall not vote, offer to vote, attempt to vote, or be permitted to vote at an election while confined.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **MINNESOTA**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MINNESOTA?**

Any felony conviction will result in the loss of voting rights in Minnesota. A felony in Minnesota is defined as a crime for which a sentence of imprisonment for more than one year may be imposed.

#### **CAN I VOTE WHILE I'M INCARCERATED IN MINNESOTA?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE IN MINNESOTA?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Minnesota, the right to vote is automatically restored upon completion of your sentence.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

If you were sentenced to prison, the Commissioner of Corrections must notify you, once you have completed your sentence, that your civil rights have been restored. This is usually done in the form of a letter sent to you upon your discharge.

If you were put on probation, the district court must sign an order discharging you once your sentence is complete. This discharge order will inform you that your civil liberties and voting rights have been restored. The probation department and the court administrator receive a copy of this order. The court administrator enters the information in the computer system and files the order. It is possible that the court may fail to give you notification by mistake. In this case, you should contact the court or your former probation or parole officer.

The State Court Administrator is supposed to inform the Secretary of State, in a monthly report on new felons and felons who have completed their sentences, that your rights have been restored. The Secretary of State then determines whether you are registered to vote and, if you are, includes your name on a list of registrants for the County Auditor. The County Auditor then changes your status in the statewide voter registration system, marking you as eligible to vote.

In practice, the way your status is updated varies from county to county. Generally, the Court Administrator relies on each individual county to enter the required information into the counties' computer system, the Total Court Information System. Each separate county is required to report the individuals whose civil rights have been restored to the Secretary of State, not the State Court Administrator.

If you are told that you are ineligible to vote when you go to the polls, you should tell the pollworkers that you have completed your sentence and your rights have been restored. If you are still challenged, you must sign an affidavit and say an oath, swearing that you have regained the right to vote, and then you may vote.

#### **MUST NOTICE BE GIVEN TO ANYONE BEFORE MY RIGHTS CAN BE RESTORED?**

No.

#### **IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

Yes. However, if you were not registered to vote before you served your sentence, you must register.

#### **WHEN DO I NEED TO REGISTER TO VOTE?**

You must register to vote at least 21 days prior to an election. If you mail your voter registration application to the elections office, it must be postmarked at least 21 days prior to the election in which you intend to vote.

You may also register to vote on election day. You must bring one of the following to the polls to verify

your residence: a current Minnesota driver's license or learner's permit or ID card, containing your address in the precinct; a "Notice of Late Registration" card mailed to you by your county auditor (if you turned in your registration card late); someone who is registered in the precinct where you live to vouch for your residence; a current student ID from a Minnesota college or university or a current student fee statement containing your valid address in the precinct with a picture ID card; a picture ID card with address issued by a tribal government (for tribal members living on a reservation); or a Minnesota driver's license, U.S. passport, U.S. military ID card, or student identification card with your name and photo AND an original utilities or cable bill that includes your name and current address in the precinct and has a due date within 30 days of election day.

**WHERE DO I GO TO REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your county auditor or the Secretary of State. You may register in person or by mail. Registration applications may be found at the following locations:

- County courthouses
- City Hall and other public buildings
- Driver's license station

Registration forms can also be obtained online at <http://www.sos.state.mn.us/election/register.html>.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

Elections and Voting  
Minnesota Secretary of State  
180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Boulevard  
Saint Paul, MN 55155-1299  
(651) 215-1440  
(651) 296-9073 (fax)  
(800) 627-3529 (TTY)  
[elections.dept@state.mn.us](mailto:elections.dept@state.mn.us)

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 Minnesota Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Minnesota?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
56,000	1.6%	7,200	17.8%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at <http://www.hrw.org/reports98/vote/usvot98o-01.htm>.

### **What are the demographics of Minnesota?**

White	89.4%
Black	3.5
American Indian/Alaskan Native	1.1
Asian	2.9
Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	2.9
Other	1.3

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Minnesota Constitution, Article VII, § 1. Eligibility; Place of Voting; Ineligible Persons**

Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct. The place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent.

#### **Minnesota Statutes § 201.014. Eligibility to Vote**

Subdivision 1. Requirements. Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

- (a) Be 18 years of age or older;
- (b) Be a citizen of the United States; and
- (c) Maintain residence in Minnesota for 20 days immediately preceding the election.

Subd. 2. Not eligible. The following individuals are not eligible to vote. Any individual:

- (a) Convicted of treason or any felony whose civil rights have not been restored;
- (b) Under a guardianship of the person; or
- (c) Found by a court of law to be legally incompetent.

Subd. 3. Penalty. Any individual who votes who knowingly is not eligible to vote is guilty of a felony.

**Minnesota Statutes § 609.165. Restoration of civil rights; possession of firearms**

Subdivision 1. Restoration. When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.

Subd. 1a. Certain convicted felons ineligible to possess firearms. The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Subd. 1b. Violation and penalty. (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm before ten years have elapsed since the person was restored to civil rights, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$ 30,000, or both. (b) Nothing in this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

Subd. 1c. Repealed, 1999 c 61 s 2

Subd. 2. Discharge. The discharge may be:

- (1) By order of the court following stay of sentence or stay of execution of sentence; or
- (2) Upon expiration of sentence.

Subd. 3. Applicability. This section does not apply to a forfeiture of and disqualification for public office as provided in section 609.42, subdivision 2.

**Minnesota Statutes § 201.155. Report on felony convictions**

The state court administrator shall report monthly to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.



## **RESTORE YOUR RIGHT TO VOTE IN**

### **MISSISSIPPI**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE IN MISSISSIPPI?**

You will lose your right to vote if you are convicted in a Mississippi court of:

- Murder
- Rape
- Bribery
- Theft
- Arson
- Obtaining money or goods under false pretense
- Perjury
- Forgery
- Embezzlement
- Bigamy

If you are convicted of one of the above crimes in another state or by a federal court, you will not lose your right to vote in Mississippi.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

Yes, unless you were convicted of one of the above ten crimes.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes, unless you were convicted of one of the above ten crimes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes, unless you were convicted of one of the above ten crimes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes.

#### **I HAVE BEEN RELEASED FROM INCARCERATION. HOW DO I RESTORE MY RIGHT TO VOTE?**

If you have been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy in a Mississippi state court, then you must either receive a pardon or have your rights restored by a bill of suffrage in the state legislature or an executive order from the Governor.

#### **HOW DO I APPLY FOR A BILL OF SUFFRAGE?**

You must request that a State Representative or State Senator introduce a suffrage bill on your behalf into the State Legislature. If two-thirds of the Legislature votes to pass the bill, then your rights will be restored. You should contact the state legislator directly to request that she or he introduce the bill on your behalf.

#### **HOW DO I APPLY FOR A PARDON OR EXECUTIVE ORDER?**

If you were convicted in a Mississippi State Court, you can apply to the Governor of Mississippi to seek a pardon or executive order.

Once you have been discharged from probation, you should submit a written request to your probation field supervisor, who should then forward a written report of your probation record to the Division of Community Services. The Division will present this report to the Governor, who may, in her or his discretion, issue an executive order restoring your civil rights.

Before the Governor can issue a pardon on your behalf, you must have published your petition for pardon in a newspaper in the county where your crime was committed for thirty days. The Governor may request that the Mississippi Department of Corrections assist in the investigation of a petition for pardon.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

No.

**HOW DO I REGISTER TO VOTE?**

If you are an inhabitant of Mississippi, who has not been judicially declared mentally incompetent, at least 18 years old, and a resident of the state, county, and supervisor's district for at least 30 days, then you can register to vote.

You can download a voter registration form at

<http://www.mississippi.gov/frameset.jsp?URL=http://www.sos.state.ms.us/elections/VoterRegistration/>.

You can also pick up forms at a:

- Courthouse
- Public library
- The Secretary of State's office
- Other participating government offices

You must complete the form and mail it to the county Circuit Clerk of the county where you live. The address of the clerk for each county is listed on the voter registration form.

You may also register to vote by visiting your:

- County Circuit Clerk (usually in the county courthouse) or
- Municipal Clerk (usually in City Hall) or
- When applying for or renewing your driver's license, or
- When applying for services at numerous state and federal government agencies.

**HOW FAR IN ADVANCE OF THE ELECTION MUST I REGISTER TO VOTE?**

You must register to vote at least 30 days before an election. If you register by mail, your application must be postmarked at least 30 days before the election. Once you are registered, you do not need to re-register before each election. You will only need to re-register if you move, change your name, or change your party affiliation.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact the one of the following individuals or organizations:**

U.S. Department of Justice, Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202) 662-8600  
(888) 299-5227 (toll free)  
(202) 783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

Mississippi Attorney General's Office  
P. O. Box 220  
Jackson, MS 39205

Carroll Gartin Justice Building  
450 High Street  
Jackson, MS 39201  
Telephone: 601-359-3680  
Email: msag05@ago.state.ms.us

ACLU of Mississippi  
P.O. Box 2242  
Jackson, MS 39225  
Phone: 601 - 355 - 6464  
Fax: 601 - 355 - 6465

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Mississippi?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>145,600</b>	<b>7.4%</b>	<b>81,700</b>	<b>28.6%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

#### **What are the demographics of Mississippi?**

White	61.4%
Black	36.3%
American Indian/Alaskan Native	0.4%
Asian	0.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.4%
Other	0.5%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Mississippi Constitution Section 241. Qualifications for electors.**

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upward, who has been a resident of this state for one (1) year, and for one (1) year in the county in which he offers to vote, and for six (6) months in the election precinct or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under

false pretense, perjury, forgery, embezzlement or bigamy, is declared to be a qualified elector, except that he shall be qualified to vote for President and Vice President of the United States if he meets the requirements established by Congress therefor and is otherwise a qualified elector.

#### **§ 253. Restoration of right of suffrage after crime.**

The legislature may, by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

#### **§ 23-15-11. Eligibility**

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days prior to the primary election associated with such general election, may vote in such primary election even though such person has not reached his or her eighteenth birthday at the time such person offers to vote at such primary election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

#### **§ 23-15-19. Convicts**

Any person who has been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall not be registered, or if registered the name of such person shall be erased from the registration book on which it may be found by the registrar or by the election commissioners. Whenever any person shall be convicted in the circuit court of his county of any of said crimes, the registrar shall thereupon erase his name from the registration book; and whenever any person shall be convicted of any of said crimes in any other court of any county, the presiding judge thereof shall, on demand, certify the fact in writing to the registrar, who shall thereupon erase the name of such person from the registration book and file said certificate as a record of his office.

#### **§ 47-7-41. Discharge from probation; restoring rights**

When a probationer shall be discharged from probation by the court of original jurisdiction, the field supervisor, upon receiving a written request from the probationer, shall forward a written report of the record of the probationer to the Division of Community Corrections of the department, which shall present a copy of this report to the Governor. The Governor may, in his discretion, at any time thereafter by appropriate executive order restore any civil rights lost by the probationer by virtue of his conviction or plea of guilty in the court of original jurisdiction.

## RESTORE YOUR RIGHT TO VOTE IN

### MISSOURI

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

If you are convicted of any felony or a misdemeanor connected with voting (such as voting more than once in the same election or giving false information for the purpose of establishing eligibility to vote, or otherwise engaging in illegal voting activity), you will lose your right to vote.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, though only if you are convicted of a crime connected with voting. Otherwise, your right to vote is automatically restored upon discharge from your sentence.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored as soon as you complete your sentence, including probation or parole. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register before 5:00 pm on the fourth Wednesday before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register in person or by mail. To register in person, you must go to the office of your local election authority, fill out a registration form, and swear to its validity.

To register by mail, you must pick up a registration form at:

- The office of your local election authority
- The department of motor vehicles, or
- Many participating organizations, including some
  - Realtors' offices
  - Chambers of commerce
  - City clerks
  - Community organizations
  - Grocery stores
  - Department stores
  - Libraries
  - Post offices
  - Schools
  - Utility companies

Mail the registration form to the address listed on the form for your county.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law

Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Office of the Missouri Secretary of State Elections  
 James C. Kirkpatrick State Information Center  
 PO Box 1767  
 Jefferson City, MO 65102-1767  
 (573) 751-2301 (Voice)  
 (800) NOW-VOTE (669-8683)  
 (573) 526-3242 (Fax)  
[elections@sosmail.state.mo.us](mailto:elections@sosmail.state.mo.us)

Eastern Missouri ACLU  
 4557 Laclede Ave.  
 St. Louis, MO 63108  
 (314) 361-2111

Ozarks Chapter, ACLU  
 PO Box 2502-314  
 Springfield, MO 65801  
 (417) 881-7977

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Missouri?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>58,800</b>	<b>1.5%</b>	<b>20,100</b>	<b>11.3%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of Missouri?**

White	84.9%
Black	11.2%
American Indian/Alaskan	0.4%

Native	
Asian	1.1%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	2.1%
Other	0.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Missouri Constitution Art. 8, § 2. Qualifications of voters—disqualifications.**

All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if the election is one for which registration is required if they are registered within the time prescribed by law, or if the election is one for which registration is not required, if they have been residents of the political subdivision in which they offer to vote for thirty days next preceding the election for which they offer to vote: Provided however, no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction and no person who is involuntarily confined in a mental institution pursuant to an adjudication of a court of competent jurisdiction shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting.

#### **Missouri Statutes, Title IX, § 115.133. Qualifications of voters.**

1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.
2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:
  - (1) While confined under a sentence of imprisonment;
  - (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
  - (3) After conviction of a felony or misdemeanor connected with the right of suffrage.
3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

#### **Missouri Statutes, Title IX, § 115.175. Class one election offense defined.**

Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who pays or offers to pay, accepts or offers to accept payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a class one election offense.

**RESTORE YOUR RIGHT TO VOTE IN**

**MONTANA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

**CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Montana, your right to vote is automatically restored upon discharge from your sentence of imprisonment.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote in person by simply obtaining a registration card from, and returning it to your county election administrator usually located at your county courthouse. You can also obtain cards from the Montana Secretary of State's office in Helena, and at state motor vehicle, public assistance, vocational rehabilitation or employment offices across the state. Many phone books also include voter registration forms. You can also register to vote by mailing registration forms to the circuit court clerk or the board of election. Registration forms can be obtained at any of the locations identified above.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)



Montana Office of the Secretary of State  
 Room 260, Capitol  
 P.O. Box 202801  
 Helena, MT 59620-2801  
 telephone number: 406-444-2034  
 Fax: 406-444-3976  
 E-mail: [sos@state.mt.us](mailto:sos@state.mt.us)

Election Services  
 Toll-Free Voter Hotline  
 1-888-884-VOTE (8683)  
 Fax: 406-444-2023

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Montana?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
2100	0.3%	0	2.9%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Montana?**

White	90.6%
Black	.3%
American Indian/Alaskan Native	6.2%
Asian	0.5%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	2%
Other	0.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Montana Code § 13-1-111. Qualifications of voter.**

- (1) No person may be entitled to vote at elections unless he has the following qualifications:
- (a) He must be registered as required by law.
  - (b) He must be 18 years of age or older.
  - (c) He must be a resident of the state of Montana and of the county in which he offers to vote for at least 30 days.
  - (d) He must be a citizen of the United States.

- (2) No person convicted of a felony has the right to vote while he is serving a sentence in a penal institution.
- (3) No person adjudicated to be of unsound mind has the right to vote, unless he has been restored to capacity as provided by law.

**Montana Code § 13-2-402. Reasons for cancellation.**

The election administrator shall cancel the registration of an elector:

- (1) at the written request of the registered elector;
- (2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409;
- (3) if the elector is of unsound mind as established by a court;
- (4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;
- (5) if a certified copy of a court order directing the cancellation is filed with the election administrator;
- (6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;
- (7) if a notice is received from another county or state that the elector has registered in that county or state; or
- (8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections.

## RESTORE YOUR RIGHT TO VOTE IN

### NEBRASKA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony or treason conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, unless you apply for and are granted a pardon from the Nebraska Board of Pardons.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

The right to vote may be regained only through a pardon from the Nebraska Board of Pardons.

#### **WHEN AM I ELIGIBLE TO APPLY FOR A PARDON?**

The Nebraska Board of Pardons' procedure is to only hear cases in which 10 years have elapsed from the date of discharge from imprisonment, probation, or parole with no further contact with the law. Only unusual circumstances will cause the Board to deviate from this practice.

#### **HOW DO I APPLY FOR A PARDON?**

Any person who has been convicted of an offense against the laws of the State of Nebraska, except for treason or cases of impeachment, may submit an application to the Pardons Board on the form prescribed by the Board. Write to the Nebraska Board of Pardons and request an application for a pardon for restoration of your civil rights:

Nebraska Board of Pardons  
P.O. Box 94754  
Lincoln, NE  
68509-4754  
Phone (402) 479-5726,  
Fax: (402) 471-2453.

#### **What information should I include in my request for a pardon application?**

You must simply ask for an application. The Board will send you instructions, policies and procedures as well as an application.

#### **What type of information does the pardon application require?**

The application seeks information about the crime for which you lost your right to vote, and other basic personal information, including employment history and a list of references.

#### **Is there anyone I can call at the Board of Pardons for help with my pardon application?**

If you have any questions about the pardon process or the status of your application for a pardon, you can reach the Board of Pardons at: 1-402-479-5726.

#### **Must notice be given to anyone before my right to vote can be restored?**

Yes. The Board will attempt to contact the victim and/or the family of the victim of your crime.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR A PARDON?**

The Board meets and considers pending applications at a time set at the convenience of the Board. If the Board determines that an application merits a hearing, the Board will schedule the application for a hearing at a quarterly meeting designated for hearings on applications.

It is the policy of the Board to consider all applications for pardon if the applicant has filed a written application with the Secretary of State, or a designee, in the form prescribed by the Board. However, in cases involving treason or impeachment, or where the applicant is sentenced to death and has previously submitted an application, which has been denied, the Board has voted not to consider further applications.

Applications may be considered with or without hearing. The Board will act upon applications when it has conducted such investigation (including any hearing) as it deems necessary, and it is prepared to evaluate the merits of the application. The Board may consult with the Board of Parole concerning applications for the exercise of pardon authority. The Pardon Board may request a written report or recommendation from the Parole Board in connection with any application.

**If I receive a pardon, will records of my conviction be destroyed?**

No. Nebraska does not expunge records. The arrest and conviction will continue to appear on your criminal history record.

**Once I receive a pardon, how do I register to vote?**

Once you receive a pardon, you should take your Pardon Certificate with you to your county elections office. The county elections office may make a copy of the Certificate for their records; make sure you keep the original Certificate.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote no later than 10 days before an election. If you mail your voter registration application to your county elections office, it must be postmarked on or before the third Friday before an election.

**WHERE DO I REGISTER TO VOTE?**

You may register at your county clerk/election commissioner's office during normal business hours. You may also register by mail. Voter registration cards are available at many locations throughout the state, including most banks, post offices and libraries. You can also register to vote at the Department of Motor Vehicles and at some other state agencies.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035

(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Election Administration  
Suite 2300  
State Capitol  
Lincoln, NE 68509  
(402) 471-2554  
Fax: (402) 471-3237  
Email address: [election@mail.state.ne.us](mailto:election@mail.state.ne.us)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Nebraska?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>11,900</b>	<b>1.0%</b>	<b>2,100</b>	<b>10.2%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of Nebraska?**

White	89.6%
Black	4.0%
American Indian/Alaskan Native	0.9%
Asian	1.3%
Native Hawaiian/Other Pacific Islander	Z
Hispanic/Latino	15.5%
Other	2.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Nebraska Revised Statutes § 29-112. Convicts; disqualified as electors, jurors, officeholders; warrant of discharge; effect.**

Any person sentenced to be punished for any felony, when the sentence is not reversed or annulled, is incompetent to be an elector or juror or to hold any office of honor, trust, or profit within this state, unless such person receives from the Board of Pardons of this state a warrant of discharge, in which case such person shall be restored to such civil rights and privileges as enumerated or limited by the Board of Pardons. The warrant of discharge shall not release such person from the costs of conviction unless otherwise ordered by the Board of Pardons.

**Nebraska Revised Statutes § 29-112.01. Restoration of civil rights; felon; procedure.**

Any person sentenced to be punished for any felony, when the sentence is other than confinement in a Department of Correctional Services adult correctional facility, shall be restored to such civil rights as enumerated or limited by the Board of Pardons upon receipt from the Board of Pardons of a warrant of discharge, which shall be issued by such board upon receiving from the sentencing court a certificate showing satisfaction of the judgment and sentence entered against such person.

## RESTORE YOUR RIGHT TO VOTE IN

### NEVADA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony or treason conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, if you fail to petition for the restoration of civil rights.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

##### **AFTER PROBATION**

Honorable discharge of your probation typically includes the automatic restoration of civil rights including the right to vote. However, if you have a prior conviction for a felony or violent crime, or if you have been convicted two or more times for unrelated felonies, honorable discharge of your probation will not include the automatic restoration of civil rights including the right to vote. If honorable discharge of your probation does not specifically include the restoration of the right to vote, you may petition the court in which you were convicted for an order granting the restoration of civil rights including the right to vote.

##### **AFTER PARDON**

A pardon typically includes the automatic restoration of civil rights including the right to vote. However, if you have a prior conviction for a felony or violent crime, or if you have been convicted two or more times for unrelated felonies, your pardon will not include the automatic restoration of civil rights including the right to vote. If the pardon does not specifically include the restoration of the right to vote, you may petition the court in which you were convicted for an order granting the restoration of civil rights including the right to vote.

##### **AFTER PAROLE**

Honorable discharge from parole typically includes automatic restoration of your civil rights including the right to vote. However, if you have a prior conviction for a felony or violent crime, or if you have been convicted two or more times for unrelated felonies, your discharge from parole will not include the automatic restoration of civil rights including the right to vote. If your civil rights including the right to vote were not granted upon discharge from parole, you may petition the court in which you were convicted for an order granting the restoration of civil rights including the right to vote.

##### **AFTER SENTENCE SERVED**

Completion of your sentence typically includes automatic restoration of your civil rights including the right to vote. However, if you have a prior conviction for a felony or violent crime, or if you have been convicted two or more times for unrelated felonies, your discharge from parole will not include the automatic restoration of civil rights including the right to vote. If your civil rights including the right to vote were not granted upon completion of your sentence, you may petition the court in which you were convicted for an order granting the restoration of civil rights including the right to vote.

**Is there anyone I can call at the Board of Pardons and Paroles for help with my pardon application?**

The contact numbers for the Parole and Probation board are as follows:

Nevada Parole and Probation  
1445 Hot Springs Road  
Carson City, Nevada 89710  
(775) 687-5040 (voice)  
(775) 687-5402 (fax)  
[www.state.nv.us/dmv\\_ps/pphome.html](http://www.state.nv.us/dmv_ps/pphome.html)

**What is the procedure once I petition for the restoration of my right to vote?**

If your right to vote is not automatically restored after discharge of your probation, you must petition the court in which the conviction was obtained. The district court shall consider your petition, and as soon as reasonably practicable, restore your civil rights if you are eligible.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

**WHERE DO I REGISTER TO VOTE?**

Residents of Nevada can register to vote at:

- the Department of Motor Vehicles,
- their County Clerk/Registrar of Voters office, and
- the Welfare Division.

Applications to register to vote should be available at the post office near you, but this is not always so.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Elections Division of the Nevada Secretary of State:  
101 North Carson Street, Suite 3  
Carson City, Nevada 89701  
(775) 684-5705 (voice)  
(775) 684-5718 (fax)  
[www.sos.state.nv.us/nvelection](http://www.sos.state.nv.us/nvelection)  
[nvelect@govmail.state.nv.us](mailto:nvelect@govmail.state.nv.us)



## FELON DISENFRANCHISEMENT STATISTICS

### What is the impact of felon disenfranchisement in Nevada?

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
16,800	1.4%	4,000	10.0%

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

### What are the demographics of Nevada?

White	75.2%
Black	6.8%
American Indian/Alaskan Native	1.3%
Asian	4.5%
Native Hawaiian/Other Pacific Islander	0.4%
Hispanic/Latino	19.7%
Other	8.0%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

### **Nevada Revised Statutes, § 213.090. Pardon: Restoration of civil rights.**

1. Except as otherwise provided in subsection 2, a person who is granted a pardon for any offense committed:
  - (a) Is immediately restored to the following civil rights:
    - (1) The right to vote; and
    - (2) The right to serve as a juror in a civil action.
  - (b) Four years after the date that his pardon is granted, is restored to the right to hold office.
  - (c) Six years after the date that his pardon is granted, is restored to the right to serve as a juror in a criminal action.
2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been granted a pardon if the person has previously been convicted in this state:
  - (a) Of a category A felony.
  - (b) Of an offense that would constitute a category A felony if committed as of the date that his pardon is granted.
  - (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
  - (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date that his pardon is granted.
  - (e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon receiving a pardon, a person so pardoned must be given an official document which provides:

(a) That he has been granted a pardon;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date that his pardon is granted;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been granted a pardon in this state or elsewhere and whose official documentation of his pardon is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been granted a pardon and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been granted a pardon in this state or elsewhere may present:

(a) Official documentation of his pardon, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights, that has proof that he has been restored to the civil rights set forth in subsection 1.

**Nevada Revised Statutes, § 213.155. Restoration of civil rights to paroled prisoner.**

1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this state or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this state or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights, has proof that he has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

**Nevada Revised Statutes, § 213.157. Restoration of civil rights after sentence served.**

1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this state or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this state or elsewhere may present:

- (a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or
- (b) A court order restoring his civil rights, has proof that he has been restored to the civil rights set forth in subsection 1.

**Nevada Revised Statutes, § 176A.850. Honorable discharge from probation: When granted; restoration of civil rights; effect; documentation.**

1. A person who:
  - (a) Has fulfilled the conditions of his probation for the entire period thereof;
  - (b) Is recommended for earlier discharge by the Division; or
  - (c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.
2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.
3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:
  - (a) Is free from the terms and conditions of his probation.
  - (b) Is immediately restored to the following civil rights:
    - (1) The right to vote; and
    - (2) The right to serve as a juror in a civil action.
  - (c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.
  - (d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
  - (e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.
  - (f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.
  - (g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
  - (h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.
  - (i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.
4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this state:
  - (a) Of a category A felony.
  - (b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.
  - (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
  - (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.
  - (e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 3.
5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.
6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

- (a) That he has received an honorable discharge from probation;
- (b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;
- (c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and
- (d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this state or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this state or elsewhere may present:

- (a) Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
  - (b) A court order restoring his civil rights,
- has proof that he has been restored to the civil rights set forth in subsection 3.

## RESTORE YOUR RIGHT TO VOTE IN

### NEW HAMPSHIRE

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In New Hampshire, your right to vote is automatically restored upon discharge from your sentence of imprisonment.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 10 days before the election. You can also simply register at the polls on election day. If you do this, you will need to fill out an election day affidavit and you may be asked to show proof of age, citizenship, and/or domicile.

#### **WHERE DO I REGISTER TO VOTE?**

Registration is available at many places in New Hampshire, including:

- the town or city clerk's office,
- the department of transportation,
- public service agencies such as (list examples.), or
- with your community's Supervisors of the Checklist which meets on the Saturday 10 days before each election. Local newspaper(s) and the clerk's office should have the date and time of the meeting.

Qualified individuals may also register to vote at the polling place on election day.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division

Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

New Hampshire Secretary of State  
Elections Division  
107 N. Main Street  
Concord, NH 03301  
(603) 271-3242  
(603) 271-6316 (fax)  
[Elections@sos.state.nh.us](mailto:Elections@sos.state.nh.us)  
<http://webster.state.nh.us/sos/>

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in New Hampshire?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>2,100</b>	<b>0.2%</b>	<b>100</b>	<b>3.8%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of New Hampshire?**

White	96.0%
Black	0.7%
American Indian/Alaskan Native	0.2%
Asian	1.3%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.7%
Other	0.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **New Hampshire Statutes § 607-A:2. Rights Lost.**

- I. A person sentenced for a felony, from the time of his sentence until his final discharge, may not:
  - (a) Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or he is paroled after commitment to imprisonment, he may vote during the period of the suspension or parole; or
  - (b) Become a candidate for or hold public office.

II. A public office held at the time of sentence is forfeited as of the date of the sentence if the sentence is in this state or, if the sentence is in another state or in a federal court, as of the date a certification of the sentence from the sentencing court is filed in the office of secretary of state, who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed the defendant shall be restored to any public office forfeited under this chapter from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

**New Hampshire Statutes § 607-A:3. Rights Retained by Convicted Person.**

Except as otherwise provided by this chapter or by the constitution of this state, a person convicted of a crime does not suffer civil death or corruption of blood or sustain loss of civil rights or forfeiture of estate or property, but retains all of his rights, political, personal, civil, and otherwise, including the right to hold public office or employment, to vote, to hold, receive, and transfer property, to enter into contracts, to sue and be sued, and to hold offices of private trust in accordance with law.

**New Hampshire Statutes § 654:6. Disqualification for Bribery or Intimidation.**

Any person convicted of bribery or intimidation relating to elections under RSA 659:40 shall thereafter be forever disqualified from exercising the right to vote, except that the supreme court may, on notice to the attorney general, restore the privileges of a voter to any person who may have forfeited them by conviction of such offenses.



## RESTORE YOUR RIGHT TO VOTE IN

### NEW JERSEY

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Conviction for any violation of an indictable offense will result in loss of voting rights while incarcerated, on parole, or on probation.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In New Jersey, your right to vote is automatically restored upon completion of your sentence.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 29 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

Registration is available at many places in New Jersey, including:

- Municipal Clerk's office,
- Commissioners of Registration's office, or
- Division of Motor Vehicles.

Registration is also available at many state agencies when you are there transacting business or applying for services.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)

(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

New Jersey Division of Elections  
P.O. Box 304  
Trenton, NJ 08625  
1-877-NJ-VOTER (1-877-658-6837)  
(609) 292-3760(voice)  
(609)777-1280 (fax)  
[www.state.nj.us/lps/elections](http://www.state.nj.us/lps/elections)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in New Jersey?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>138,300</b>	<b>2.3%</b>	<b>65,200</b>	<b>17.7%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of New Jersey?**

White	72.6%
Black	13.6%
American Indian/Alaskan Native	0.2%
Asian	5.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	13.3%
Other	5.4%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **New Jersey Constitution Art. 2, § 1, 7**

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.

#### **New Jersey Statutes § 19:4-1 Constitutional qualifications; persons not having right of suffrage; right to register.**

Except as provided in sections 19:4-2 and 19:4-3 of this Title, every person possessing the qualifications required by Article II, paragraph 3, of the Constitution of the State of New Jersey and having none of the disqualifications hereinafter stated and being duly registered as required by this Title, shall have the right of suffrage and shall be entitled to vote in the polling place assigned to the election district in which he actually resides, and not elsewhere.

No person shall have the right of suffrage

- (1) Who is an idiot or is insane; or
- (2) (Deleted by amendment.)
- (3) (Deleted by amendment.)
- (4) (Deleted by amendment.)
- (5) (Deleted by amendment.)
- (6) Who has been convicted of a violation of any of the provisions of this Title, for which criminal penalties were imposed, if such person was deprived of such right as part of the punishment therefor according to law unless pardoned or restored by law to the right of suffrage; or
- (7) Who shall be convicted of the violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as part of the punishment therefor according to law, unless pardoned or restored by law to the right of suffrage; or
- (8) Who is serving a sentence or is on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States.

A person who will have on the day of the next general election the qualifications to entitle him to vote shall have the right to be registered for and vote at such general election and register for and vote at any election, intervening between such date of registration and such general election, if he shall be a citizen of the United States and shall meet the age and residence requirements prescribed by the Constitution of this State and the laws of the United States, when such intervening election is held, as though such qualifications were met before registration.

**New Jersey Statutes § 2A:167-5. Restoration of right of suffrage and other rights; suspension or remission of fine.**

Any person who has been convicted of a crime and by reason thereof has been deprived of the right of suffrage or of any other of his civil rights or privileges, or upon whom there has been imposed a fine or who has suffered a forfeiture, except disqualification to hold and enjoy any public office of honor, profit or trust in this state under judgment of impeachment, may make application for the restoration of the right of suffrage or of such other rights or privileges or for the suspension or remission of such fine or forfeiture, which application the governor may grant by order signed by him.

## RESTORE YOUR RIGHT TO VOTE IN

### NEW MEXICO

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In New Mexico, your right to vote is automatically restored after completion of sentence, including any period of probation or parole.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

#### **Must notice be given to anyone before my rights can be restored?**

When you are convicted of a felony, the clerk of the court must give notice of the conviction to the county clerk in the county where you are registered to vote.

When you are discharged from a correctional facility under the jurisdiction of the corrections department and/or have completed your sentence, the corrections department must notify the county clerk (where you were registered) that you are eligible for registration.

For federal convictions, the federal agency having jurisdiction over you must notify the county clerk (where you were registered) that you are eligible for registration when you have completed your sentence.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 28 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register to vote by one of the following ways:

1. Complete and mail a registration form, which is available at any county clerk's office, the Office of the Secretary of State, and many state agencies.
2. Register to vote at the Department of Motor Vehicles, certain types of public assistance or services, at many public libraries, colleges and universities, or at any organized voter registration drive.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400

Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Bureau of Elections  
 Office of the New Mexico Secretary of State  
 State Capitol North Annex, Suite 300  
 Santa Fe, New Mexico 87503  
 (505) 827-3600 (voice)  
 (505) 827-3634 (fax)  
 (800) 477-3632 (toll-free)  
[www.sos.state.nm.us](http://www.sos.state.nm.us)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in New Mexico?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
<b>48,900</b>	<b>4.0%</b>	<b>3,700</b>	<b>24.1%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98o-01.htm> - P101\_2428

**What are the demographics of New Mexico?**

White	66.8%
Black	1.9%
American Indian/Alaskan Native	9.5%
Asian	1.1%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	42.1%
Other	17.0%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov/>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **New Mexico Constitution, Article 7, § 1**

Every citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election, except idiots, insane persons and persons convicted of a felonious or infamous crime unless restored to political rights, shall be qualified to vote at all elections for public officers.

### **New Mexico Statutes § 1-4-27.1 Cancellation of registration following conviction; eligibility for registration upon satisfaction of conditions.**

Cancellation of registration following conviction; eligibility for registration upon satisfaction of conditions.

(A) When a voter has been convicted of a felony, the clerk of the district court where the conviction occurred shall file a certificate of felony conviction with the county clerk of the county where the convicted felon is registered to vote.

(B) For purposes of cancellation of registration, verification of a felony conviction may be obtained by comparing the voter's registration record with the certificate of felony conviction filed by the clerk of the district court.

(C) The certificate of felony conviction shall include the voter's:

- (1) name;
- (2) age;
- (3) sex;
- (4) marital status;
- (5) birthplace;
- (6) birth date;
- (7) social security number, if any;
- (8) date of conviction; and
- (9) address.

(D) When a voter convicted of a felony, for which a sentence of imprisonment is authorized but deferred or suspended by order of the court, has completed the conditions of the court order, the clerk of the court shall notify the county clerk of the county where the convicted felon was registered to vote that the person is eligible for registration.

(E) When a voter convicted of a felony is unconditionally discharged from a correctional facility under the jurisdiction of the corrections department, or is conditionally discharged from a facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole, the corrections department shall notify the county clerk of the county where the felon was registered to vote that the person is eligible for registration.

(F) When a voter convicted of a federal offense constituting a felony is unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency, or is conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency, and has completed all conditions of probation or parole, the federal agency having jurisdiction of that person shall notify the county clerk of the county where the felon was registered to vote that the person is eligible for registration.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **NEW YORK**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction that results in incarceration will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **Can I vote while I'm on probation?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In New York, your right to vote is automatically restored once you have served your maximum prison sentence, been discharged from parole or been pardoned.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must reregister to vote. You do not need to provide any documentation about your criminal history in order to register.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting it to your local county board of elections. You may register in person or by mail. Registration applications can be found at the following locations:

- Alcoholism and Substance Abuse Services
- Commission for the Blind and Visually Impaired
- Commission on Quality of Care for the Mentally Disabled
- Department of Health - WIC Program
- Department of Labor
- Department of Motor Vehicles
- Department of Social Services
- Department of State
- Division of Veterans' Affairs
- Military Recruiting Offices
- Office for the Aging
- Office of the Advocate for Persons with Disabilities
- Office of Mental Health
- Office of Mental Retardation and Developmental Disabilities
- Vocational and Educational Services for Individuals with Disabilities
- Workers' Compensation Board

You can also obtain a voter registration form by calling 1-800-FOR-VOTE or online at <http://www.elections.state.ny.us/voting/voting.htm>.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207  
1-800-FOR-VOTE (800-367-8683)  
(518) 474-6220  
(800) 533-8683 (TDD)  
[www.elections.state.ny.us](http://www.elections.state.ny.us)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in New York?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
610,000	4.5%	156,600	20.8%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98o-01.htm>.

**What are the demographics of New York?**

White	67.9%
Black	15.9
American Indian/Alaskan Native	0.4
Asian	5.5
Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	15.1
Other	7.1



US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **New York Consolidated Laws § 5-106. Qualifications of voters; reasons for exclusion**

2. 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.

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under 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 president of the United States, or his maximum sentence of imprisonment has expired, or he has been discharged from parole.

4. No person who has been convicted in another state for a crime or offense which would constitute a felony under the laws of this state shall have the right to register for or vote at any election in this state unless he shall have been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or his maximum sentence has expired, or he has been discharged from parole.

5. The provisions of subdivisions two, three and four of this section shall not apply if the person so convicted is not sentenced to either death or imprisonment, or if the execution of a sentence of imprisonment is suspended.

#### **New York Consolidated Laws § 5-400. Cancellation of registration; generally.**

1. A voter's registration, including the registration of a voter in inactive status, shall be cancelled if, since the time of his last registration, he:

...

(b) Was convicted of a felony disqualifying him from voting pursuant to the provisions of section 5-106 of this article.

#### **New York Consolidated Laws § 5-708. Change of voter status; reports of.**

2. It shall be the duty of every court having jurisdiction over such matters, or the office of court administration, to transmit to the appropriate board of elections or, in the discretion of the office of court administration, to the state board of elections, at least quarterly, the names, residence addresses and birthdates of all persons for whom convictions or revocations of probation or conditional discharge result in loss of voting privileges pursuant to the provisions of section 5-106 of this article. Such transmittals shall be in a format as mutually determined by such agencies and the state board of elections.

...

4. a. If a board of elections receives any notices pursuant to the provisions of subdivision two and three of this section which set forth a residence address outside of the city or county of such board's jurisdiction, it shall, at least once a month, transmit such notices to the appropriate board of elections, or, if such address is outside the state, to the state board of elections.

b. The state board shall arrange such notices and the names received pursuant to the other provisions of this section by county of residence and transmit such notices and any notices of conviction for a felony received from a United States attorney to the appropriate board of elections.

c. If any such notices, or names received pursuant to the other provisions of this section, set forth a residence address outside New York state, the state board shall transmit such notices to the chief state election official of such state at such times and in such manner as it deems appropriate.

**RESTORE YOUR RIGHT TO VOTE IN**  
**NORTH CAROLINA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In North Carolina, your right to vote is automatically restored upon completion of your sentence of imprisonment, probation, or parole.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored upon completion of your sentence. Although your right to vote is automatically restored, you must register to vote after completion of your sentence. You can register to vote as explained below. If, when you try to register to vote, you are asked to provide proof that you have completed your sentence, you have two options. First, if you have just completed parole or probation, you may request from your parole or probation officer a certificate of release and provide a copy of that certificate to your local County Board of Elections along with your voter registration application. Second, no matter when you completed your sentence, the local County Board of Elections in the County where you now live can contact the Department of Corrections over the phone or using the Department of Corrections database accessible on the DOC website at: <http://www.doc.state.nc.us/offenders/> to verify that you have completed your sentence. Upon verification your voter registration application should be accepted without any further paperwork. If your local Board of Elections has any questions about this procedure they should contact the State Board of Elections General Counsel, Don Wright, at 919-715-5333.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 25 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to the County Board of Elections in the county where you now live. You may register in person, by mail, or by fax. If registering by fax, you must also deliver a hard copy at least 20 days before the election. North Carolina has made available mail-in voter registration forms through the county boards of elections offices. Forms can also be found at <http://www.sboe.state.nc.us/voterweb/voterpubs/onlineform.htm>.

Voter registration programs are actively conducted through many agencies in this State. If a person is applying for or receiving benefits from any of the participating agencies or programs, a voter registration transaction is available during the conduct of any business with that office. The following programs and agencies are currently participating in the agency voter registration program:

Department of Motor Vehicles  
Work First  
Women, Infants and Children (WIC)  
Food Stamps  
Medicaid

Services for the Blind  
 Mental Health, Developmental Disabilities and Substance Abuse Services  
 Vocational Rehabilitation  
 Governor's Advocacy Council for Persons with Disabilities  
 Employment Security Commission

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
 Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
 Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Executive Director, State Board of Elections  
 506 North Harrington Street  
 Raleigh, NC 27603  
 (919) 733-7173  
 (919) 715-0135  
[www.sboe.state.nc.us](http://www.sboe.state.nc.us)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in North Carolina?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
96,700	2.8%	46,900	9.2%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of North Carolina?**

White	72.1%
Black	21.6
American Indian/Alaskan Native	1.2

Asian	1.4
Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	4.7
Other	2.3

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **North Carolina Constitution, Article VI, § 2.3**

Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

#### **North Carolina General Statutes § 163-55. Qualifications to vote; exclusion from electoral franchise.**

Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the precinct in which he offers to register and vote for 30 days next preceding the ensuing election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to register and vote in the precinct in which he resides: Provided, that removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal. The following classes of persons shall not be allowed to register or vote in this State:

- (1) Persons under 18 years of age.
- (2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

#### **North Carolina General Statutes § 13-1. Restoration of citizenship.**

Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have such rights automatically restored upon the occurrence of any one of the following conditions:

- (1) The unconditional discharge of an inmate by the State Department of Correction or the North Carolina Department of Correction, of a probationer by the State Department of Correction, or of a parolee by the Department of Correction; or of a defendant under a suspended sentence by the court.
- (2) The unconditional pardon of the offender.
- (3) The satisfaction by the offender of all conditions of a conditional pardon.
- (4) With regard to any person convicted of a crime against the United States, the unconditional discharge of such person by the agency of the United States having jurisdiction of such person, the unconditional pardon of such person or the satisfaction by such person of a conditional pardon.
- (5) With regard to any person convicted of a crime in another state, the unconditional discharge of such person by the agency of that state having jurisdiction of such person, the unconditional pardon of such person or the satisfaction by such person of a conditional pardon.

#### **North Carolina General Statutes § 13-2. Issuance and filing of certificate or order of restoration.**

(a) The agency, department, or court having jurisdiction over the inmate, probationer, parolee or defendant at the time his rights of citizenship are restored under the provisions of G.S. 13-1(1) shall immediately issue a certificate or order in duplicate evidencing the offender's unconditional discharge and specifying the restoration of his rights of citizenship.

The original of such certificate or order shall be promptly transmitted to the clerk of the General Court of Justice in the county where the official record of the case from which the conviction arose is filed. The clerk shall then file the certificate or order without charge with the official record of the case.

(b) In the case of a person convicted of a crime against another state or the United States, whose rights to citizenship have been restored according to G.S. 13-1, the following provisions shall apply:

(1) It shall be the duty of the clerk of the court in the county where such person resides, upon a showing by such person or his representative that the conditions of G.S. 13-1 have been met, to issue the certificate evidencing the offender's unconditional discharge and specifying the restoration of his rights of citizenship. For purposes of this subsection, the fulfillment of the conditions of G.S. 13-1 shall be considered met upon the presentation to the clerk of any paper writing from the agency of any other state or of the United States which had jurisdiction over such person, which shows that the conditions of G.S. 13-1 have been met.

(2) The certificate described in subdivision (b)(1) shall be filed by the clerk of the General Court of Justice in the county in which such person resides. The provisions of this subsection apply equally to conditional and unconditional pardons by the governor of any other state or by the President of the United States, as well as unconditional discharges by the agency of another state or of the United States having jurisdiction over said person.

## RESTORE YOUR RIGHT TO VOTE IN

### NORTH DAKOTA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

#### **CAN I VOTE WHILE I'M ON *PROBATION*?**

Yes.

#### **CAN I VOTE WHILE I'M ON *PAROLE*?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored upon completion of your sentence.

#### **WHEN DO I REGISTER TO VOTE?**

You do not need to register to vote in North Dakota.

You are qualified to vote if:

- You are a citizen of the United States.
- You are at least 18 years old on or before the day of the general election.
- You are a legal resident of North Dakota.
- You have resided in the precinct in which you are voting for 30 days preceding the election.

#### **WHERE DO I REGISTER TO VOTE?**

You do not need to register to vote in North Dakota.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)

[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Secretary of State  
State of North Dakota  
600 E. Boulevard Ave., Dept. 108  
Bismark, North Dakota 58505-0500  
(701) 328-4146 (tel.)  
**(800) 352-0867 (toll free)**  
(701) 328-2992 (fax)  
<http://www.state.nd.us/sec>

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in North Dakota?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>700</b>	<b>0.1%</b>	<b>0</b>	<b>1.1%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of North Dakota?**

White	92.4%
Black	0.6%
American Indian/Alaskan Native	4.9%
Asian	0.6%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.2%
Other	0.4%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov/>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **North Dakota Constitution Art. 2, § 2**

No person who has been declared mentally incompetent by order of a court or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. No person convicted of a felony shall be qualified to vote until his or her civil rights are restored.

#### **North Dakota Statutes Section 16.1-01-04. Qualifications of electors.**

1. Every citizen of the United States who is: eighteen years or older; a resident of this state; and has resided in the precinct at least thirty days next preceding any election, except as otherwise provided in regard to residency in chapter 16.1-14, is a qualified elector.
2. For the purposes of this title, every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode.

3. Except as otherwise provided in this section, an individual's residence must be determined in accordance with the rules for determining residency as provided in section 54-01-26.
4. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by individuals convicted and sentenced for treason or felony must be limited according to chapter 12.1-33.
5. For the purposes of this title, an individual may not be deemed to have gained or lost a residence solely by reason of the individual's presence or absence while enrolled as a student at a college, university, or other postsecondary institution of learning in this state.
6. For the purposes of this title, a member of the armed forces of the United States may not be deemed to have gained or lost a residence in this state solely by reason of the member being stationed on duty in this state.
7. For the purposes of this title, an individual may not be deemed to have lost residence in the individual's precinct or in the state by reason of the individual engaging in temporary government service or private employment outside the individual's precinct or outside the state.

**North Dakota Statutes Section 12.1-33-01. Rights lost.**

1. A person sentenced for a felony to a term of imprisonment, during the term of actual incarceration under such sentence, may not:
  - a. Vote in an election; or
  - b. Become a candidate for or hold public office.
2. A public office, other than an office held by one subject to impeachment, held at the time of sentence is forfeited as of the date of the sentence if the sentence is in this state, or, if the sentence is in another state or in a federal court, as of the date a certification of the sentence from the sentencing court is filed in the office of the secretary of state who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed, the defendant shall be restored to any public office forfeited under this section from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

**North Dakota Statutes Section 12.1-33-02 Rights retained by convicted person.**

Except as otherwise provided by law, a person convicted of a crime does not suffer civil death or corruption of blood or sustain loss of civil rights or forfeiture of estate or property, but retains all of his rights, political, personal, civil, and otherwise, including the right to hold public office or employment; to vote; to hold, receive, and transfer property; to enter into contracts; to sue and be sued; and to hold offices of private trust in accordance with law.

**North Dakota Statutes Section 12.1-33-03 Certificate of discharge.**

1. If the sentence were in this state, the sentence shall state that the defendant's rights to vote and to hold any future public office are not lost except during the term of any actual incarceration and that he suffers no other disability by virtue of his conviction and sentence except as otherwise provided in such sentence or by law.
2. If the sentence were in another state or in a federal court, the convicted person shall lose the rights to vote and to hold public office only during the term of actual incarceration. Any person who has been sentenced in another state or in a federal court to a term of imprisonment and who is present in this state shall be presumed to have had such rights restored.
3. If another state having a similar statute issues its certificate of discharge to a convicted person stating that the defendant's rights have been restored, the rights of which he was deprived in this state, under section 12.1-33-01, are restored to him in this state.

**North Dakota Statutes Section 16.1-02-08 Reporting incarcerations -- Changes to records in the central voter file.**

1. The director of the department of corrections and rehabilitation shall provide for the regular reporting to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred, if available, of each individual who has been convicted of a felony and incarcerated under the legal and physical custody of the department of corrections and rehabilitation since the last report. Within thirty days after receiving a report, the secretary of state shall



designate each individual in the report as "ineligible" in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.

2. The director of the department of corrections and rehabilitation shall provide for the regular reporting to the secretary of state the name, address, and date of birth, if available, of each individual previously convicted of and incarcerated for a felony whose civil rights have been restored as provided in chapter 12.1-33 since the last report. Within thirty days after receiving a report, the secretary of state shall remove the "ineligible" designation of the individual in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.

## RESTORE YOUR RIGHT TO VOTE IN

### OHIO

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Ohio, your right to vote is automatically restored upon discharge from your sentence of imprisonment.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You can register to vote:

- At any county board of elections or the Secretary of State's office.
- At branch registration offices or locations established by a board of elections.
- At any public high school or vocational school.
- At the offices of the Ohio Bureau of Motor Vehicles.
- At offices of designated agencies that provide public assistance or disability programs.
- At public libraries.
- At county treasurers' offices.
- By mail. You may request a registration form from a board of elections or the Secretary of State's office by mail, e-mail, telephone, in-person or by having another person obtain it for you.

After completing the form, return it to your local board of elections or the Secretary of State's office.

Mailed registration forms must be postmarked 30 days before an election to be valid for that election.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice

Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Ohio Secretary of State  
 180 E. Broad Street  
 16<sup>th</sup> Floor  
 Columbus, Ohio 43215  
 (614) 466-2585 (tel.)  
[http://www.state.oh.us/sos/election\\_services.htm](http://www.state.oh.us/sos/election_services.htm)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Ohio?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>46,200</b>	<b>0.6%</b>	<b>23,800</b>	<b>6.2%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm - P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm - P101_2428)

**What are the demographics of Ohio?**

White	85.0%
Black	11.5%
American Indian/Alaskan Native	0.2%
Asian	1.2%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	1.9%
Other	0.8%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov/>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Ohio Constitution, Art. V, §. 4. Civil rights of convicted felons.**

The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of a felony.

**Ohio Revised Code § 2961.01. Civil rights of convicted felons.**

(A) A person convicted of a felony under the laws of this or any other state or the United States, unless the conviction is reversed or annulled, is incompetent to be an elector or juror or to hold an office of honor, trust, or profit. When any person convicted of a felony under any law of that type is granted parole, judicial

release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a convict restores the rights and privileges so forfeited under this section, but a pardon shall not release a convict from the costs of the convict's conviction in this state, unless so specified.

(B) As used in this section:

- (1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (2) "Non-jail community control sanction" means a community control sanction that is neither a term in a community-based correctional facility nor a term in a jail.
- (3) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

**Ohio Revised Code § 3503.18. Cancellation of registration for death, incompetence, or conviction.**

The chief health officer of each political subdivision and the director of health shall file with the board of elections, at least once each month, the names, dates of birth, dates of death, and residences of all persons, over eighteen years of age, who have died within such subdivision or within this state or another state, respectively, within such month. At least once each month the probate judge shall file with the board the names and residence addresses of all persons over eighteen years of age who have been adjudicated incompetent for the purpose of voting, as provided in section 5122.301 of the Revised Code. At least once each month the clerk of the court of common pleas shall file with the board the names and residence addresses of all persons who have been convicted during the previous month of crimes that would disfranchise such persons under existing laws of the state. Reports of conviction of crimes under the laws of the United States that would disfranchise an elector and that are provided to the secretary of state by any United States attorney shall be forwarded by the secretary of state to the appropriate board of elections.

Upon receiving any report described in this section, the board of elections shall promptly cancel registration of the elector. If the report contains a residence address of an elector in a county other than the county in which the board of elections is located, the director shall promptly send a copy of the report to the appropriate board of elections, which shall cancel the registration.

## RESTORE YOUR RIGHT TO VOTE IN

### OKLAHOMA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Oklahoma, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation and parole.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

In Oklahoma, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation and parole. In order to vote, you must simply register.

#### **WHEN DO I REGISTER TO VOTE?**

You must register at least 24 days before an election. If you mail your voter registration application to the elections office, it must be postmarked at least 24 days before the election in which you intend to vote.

#### **WHERE DO I REGISTER TO VOTE?**

You may mail your voter registration application to the State Election Board. The card is already addressed, but you must add a first-class postage stamp. If you fill out your voter registration application form at a tag agency when you get your driver's license or when you apply for assistance at a government agency, the agency will mail the form to the State Election Board for you.

Voter registration forms can be secured online at:

<http://www.oklaosf.state.ok.us/~elections/vrfrmshl.html>

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)

(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Oklahoma State Election Board  
Room B-6, State Capitol Building  
PO Box 53156  
Oklahoma City, Oklahoma 73152  
(405) 521-2391  
(405) 521-6457 (fax)  
<http://www.state.ok.us/~elections/>

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Oklahoma?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>37,200</b>	<b>1.5%</b>	<b>9,800</b>	<b>12.3%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of Oklahoma?**

White	76.2%
Black	7.6%
American Indian/Alaskan Native	7.9%
Asian	1.4%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	5.2%
Other	2.4%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Oklahoma Statutes Annotated, Title 26, § 4-101. Persons entitled to become registered voters—Exceptions.**

Every person who is a qualified elector as defined by Section 1 of Article III of the Oklahoma Constitution shall be entitled to become a registered voter in the precinct of his residence, with the following exceptions:

1. Persons convicted of a felony shall be ineligible to register for a period of time equal to the time prescribed in the judgment and sentence.
2. Any person who has been adjudged to be an incapacitated person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes, shall be ineligible to register to vote. When such incapacitated person has been adjudged to be no longer incapacitated such person shall be eligible to become a registered voter. The provisions of this paragraph shall not prohibit any person adjudged to be a partially incapacitated

person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes from being eligible to register to vote unless the order adjudging the person to be partially incapacitated restricts such persons from being eligible to register to vote.

**Oklahoma Statutes Annotated, Title 26, § 4-120. Cancellation of registrations.**

The registration of any registered voter may be cancelled only for one of the following reasons: Written notice from the voter; death; conviction of a felony; judicial determination of mental incapacitation under Title 30 of the Oklahoma Statutes; registration in another county or state; or failure to respond to a confirmation of address mailing and failure to vote as prescribed in Section 21 of this act.

**Oklahoma Statutes Annotated, Title 26, § 4-120.4. Convicted felons--Cancellation of registration—Liability.**

A. The Secretary of the State Election Board shall accept written notice from the United States Attorney of persons convicted of felonies in a district court of the United States. The Secretary of the State Election Board shall cause the voter registrations of persons listed in the written notice to be cancelled in the county of the person's residence and shall notify the secretary of the appropriate county election board of the cancellation.

B. The court clerk in each county shall prepare a list monthly of all persons convicted in the county of a felony and shall transmit the list to the secretary of the county election board. The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. The secretary shall cancel the registration of registered voters in the county included on the list. The secretary of the county election board shall forward the names of any persons on the list who are not residents of the county to the Secretary of the State Election Board. The Secretary of the State Election Board shall cause the voter registrations of persons from a list who are forwarded to the Secretary to be cancelled in the county of the person's residence.

C. The Secretary of the State Election Board, secretaries of county election boards, and their agents and employees shall not be held civilly liable for any action taken based upon information concerning felony convictions received from a United States Attorney or a county court clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before canceling any voter's registration.

## RESTORE YOUR RIGHT TO VOTE IN

### OREGON

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No. Your right to vote is suspended from the date of sentencing until you are discharged or paroled, or until the conviction is set aside. You also cannot vote if the court stays the execution of your sentence for any purpose other than probation.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes. However, your right to vote is automatically withdrawn, if you are subsequently incarcerated for violating the terms of your parole.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Oregon, your right to vote is automatically restored upon discharge from your sentence of imprisonment.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 21 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You can obtain a registration form from your county elections office or at a designated state agency, including the Department of Motor Vehicles, some service agencies, and online at <http://www.sos.state.or.us/elections/other.info/vreg.htm>. The completed voter registration form can be returned by mail to your county elections office or in person to your county elections office or any designated service agency. Contact the county elections office in the county where you reside to find out which service agencies provide voter registration.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035



(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Secretary of State  
Elections Division  
141 State Capitol  
Salem, Oregon 97310  
(503) 986-1518 (tel.)  
(503) 373-7414 (fax)  
<http://www.sos.state.or.us/sos/elections>

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Oregon?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>7,300</b>	<b>0.3%</b>	<b>900</b>	<b>4.5%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm - P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm - P101_2428)

#### **What are the demographics of Oregon?**

White	86.6%
Black	1.6%
American Indian/Alaskan Native	1.3%
Asian	3.0%
Native Hawaiian/Other Pacific Islander	0.2%
Hispanic/Latino	8.0%
Other	4.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov/>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Oregon Const. Article 2, § 3. Rights of certain electors.**

A person suffering from a mental handicap is entitled to the full rights of an elector, if otherwise qualified, unless the person has been adjudicated incompetent to vote as provided by law. The privilege of an elector, upon conviction of any crime which is punishable by imprisonment in the penitentiary, shall be forfeited, unless otherwise provided by law.

#### **Oregon Statutes § 137.275. Effect of felony conviction on civil and political rights of felon.**

Except as otherwise provided by law, a person convicted of a felony does not suffer civil death or disability, or sustain loss of civil rights or forfeiture of estate or property, but retains all of the rights of the

person, political, civil and otherwise, including, but not limited to, the right to vote, to hold, receive and transfer property, to enter into contracts, including contracts of marriage, and to maintain and defend civil actions, suits or proceedings.

**Oregon Statutes § 137.281. Withdrawal of rights during term of imprisonment; restoration of rights.**

(1) In any felony case, when the court sentences the defendant to a term of imprisonment in the custody of the Department of Corrections and execution of the sentence is not suspended, or execution is suspended upon condition that the defendant serve a term of imprisonment in the county jail, the defendant is deprived of all rights and privileges described in subsection (3) of this section from the date of sentencing until:

- (a) The defendant is discharged or paroled from imprisonment; or
- (b) The defendant's conviction is set aside.

(2) In any felony case, when the court sentences the defendant to a term of imprisonment in the custody of the Department of Corrections and execution of the sentence is suspended upon any condition other than imprisonment in the county jail, if the sentence of probation is revoked and the suspended portion of the sentence is ordered executed, the defendant is deprived of the rights and privileges described in subsection (3) of this section from the date the sentence is ordered executed until:

- (a) The defendant is discharged or paroled from imprisonment; or
- (b) The defendant's conviction is set aside.

(3) The rights and privileges of which a person may be deprived under this section are:

- (a) Holding a public office or an office of a political party or becoming or remaining a candidate for either office;
- (b) Holding a position of private trust;
- (c) Acting as a juror; or
- (d) Exercising the right to vote.

(4) If the court under subsection (1) of this section temporarily stays execution of sentence for any purpose other than probation, the defendant nonetheless is sentenced for purposes of subsection (1) of this section.

(5) A person convicted of any crime and serving a term of imprisonment in any federal correctional institution in this state is deprived of the rights to register to vote, update a registration or vote in any election in this state from the date of sentencing until:

- (a) The person is discharged or paroled from imprisonment; or
- (b) The person's conviction is set aside.

(6) The county clerk or county official in charge of elections in any county may cancel the registration of any person serving a term of imprisonment in any federal correctional institution in this state.

(7) Except as otherwise provided in ORS 10.030, the rights and privileges withdrawn by this section are restored automatically upon discharge or parole from imprisonment, but in the case of parole shall be automatically withdrawn upon a subsequent imprisonment for violation of the terms of the parole.

## **RESTORE YOUR RIGHT TO VOTE IN**

### **PENNSYLVANIA**

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Maybe. If you were convicted of a felony, you cannot vote in Pennsylvania within five (5) years of the date of your release from incarceration for the felony conviction. Even if you were registered to vote at the time of your conviction, you must wait 5 years from the date of your release from incarceration for a felony conviction in order to vote.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Maybe. If you were convicted of a felony, you cannot vote in Pennsylvania within five (5) years of the date of your release from incarceration for the felony conviction. Even if you were registered to vote at the time of your conviction, you must wait 5 years from the date of your release from incarceration for a felony conviction in order to vote.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

If you were convicted of a felony, you cannot vote in Pennsylvania within five (5) years of the date of your release from incarceration for the felony conviction. For information about whether you are eligible to register, please contact the Elections Division of the Department of State at (717) 787-5280. After five years, your right to vote is automatically restored. However, you must register to vote.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register to vote in Pennsylvania:

- In person at the Office of the County Voter Registration Commission or
- By mail, by completing a mail-in registration form and delivering it to your Registration Commission.

Or, you may register at one of the following state agencies:

- State offices that provide public assistance and services to persons with disabilities
- Department of Transportation photo license centers when applying for or renewing your driver license photo identification
- Armed Service Recruitment Centers
- County Clerk of Orphans' Court offices, including each Marriage License Bureau
- Area Agencies on Aging
- Centers for Independent Living
- County Mental Health and Mental Retardation Offices
- Student disability services offices of the State System of Higher Education
- Offices of Special Education
- ADA Complementary Para Transit Offices.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Bureau of Commissions, Elections, and Legislation  
Pennsylvania Department of State  
210 North Office Building  
Harrisburg, PA 17120  
(717) 787-5280 (voice)  
(717) 705-0721 (fax)  
<http://www.dos.state.pa.us>

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Pennsylvania?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
<b>34,500</b>	<b>0.4%</b>	<b>18,900</b>	<b>5.2%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote,  
the Impact of Felony Disenfranchisement Laws in the United States (1998), at  
[http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428)

**What are the demographics of Pennsylvania?**

White	85.4%
Black	10.0%
American Indian/Alaskan Native	0.1%
Asian	1.8%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	3.2%

Other	1.5%
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US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

#### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

##### **Pennsylvania Statutes, Title 25, § 1301. Qualifications to register.**

(a) Eligibility. An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month before the next election and who has resided in this Commonwealth and the election district where the individual offers to vote for at least 30 days before the next ensuing election and has not been confined in a penal institution for a conviction of a felony within the last five years shall be eligible to register as provided in this chapter.

(b) Effect. No individual shall be permitted to vote at any election unless the individual is registered under this subsection, except as provided by law or by order of a court of common pleas. No registered elector shall be required to register again for any election while the elector continues to reside at the same address.

(c) Removal of residence. Except as otherwise provided by this part, a registered elector who removes residence from one place to another outside the elector's last election district shall not be entitled to vote in the election district of the elector's last residence except pursuant to the provisions of this section and sections 1501(b) (relating to removal notices), 1502 (relating to transfer of registration) and 1902 (relating to procedure for voting following failure to return notification card).

**RESTORE YOUR RIGHT TO VOTE IN**

**RHODE ISLAND**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Rhode Island, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation, and parole.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored. However, you must register to vote.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your Board of Canvassers or the Rhode Island Board of Elections. You may register in person or by mail. Registration applications may be found at the following locations:

- Driver's license station
- Public assistance agencies providing food stamps, TANF or WIC
- Department of Human Services offices which provide assistance to the disabled
- Department of Mental Health
- Military recruitment offices

You can also register to vote through mail-in registration forms provided by the Board of Elections. Registration forms can be secured online at <http://www.elections.state.ri.us/registration/intro.htm>.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035

(202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

State Board of Elections  
 50 Branch Avenue  
 Providence, Rhode Island 02904  
 (401) 277-2345  
 (401) 277-2239 (TDD)

Office of the Secretary of State  
 Elections Division  
 100 North Main Street, Second Floor  
 Providence, Rhode Island 02903-1335  
 (401) 222-2340  
 (401) 222-1444 (fax)  
[elections@sec.state.ri.us](mailto:elections@sec.state.ri.us)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Rhode Island?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
13,900	1.8%	2,800	18.3%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

**What are the demographics of Rhode Island?**

White	85.0%
Black	4.5
American Indian/Alaskan Native	0.5
Asian	2.3
Native Hawaiian/Other Pacific Islander	0.1
Hispanic/Latino	8.7
Other	5.0%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

**Rhode Island Constitution Article II, § 1. Persons entitled to vote.**

Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. No felon shall be permitted to vote until completion of such

felon's sentence, served or suspended, and of parole or probation regardless of a nolo contendere plea. Upon such completion, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States.

**Rhode Island General Laws § 8-15-8. Report of felony sentencing to secretary of state.**

The court administrator appointed pursuant to § 8-15-4 shall notify the secretary of state of any person who is serving a sentence, including probation or parole, for which the person was imprisoned upon final conviction of a felony imposed on any date or who is serving any sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986.

**Rhode Island General Laws § 17-6-1(a). General powers and duties.**

The secretary of state shall have any functions, powers, and duties relating to elections that may be provided by this title or any other law not inconsistent with this chapter. . . . The secretary of state shall maintain a central register of all persons registered to vote in the several cities and towns and shall add, amend, delete, and cancel any names appearing on the register as certified to the secretary by the several local boards and by the state board. Upon being notified by the court administrator, the secretary of state shall remove from the central register the name of any person who is serving a sentence, including probation or parole, for which that person was imprisoned upon a final conviction of a felony imposed on any date or is serving a sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986.

**Rhode Island General Laws § 17-20-2. Eligibility for mail ballots.**

Any otherwise qualified elector may vote by mail ballot in the following circumstances:

- (1) An elector who will be absent from the state on the day of election during the entire period of time when the polls are to be open;
- (2) An elector who will be absent from the city or town of his or her voting residence on the day of election during the entire period of time when the polls are to be open due to the elector's status as a student or the spouse of a student at an institution of higher learning located within this state;
- (3) An elector who is incapacitated to the extent that it would be an undue hardship to vote at the polls because of illness, or mental or physical disability, blindness, or serious impairment of mobility;
- (4) An elector who is forbidden by the tenets of his or her religious faith from engaging in secular activity, including voting, on the day of election;
- (5) An elector who is confined in any hospital, convalescent home, nursing home, rest home, or similar institution, public or private;
- (6) An elector who is being detained while awaiting trial or is being imprisoned for any cause, other than final conviction of a felony, and by reason of that detention or imprisonment is unable to vote at the polls;
- (7) An elector who will be temporarily absent from the state because of employment or service intimately connected with military operations or who is a spouse or legal dependent residing with that person;
- (8) An elector who is employed by the state board of elections, elections division of the secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned to work on Election Day outside of their voting district.



**RESTORE YOUR RIGHT TO VOTE IN**

**SOUTH CAROLINA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored upon completion of your sentence. Although your right to vote is automatically restored, you must register to vote after completion of your sentence. In order to register to vote, you must fill out a voter registration form at the county board of elections in the county where you reside. A list of the locations of each county board of election is available online at:

<http://www.state.sc.us/scsec/votereg.htm>.

When you register to vote, you will likely be requested to produce proof that you have completed your sentence. If you have just completed parole or probation, you may request from your parole or probation officer a certificate of release, which will be printed on the Department of Parole, Probation, and Pardon official letterhead, certifying that you have completed your sentence. This document should be presented to the County Board of Elections where you live. The County Board of Elections will call the South Carolina State Board of Elections and fax your certificate to the State Board, who should immediately reinstate your voting rights. Make sure the County Board returns your original certificate of release to you.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

**WHERE DO I REGISTER TO VOTE?**

In order to register to vote, you can complete a voter registration form at the County Board of Elections in the county where you live.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division

Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

South Carolina State Election Commission  
 Barbara Pagoota  
 2221 Devine Street, Suite 105  
 Columbia, SC 29205  
 Main Number: (803) 734-9060  
 Fax: (803) 734-9366 (main)  
 Fax: (803) 734-4381 (Election Serv.)  
 E-mail: [hmajewski@scsec.state.sc.us](mailto:hmajewski@scsec.state.sc.us)

South Carolina Progressive Network  
 Becci Robbins  
 P.O. Box 8325  
 Columbia, SC 29202  
 tel: 803-808-3384  
 fax: 803-808-3781  
 e-mail: [scpoint@mindspring.com](mailto:scpoint@mindspring.com)  
 website: [www.sepronet.com](http://www.sepronet.com)

South Carolina ACLU  
 1338 Main Street  
 Baringer Building, Suite 800  
 Columbia, SC 29201  
 (803) 799-5151

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in South Carolina?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>48,300</b>	<b>1.7%</b>	<b>26,100</b>	<b>7.6%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. *Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States* (1998), at <http://www.hrw.org/reports98/vote/>.

**What are the demographics of South Carolina?**

White	67.2%
Black	29.5%
American Indian/Alaskan Native	0.3%
Asian	0.9%
Native Hawaiian/Other	0.0%

Pacific Islander	
Hispanic/Latino	2.4%
Other	1.0%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **South Carolina Const., Art. II, § 7**

The General Assembly shall establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and may provide for the removal of such disqualifications. Persons who are confined in any penal institution under the judgment of a court shall not be entitled to vote.

#### **S.C. Code § 7-5-120. Qualifications for registration; persons disqualified from registering or voting**

(A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:

- (1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;
- (2) is not laboring under disabilities named in the Constitution of 1895 of this State; and
- (3) is a resident in the county and in the polling precinct in which the elector offers to vote.

(B) A person is disqualified from being registered or voting if he:

- (1) is mentally incompetent as adjudicated by a court of competent jurisdiction; or
- (2) is serving a term of imprisonment resulting from a conviction of a crime; or
- (3) is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned.

**RESTORE YOUR RIGHT TO VOTE IN**

**SOUTH DAKOTA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

**CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In South Dakota, the right to vote is automatically restored upon completion of your sentence of imprisonment.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Once you've completed your sentence of imprisonment, you should receive a certificate in the mail from the Secretary of Corrections indicating that your citizenship rights have been restored, including your right to vote. The Secretary of Corrections will file a copy of the Certificate with the sentencing court. Once you receive your Certificate, you are eligible to register to vote. You must then register to vote.

**WHAT IF I DO NOT RECEIVE A CERTIFICATE FROM THE SECRETARY OF CORRECTIONS UPON COMPLETION OF MY SENTENCE?**

If you do not receive your Certificate in the mail, contact the Department of Corrections. All correspondence regarding restoration of civil rights should be directed to the following location:

South Dakota Department of Corrections  
3200 East Highway 34  
c/o 500 East Capitol Ave.  
Pierre, SD 57501  
605-773-3478 (tel.)  
605-773-3194 (fax)  
[DOCInternetInfo@state.sd.us](mailto:DOCInternetInfo@state.sd.us)

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 15 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local county election commission. You may register in person or by mail. Registration applications may be found at the following locations:

- County auditor's office
- City finance office
- Driver's license station
- Public assistance agencies providing food stamps, TANF or WIC
- Department of Human Services offices which provide assistance to the disabled
- Military recruitment offices

You can also register to vote through mail-in registration forms provided by the county auditor's office. Registration forms can be secured online at [www.state.sd.us/sos/votreg.htm](http://www.state.sd.us/sos/votreg.htm).

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

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Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

South Dakota Secretary of State  
Capitol Building  
500 East Capitol Avenue Ste 204  
Pierre, SD 57501-5070  
(605) 773-3537 (voice)  
(605) 773-6580 (fax)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in South Dakota?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
<b>2100</b>	<b>0.4%</b>	<b>100</b>	<b>3.5%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote. the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

**What are the demographics of South Dakota?**

White	88.7%
Black	0.6%
American Indian/Alaskan Native	8.3
Asian	0.6
Native Hawaiian/Other Pacific Islander	0.0
Hispanic/Latino	1.4

Other	0.5%
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US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **South Dakota Const. Article VII, § 2**

Every United States citizen eighteen years of age or older who has met all residency and registration requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. The Legislature may by law establish reasonable requirements to insure the integrity of the vote.

#### **South Dakota Codified Laws § 12-3-1**

Every person resident of this state who shall be of the age of eighteen years and upwards, not otherwise disqualified, who shall have complied with the provisions of law relating to the registration of voters shall be entitled to vote at any election in this state.

#### **South Dakota Codified Laws § 23A-27-35**

A sentence of imprisonment in the state penitentiary for any term suspends the right of the person so sentenced to vote, to hold public office, to become a candidate for public office and to serve on a jury, and forfeits all public offices and all private trusts, authority, or power during the term of such imprisonment. Any person who is serving a term in any penitentiary shall be a competent witness in any action now pending or hereafter commenced in the courts of this state, and his deposition may be taken in the same manner prescribed by statute or rule relating to taking of depositions. After a suspension of sentence pursuant to § 23A-27-18, upon the termination of the time of the original sentence or the time extended by order of the court, a defendant's rights withheld by this section are restored.

#### **South Dakota Codified Laws § 24-5-2**

Whenever any inmate has been discharged . . . he shall at the time of his discharge be considered as restored to the full rights of citizenship. At the time of the discharge of any inmate under the provisions of this chapter, he shall receive from the secretary of corrections a certificate stating that he has been restored to the full rights of a citizen. If an inmate is on parole at the time he becomes eligible for discharge, the secretary of corrections shall issue a certificate, which shall be due notice that such inmate has been restored to the full rights of a citizen. The secretary of corrections shall mail a copy of the certificate to the clerk of court for the county from which the inmate was sentenced.

#### **South Dakota Codified Laws § 12-4-1.1**

If requested by the county auditor, a convicted felon shall provide the proper release documents to the county auditor when registering to vote. The release documents shall certify that the convicted felon's sentence has been completed.

**RESTORE YOUR RIGHT TO VOTE IN**

**TENNESSEE**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**HOW DO I KNOW IF I HAVE LOST THE RIGHT TO VOTE IN TENNESSEE BASED ON MY CRIMINAL CONVICTION EVEN AFTER I HAVE COMPLETED MY SENTENCE, INCLUDING PROBATION OR PAROLE?**

The law varies based on the date of your conviction and the type of crime for which you were convicted. Please review the categories below to see which one applies to you.

If you were convicted:

**BETWEEN MAY 18, 1981 AND THE PRESENT:**

All persons convicted of felonies lose their right to vote.

**BETWEEN JANUARY 15, 1973 AND MAY 18, 1981:**

Any person convicted of any crime can vote after completing his or her sentence. You never lost the right to vote.

**BEFORE JANUARY 15, 1973:**

Persons convicted of the following crimes lost the right to vote:

- (i) abusing a female child;
- (ii) arson and felonious burning;
- (iii) bigamy;
- (iv) bribery;
- (v) burglary; felonious breaking and entering a dwelling house; felonious breaking into a business house, outhouse other than a dwelling house; larceny; house stealing; robbery; receiving stolen property; stealing bills of exchange or other valuable papers;
- (vi) destroying a will;
- (vii) incest, rape, sodomy, buggery; or
- (viii) perjury, and subornation of perjury.

**HAS MY RIGHT TO VOTE BEEN TAKEN AWAY PERMANENTLY?**

**IF YOU WERE CONVICTED AFTER JUNE 30, 1996:**

Yes, for persons convicted of:

- (i) murder;
- (ii) rape;
- (iii) treason; or
- (iv) voter fraud.

If you were convicted of any other type of felony, you can apply to have your voting rights restored.

**BETWEEN JULY 1, 1986 AND JUNE 30, 1996:**

Yes, for persons convicted of:

- (i) First degree murder;
- (ii) aggravated rape;
- (iii) treason; or
- (iv) voter fraud; and
- (v) for persons given a pardon with conditions on voting.

If you were convicted of any other type of felony, you can apply to have your voting rights restored.

**BETWEEN MAY 18, 1981 AND JUNE 30, 1986:**

No, convicted persons can apply to have their voting rights restored.

**BETWEEN JANUARY 15, 1973 AND MAY 17, 1981:**

No, persons convicted of any crime did not lose the right to vote, and you do not need to file any type of application in order to vote.

**BEFORE JANUARY 15, 1973:**

No, convicted persons can apply to have their voting rights restored.

**IS RESTORATION OF MY RIGHT TO VOTE AUTOMATIC?**

No. For convictions between July 1, 1986 and June 30, 1996, you must submit a request for restoration of voting rights to the Board of Probation and Parole or request a pardon from the Governor. The Board will review the materials and may schedule a hearing, though Board personnel have indicated that the process is simple but there is no specified time that it will be completed in. The receipt of a pardon is rare. It is a very complicated process and takes much more time. According to the Board, a pardon is usually only granted for a “compelling” need, which the right to vote has not considered “compelling” enough. The governor will ultimately review the materials and decide whether to grant or deny the pardon. There is no mandatory waiting period; you can apply as soon as you complete your sentence. If you were convicted between July 1, 1986 and June 30, 1996 it is recommended by the Board to send a letter to the Board of Probation and Parole. For convictions before or after these dates they recommend petitioning to the circuit court of your county of domicile or conviction.

**HOW DO I OBTAIN A PARDON?**

To apply for a pardon, you may request an application from the Board of Probation and Parole at 404 James Robinson Parkway, Nashville, TN 37243. Send the completed application along with character references and any supportive documentation back to the Board. The Board will review the materials and may schedule a hearing. The Governor will ultimately review the materials and decide whether to grant or deny the pardon.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

The process you will follow is based on the date of your conviction and the type of offense for which you were convicted, as the procedures have changed over the years. Please review the different options listed below to determine which one applies to you.

**(1)** Persons convicted of murder, aggravated rape, treason, or voter fraud after July 1, 1986, or of rape after June 30, 1996, are ineligible for restoration of their voting rights.

**(2)** For other felony convictions after June 30, 1996, restoration of voting rights may be sought after the maximum sentence imposed for the conviction has expired, or after you have been pardoned, by petitioning the circuit court of the county where you live or where you were convicted. A petition may be submitted which cites the basis for eligibility for restoration and why it should be granted. Both the district attorney general in both your county of residence as well as the county where the conviction occurred will be notified and provided the opportunity to object to your petition.

**(3)** Persons convicted between July 1, 1986 and June 30, 1996 of a felony other than murder, aggravated rape, treason, or voter fraud may request that either the Board of Probation and Parole or the authority that



supervised or incarcerated the person, issue a Certificate of Restoration of Voting Rights. You are eligible to request this certificate after either being pardoned, after the maximum sentence imposed for the conviction has expired, or after being granted final release. There are no other requirements (such as payment of restitution) in order to have your voting rights restored.

To obtain a Certificate of Restoration of Voting Rights from the Board of Probation and Parole, you should send a written request for such a certificate to the following address:

Board of Probation and Parole  
404 James Robinson Parkway  
Suite 1300  
Nashville, TN 37243

You do not need to send in a particular form or application. Your letter should include the following information:

- a. Your name;
- b. Your social security number;
- c. Your date of birth;
- d. County of conviction (if you know); and,
- e. Any other information you can recall about your conviction(s), including type of offense, date of offense, etc.

There is no specified time in which you will receive your Certificate of Restoration.

**(4) For all convictions between May 18, 1981 and June 30, 1986** restoration of voting rights may be sought after a conviction is reversed on appeal, receipt of a pardon, or after expiration of the maximum sentence imposed, by petitioning the circuit court of the county where you live or where you were convicted.

**(5) For all convictions prior to January 15<sup>th</sup>, 1973** restoration of voting rights may be sought if proven that at the time of conviction, the judge did not render the person infamous, the conviction was reversed on appeal, receipt of a pardon, or after the expiration of the maximum sentence imposed, by petitioning the circuit court of the county of where you live or where you were convicted.

**IS THERE ANYONE I CAN CALL AT THE BOARD OF PROBATION AND PAROLE FOR HELP?**

If you have any questions about the restoration process or the status of your request for a Certification of Restoration, you can reach the Board of Probation and Parole at: 1-615-741-1150.

You should also be able to ask your local parole or probation office for assistance, as well as the Election Board in your county.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

**WHERE DO I REGISTER TO VOTE?**

Qualified voters register to vote by obtaining and completing a voter registration form and submitting the form to your local county election commission. You may register in person or by mail. Registration applications may be found at the following locations:

- county election commission offices
- Department of Safety
- Department of Health
- Department of Human Services
- Department of Mental Health and Mental Retardation
- Department of Veteran's Affairs
- public libraries
- county clerk's offices

- register of deed's offices
- driver's license offices

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Division of Elections  
312 Eighth Avenue North, 8th Fl.  
William Snodgrass Tower  
Nashville, Tennessee 37243-0309  
(615) 741-7956 (tel.)  
(615) 741-1278 (fax)

ACLU of Tennessee  
P.O. Box 120160  
Nashville, TN 37212  
615-320-7142  
[tnaclu@ix.netcom.com](mailto:tnaclu@ix.netcom.com)

NAACP, Jackson branch  
Jackson, TN 38305  
731-660-5580  
[info@tnnaacp.com](mailto:info@tnnaacp.com)

NAACP, Chattanooga branch  
P.O. Box 16072  
Chattanooga, TN 37416

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Tennessee?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>97,800</b>	<b>2.4%</b>	<b>38,300</b>	<b>14.5%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Source: Human Rights Watch and The Sentencing Project. [Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States](http://www.hrw.org/reports98/vote/usvot98-01.html) (1998), at <http://www.hrw.org/reports98/vote/usvot98-01.html>.

### What are the demographics of Tennessee?

White	80.2%
Black	16.4%
American Indian/Alaskan Native	0.3%
Asian	1%
Native Hawaiian/Other Pacific Islander	0%
Hispanic/Latino	2.2%
Other	1.0%

Source: US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

#### **Tennessee Constitution Art. IV, Sec. 2. Disqualification for commission of crime**

Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

#### **Tennessee Code § 2-2-102. Qualified voter**

A citizen of the United States eighteen (18) years of age or older who is a resident of this state is a qualified voter unless the citizen is disqualified under the provisions of this title or under a judgment of infamy pursuant to § [40-20-112](#).

#### **Tennessee Code § 2-2-106. Acts purging registration - Notice**

(a) The registration of a person shall be purged

(4) Upon receiving information that a person has been convicted of an infamous crime as defined by § [40-20-112](#) from the state coordinator of elections, the district attorney general, United States attorney, clerk of the court that entered the conviction, or other source upon verification by the clerk of the convicting court;

(h) Any person who intentionally makes a false affirmation pursuant to this section violates § [2-19-107](#) and shall be punished as provided in § [2-19-107](#).

#### **Tennessee Code § 2-2-116. Registration form**

Includes questions such as:

- Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court?
- If the answer to question ten (10) is "yes," list the crime, or crimes, for which you were convicted, and date, or dates, of conviction.
- If the answer to question ten (10) is "yes," have you received a pardon or had your full rights of citizenship restored by a court for all crimes listed?

#### **Tennessee Code § 2-2-139. Restoration of suffrage to persons convicted of infamous crimes**

(a) Any person who has forfeited the right of suffrage because of conviction of an infamous crime may register to vote and vote at any election for which the person is eligible by submitting sufficient proof to the administrator of elections in the county in which the person is seeking to register to vote, that:

- (1) The person has been pardoned of all infamous crimes and the person's full rights of citizenship, including the right of suffrage, have been restored;
  - (2) The person's full rights of citizenship have been restored as prescribed by law; or
  - (3) An appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction, or convictions, of all infamous crimes.
- (b) For purposes of this section, a pardon or a certified copy of a judgment of a court of competent jurisdiction shall be sufficient proof to the administrator that the person fulfills the above requirements as to the offense or offenses specified on the pardon or judgment; however, before allowing a person convicted of an infamous crime to become a registered voter, it shall be the duty of the administrator in each county to verify with the state coordinator of elections that the person is eligible to register under the provisions of this section.
- (c) The state election coordinator is hereby empowered to formulate a uniform procedure for verifying the registration eligibility of any person convicted of an infamous crime. Upon receiving sufficient verification of such person's eligibility to register, the administrator shall allow such person to become a registered voter in the same manner and in accordance with the same laws, rules, or regulations as any other citizen of this state.
- (d) The provisions of this section, relative to the forfeiture and restoration of the right of suffrage for those persons convicted of infamous crimes, shall also apply to those persons convicted of crimes prior to May 18, 1981, which are infamous crimes after May 18, 1981.

**Tennessee Code § 2-19-143. Suffrage for persons convicted of infamous crimes.**

The following provisions shall govern the exercise of the right of suffrage for those persons convicted of an infamous crime:

- (1) No person who has been convicted of an infamous crime, as defined by § 40-20-112, in this state shall be permitted to register to vote or vote at any election unless such person has been pardoned by the governor, or the person's full rights of citizenship have otherwise been restored as prescribed by law. However, the governor may attach to any such pardon a special condition that such person shall not have the right of suffrage until a date certain in the future, or until the expiration of the pardoned sentence, whichever period of time is less.
- (2) No person who has been convicted in federal court of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election unless such person has been pardoned or restored to the full rights of citizenship by the president of the United States, or the person's full rights of citizenship have otherwise been restored in accordance with federal law, or the law of this state.
- (3) No person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state unless such person has been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or the person's full rights of citizenship have otherwise been restored in accordance with the laws of such other state, or the law of this state.
- (4) The provisions of this section, relative to the forfeiture and restoration of the right of suffrage for those persons convicted of infamous crimes, shall also apply to those persons convicted of crimes prior to May 18, 1981, which are infamous crimes after May 18, 1981.

**Tennessee Code § 40-20-112. Judgment of infamy - Right of suffrage - Competency as a witness.**

Upon conviction for any felony, it shall be the judgment of the court that the defendant be infamous and be immediately disqualified from exercising the right of suffrage. No person so convicted shall be disqualified to testify in any action, civil or criminal, by reason of having been convicted of any felony, and the fact of conviction for any felony may only be used as a reflection upon the person's credibility as a witness.

**Tennessee Code § 40-20-113. Judgment of infamous crime to be sent to election commission.**

The clerks of the criminal and circuit courts shall ascertain from every person convicted of an infamous crime whether or not such person is a registered voter. If it is determined such person is a registered voter, the clerk shall notify the county election commission of the county in which such person is registered on a form to be furnished by the state coordinator of elections.

**Tennessee Code § 40-29-101. Jurisdiction - Time of application**

- (a) Persons rendered infamous or deprived of the rights of citizenship by the judgment of any state or federal court may have their full rights of citizenship restored by the circuit court.
- (b) Those pardoned, if the pardon does restore full rights of citizenship, may petition for restoration immediately after such pardon; provided, that a court shall not have jurisdiction to alter, delete or render void special conditions of a pardon pertaining to the right of suffrage.
- (c) Those convicted of an infamous crime may petition for restoration upon the expiration of the maximum sentence imposed for any such infamous crime.

**Tennessee Code § 40-29-102. Petition and proof**

The proceeding for this purpose shall be by petition to the circuit court of the county in which the petitioner resides, or to the circuit court of the county in which the petitioner was convicted of an act depriving the petitioner of citizenship sustained by satisfactory proof that ever since the judgment of disqualification, the petitioner has sustained the character of a person of honesty, respectability and veracity, and is generally esteemed as such by the petitioner's neighbors.

**Tennessee Code § 40-29-103. Notice to district attorney general and to United States attorney**

Before the petition of a person rendered infamous or deprived of the rights of citizenship by the judgment of a state court is heard, the district attorney general in whose county the petitioner currently resides and the district attorney general of the county in which the petitioner was convicted shall have twenty (20) days' notice of such petition in order that, if deemed advisable, each may resist. The United States attorney and the district attorney general in whose district the petitioner currently resides shall be given such notice, with the same opportunity to resist, when such petitioner was rendered infamous or deprived of the rights of citizenship by the judgment of a federal court.

**Tennessee Code § 40-29-104. Costs**

The petitioner shall pay the costs of this application.

**Tennessee Code § 40-29-105. Felons convicted of infamous crimes after July 1, 1986**

- (a) The provisions and procedures provided for in §§ [40-29-101](#) - [40-29-104](#) shall apply to all persons convicted of an infamous crime prior to July 1, 1986, but before July 1, 1996.
- (b) For all persons convicted of infamous crimes after July 1, 1986, but before July 1, 1996, the following procedures shall apply:
  - (1) A person rendered infamous or deprived of the rights of citizenship by the judgment of any state or federal court may have full rights of citizenship restored upon:
    - (A) Receiving a pardon, except where such pardon contains special conditions pertaining to the right to suffrage;
    - (B) Service or expiration of the maximum sentence imposed for any such infamous crime; or
    - (C) Being granted final release from incarceration or supervision by the board of probation and parole, or county correction authority;
  - (2) A person rendered infamous after July 1, 1986, by virtue of being convicted of one (1) of the following crimes shall never be eligible to register and vote in this state: First degree murder, aggravated rape, treason or voter fraud;
  - (3) Any person eligible for restoration of citizenship pursuant to subdivision (b)(1) may request, and then shall be issued, a certificate of restoration upon a form prescribed by the coordinator of elections, by:
    - (A) The pardoning authority; or
    - (B) An agent or officer of the supervising or incarcerating authority;
  - (4) Any authority issuing a certificate of restoration shall forward a copy of such certificate to the coordinator of elections;
  - (5) Any person issued a certificate of restoration shall submit, to the administrator of elections of the county in which the person is eligible to vote, such certificate and upon verification of the same with the coordinator of elections be issued a voter registration card entitling the person to vote; and

(6) A certificate of restoration issued pursuant to subdivision (b)(3) shall be sufficient proof to the administrator of elections that such person fulfills the above requirements; however, before allowing a person convicted of an infamous crime to become a registered voter, it is the duty of the administrator of elections in each county to verify with the coordinator of elections that such person is eligible to register under the provisions of this section.

(c) The following procedure shall apply to a person rendered infamous by virtue of being convicted of a felony on or after July 1, 1996:

(1) Except as provided in subdivision (c)(2)(B), a person rendered infamous or whose rights of citizenship have been deprived by the judgment of a state or federal court may seek restoration of full rights of citizenship by petitioning the circuit court of the county where the petitioner resides or where the conviction for the infamous crime occurred;

(2)

(A) A person receiving a pardon that restores full rights of citizenship may petition for restoration immediately upon receiving the pardon. However, the court shall not have the authority or jurisdiction to alter, delete or render void special conditions pertaining to the right of suffrage that may be contained in such pardon;

(B) A person convicted of an infamous crime may petition for restoration upon the expiration of the maximum sentence imposed by the court for the infamous crime; provided, that a person convicted of murder, rape, treason or voter fraud shall never be eligible to register and vote in this state;

(3) The petition shall set forth the basis for the petitioner's eligibility for restoration and shall state the reasons the petitioner believes that petitioner's full citizenship rights should be restored. The petition shall be accompanied by such certified records, statements and other documents or information as is necessary to demonstrate to the court that the petitioner is both eligible for and merits having full rights of citizenship restored. The court may require such additional proof as it deems necessary to reach a just decision on the petition. There is a presumption that a petition filed pursuant to this subsection shall be granted and that the full citizenship rights of the petitioner shall be restored. This presumption may only be overcome upon proof by a preponderance of the evidence that either the petitioner is not eligible for restoration or there is otherwise good cause to deny the petition;

(4)

(A) Prior to acting on any petition filed pursuant to this subsection, the court shall notify the district attorney general in whose county the petitioner resides and the district attorney general of the county in which the conviction occurred that a petition for restoration of citizenship has been filed by the petitioner. Such notice shall be sent at least thirty (30) days prior to any hearing on or disposition of the petition. Each district attorney general so notified may object to the restoration of the petitioner's citizenship rights either in person or in writing;

(B) If the petitioner was rendered infamous or deprived of citizenship rights by judgment of a federal court, the circuit court shall give the notice required in subdivision (c)(2)(A) to the United States attorney and the district attorney general in whose district the petitioner is currently residing. Each such official shall have the same right to object to the petition as is provided in subdivision (c)(2)(A);

(5) If, upon the face of the petition or after conducting a hearing, the court finds that the petitioner's full citizenship rights should be restored, it shall so order and send a copy of such order to the state coordinator of elections;

(6) All costs for a proceeding under this subsection to restore a person's citizenship rights shall be paid by the petitioner unless the court specifically orders otherwise; and

(7) Any person whose citizenship rights have been restored by order of the court pursuant to this subsection shall submit a certified copy of such order to the administrator of elections of the county in which such person is eligible to vote. The administrator of elections shall verify with the coordinator of elections that such an order was issued and, upon receiving such verification, shall issue the person a voter registration card entitling the person to vote.

## RESTORE YOUR RIGHT TO VOTE IN

### TEXAS

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

In Texas, the right to vote is automatically restored upon completion of your sentence of imprisonment, probation, or parole. However, you must register to vote. Sometimes, the Registrar of Voters will request documentation that you have indeed completed your sentence. In this case, you could ask your parole or probation officer or the institution in which you were incarcerated for the appropriate documentation.

#### **WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 30 days before the election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local Voter Registrar's office or county clerk/elections administrator's office. You may register in person or by mail. Contact information for county clerks' offices, organized by county, is located here: <http://www.sos.state.tx.us/elections/voter/county.shtml>. Registration applications can be found at the following locations:

- Registrar of Voters offices
- Secretary of State's office
- Department of Public Safety
- Marriage license offices
- Public libraries
- Many post offices
- Agencies providing public assistance, including TANF, Medicaid, food stamps programs and programs for the aged
- Agencies providing services for people with disabilities
- Military recruitment offices

You can also request a voter registration form online at <http://www.sos.state.tx.us/elections/voter/reqvr.shtml>.

Upon receipt of your registration form, the Registrar will mail you a voter registration certificate. Present this certificate at the polls when you go to vote. You may also vote without this certificate by showing some other form of identification and signing an affidavit at the polls.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law

Voting Rights Project  
 1401 New York Avenue, NW, Suite 400  
 Washington, DC 20005  
 (202)662-8600  
 (888)299-5227 (toll free)  
 (202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
 Civil Rights Division  
 Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Texas Elections Division  
 Secretary of State  
 P.O. Box 12060  
 Austin, Texas 78711-2060  
 800-252-VOTE (8683)  
 elections@sos.state.tx.us  
<http://www.sos.state.tx.us/elections/index.shtml>

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Texas?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
610,000	4.5%	156,600	20.8%

\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98o-01.htm>.

**What are the demographics of Texas?**

White	71.0%
Black	11.5
American Indian/Alaskan Native	0.6
Asian	2.7
Native Hawaiian/Other Pacific Islander	0.1
Hispanic/Latino	32.0
Other	11.7

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.



## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Texas Constitution, Article VI, § 1**

- (a) The following classes of persons shall not be allowed to vote in this State:
- (1) persons under 18 years of age;
  - (2) persons who have been determined mentally incompetent by a court, subject to such exceptions as the Legislature may make; and
  - (3) persons convicted of any felony, subject to such exceptions as the Legislature may make.
- (b) The legislature shall enact laws to exclude from the right of suffrage persons who have been convicted of bribery, perjury, forgery, or other high crimes.

### **Texas Statutes § 11.001. Eligibility to Vote**

Except as otherwise provided by law, to be eligible to vote in an election in this state, a person must:

- (1) be a qualified voter as defined by Section 11.002 on the day the person offers to vote;
- (2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote; and
- (3) satisfy all other requirements for voting prescribed by law for the particular election.

### **Texas Statutes § 11.002. Qualified Voter**

In this code, "qualified voter" means a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined mentally incompetent by a final judgment of a court;
- (4) has not been finally convicted of a felony or, if so convicted, has:
  - (a) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
  - (b) been pardoned or otherwise released from the resulting disability to vote;
- (5) is a resident of this state; and
- (6) is a registered voter.

### **Texas Statutes § 13.001. Eligibility for Registration**

- (a) To be eligible for registration as a voter in this state, a person must:
- (1) be 18 years of age or older;
  - (2) be a United States citizen;
  - (3) not have been determined mentally incompetent by a final judgment of a court;
  - (4) not have been finally convicted of a felony or, if so convicted, must have:
    - (A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
    - (B) been pardoned or otherwise released from the resulting disability to vote; and
  - (5) be a resident of the county in which application for registration is made.
- (b) To be eligible to apply for registration, a person must, on the date the registration application is submitted to the registrar, be at least 17 years and 10 months of age and satisfy the requirements of Subsection (a) except for age.

### **Texas Statutes § 16.003. Felony Conviction**

- (a) Each week, on a day specified by the secretary of state, the Department of Public Safety shall prepare an abstract of each final judgment received by the department convicting a person 18 years of age or older who is a resident of the state of a felony.
- (b) The Department of Public Safety shall file each abstract with the secretary of state not later than one week following the week in which the abstract is prepared. The secretary of state shall file each abstract received under this subsection with the voter registrar of the person's county of residence not later than one week following the week in which the abstract is received under this subsection.

### **Texas Statutes § 16.031. Cancellation on Official Notice of Ineligibility**

- a) The registrar shall cancel a voter's registration immediately on receipt of:

- (1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;
  - (2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);
  - (3) an abstract of a final judgment of the voter's mental incompetence, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;
  - (4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;
  - (5) notice from a voter registration official in another state that the voter has registered to vote outside this state; or
  - (6) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.
- (b) The registrar shall cancel a voter's registration immediately if the registrar:
- (1) determines from information received under Section 16.001(c) that the voter is deceased;
  - (2) has personal knowledge that the voter is deceased; or
  - (3) receives from a person related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the voter a sworn statement by that person indicating that the voter is deceased.

**Texas Statutes § 82.004. Confinement in Jail**

- (a) A qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is confined in jail:
- (1) serving a misdemeanor sentence for a term that ends on or after election day;
  - (2) pending trial after denial of bail;
  - (3) without bail pending an appeal of a felony conviction; or
  - (4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.
- (b) A voter confined in jail who is eligible for early voting is not entitled to vote by personal appearance unless the authority in charge of the jail, in the authority's discretion, permits the voter to do so.

## RESTORE YOUR RIGHT TO VOTE IN

### UTAH

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In Utah, the right to vote is automatically restored if you are sentenced to probation, you are granted parole by the Board of Pardons, or upon satisfactory completion of your sentence of imprisonment.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

In Utah, your right to vote is automatically restored upon satisfactory completion of your sentence of imprisonment. Your right to vote is also automatically restored if you are sentenced to probation or granted parole by the Board of Pardons. Although your right to vote is automatically restored, you must then register to vote afterwards.

#### **WHEN DO I REGISTER TO VOTE?**

You may register in person at your County Clerk's office at any time, except during the 7 day period before an election. If you are registering by mail, online or at a State agency, your voter registration form must be postmarked (or submitted to the agency) at least 20 days before an election in order to vote in that election.

#### **WHERE DO I REGISTER TO VOTE?**

You may register in person at your County Clerk's office.

You may register in person at Utah Driver License offices and other state funded agencies including the:

- Division of Workforce Services;
- Utah State Department of Health Women, Infant and Children (WIC) offices;
- Division of Services for People with Disabilities;
- Department of Rehabilitation;
- public colleges and universities that provide services to the disabled; and
- armed forces recruitment offices.

These agency forms must be completed and turned in to the agency office at least 20 days before and election to vote in that election.

Each county is required to set up satellite voter registration locations from 8 a.m. to 8 p.m. on Friday and Monday, the eighth and eleventh days before a regular primary or general election. Information about satellite locations can be obtained from your county clerk and will be published in a newspaper before satellite registration begins.

You may register by mail. Forms are available online at <http://elections.utah.gov/>, in the telephone book, at public libraries, at post offices, and at various state agencies. Mail in registration forms must be post marked at least 20 days before and election to vote in that election.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Utah State Elections Office  
Utah State Capitol Complex  
East Office Building, Suite E325  
P.O. Box 142325  
SLC, UT 84114-2325  
(801) 538-1041 or 1-800-995-VOTE  
Fax: (801) 538-1133  
E-mail: [elections@utah.gov](mailto:elections@utah.gov)  
[www.elections.utah.gov](http://www.elections.utah.gov)

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Utah?**

Until 1998, persons incarcerated for felonies were able to vote in Utah. In the year 2000, 8,896 people were incarcerated for felonies in Utah and were thus, disenfranchised.

*Restoring Voting Rights to Citizens With Felony Convictions*, D\_MOS, Summer 2002, <http://www.demos-usa.org/pub35.cfm>.

**What are the demographics of Utah?**

White	89.2%
Black	0.8%
American Indian/Alaskan Native	1.3%
Asian	1.7%
Native Hawaiian/Other Pacific Islander	0.7%
Hispanic/Latino	9.0%
Other	4.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov/>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Utah Statute § 20A-2-101. Eligibility for registration.**

- (1) Except as provided in Subsection (2), any person may apply to register to vote in an election who:
  - (a) is a citizen of the United States;
  - (b) has been a resident of Utah for at least the 30 days immediately before the election; and
  - (c) will be at least 18 years old on the day of the election.
- (2)
  - (a)
    - (i) A person who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the person was a resident of that voting precinct before the confinement or incarceration.
    - (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident of the voting precinct in which the person resided before the confinement or incarceration.
  - (b) A person who has been convicted of a felony whose right to vote has not been restored as provided by law may not register to vote.
- (3) Any person who is eligible or qualified to vote may register and vote in a regular general election, a regular primary election, a municipal general election, a municipal primary election, a statewide special election, a local special election, a special district election, and a bond election unless that person resides outside the geographic boundaries of the entity in which the election is held.

### **Utah Statute § 20A-2-101.5. Convicted felons -- Restoration of right to vote.**

- (1) As used in this section, "convicted felon" means a person convicted of a felony in a Utah state court.
- (2) Each convicted felon's right to register to vote and to vote in an election is restored when:
  - (a) the felon is sentenced to probation by the sentencing judge;
  - (b) the felon is granted parole by the Board of Pardons; or
  - (c) the felon has successfully completed the term of incarceration to which the felon was sentenced.

## RESTORE YOUR RIGHT TO VOTE IN

### VERMONT

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

You do not generally lose your right to vote for committing a crime in Vermont. Under § 55, Ch. 2 of the Vermont Constitution there is one limited exception: any voter who receives a bribe for her or his vote, shall forfeit the right to vote. This law applies only to the election for which a bribe was received.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

Yes.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

Yes.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

Yes.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

In Vermont you do not lose the right to vote when you are incarcerated.

#### **WHEN DO I REGISTER TO VOTE?**

The application can be submitted at any time, but it must be received by 12:00 noon on the second Monday before the day of an election in order to vote in that election. Town and City Clerks offices are open from 10:00 a.m. to 12:00 noon on this Monday. If you apply through the Department of Motor Vehicles (DMV) or another voter registration agency, your application must be postmarked or accepted before the second Monday before the election.

#### **WHERE DO I REGISTER TO VOTE?**

Submit your application to the Town or City Clerk in the town or city in which you reside. The Clerk will present your application to the municipal Board of Civil Authority. If the municipal Board of Civil Authority approves your application, you will be added to the checklist, and be a registered voter in that town. Town and City Clerk addresses are available at [http://vermont-elections.org/elections1/town\\_clerks\\_guide.html](http://vermont-elections.org/elections1/town_clerks_guide.html), or you can call that office at (802) 828-2464. Application forms are also available at: <http://vermont-elections.org/elections1/register tovote.html>.

#### **IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035

(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Elections and Campaign Finance Division  
Vermont Secretary of State  
26 Terrace Street  
Montpelier, VT 05609-1101  
(802) 828-2464  
[www.sec.state.vt.us](http://www.sec.state.vt.us)

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Vermont?**

There is no impact in Vermont because conviction of a crime does not result in disenfranchisement.

#### **What are the demographics of Vermont?**

White	96.8%
Black	0.5%
American Indian/Alaskan Native	0.4%
Asian	0.9%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	0.9%
Other	0.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **17 Vermont Statutes A. § 2121. Eligibility of voters.**

Any person who, on election day:

- (1) is a citizen of the United States;
- (2) is a resident of the state of Vermont;
- (3) has taken the voter's oath; and
- (4) is 18 years of age or more may register to vote in the town of his residence in any election held in a political subdivision of this state in which he resides.

#### **17 Vermont Statutes A. § 2122. Residence; special cases; checklist.**

(a) A person shall not gain or lose a residence solely by reason of presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, nursing home, or other health care facility; nor while confined in a prison or correctional institution; nor while a member of a veterans' home; nor while a student at any educational institution; nor while living outside the United States. Members of the Vermont veterans' home in the town of Bennington may vote in the town of Bennington in all elections, but this right shall not affect their residence for any other purpose.

(b) A person may have his or her name on the checklist only in the town of which the person is a resident. For the purpose of this chapter, "resident" shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if

temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time.

**Vermont Constitution Chapter 2 § 55. Freedom of elections; bribery.**

All elections, whether by the people or the Legislature, shall be free and voluntary; and any elector who shall receive any gift or reward for the elector's vote, in meat, drink, moneys or otherwise, shall forfeit the right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as the Legislature shall direct.



## RESTORE YOUR RIGHT TO VOTE IN

### VIRGINIA

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M *INCARCERATED*?**

No.

#### **CAN I VOTE WHILE I'M ON *PROBATION*?**

No.

#### **CAN I VOTE WHILE I'M ON *PAROLE*?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes, unless you apply for and are granted restoration of rights by the Governor.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

You must apply for restoration of rights from the Governor. A restoration of rights restores all the rights you lost upon being convicted of a felony. These include the right to vote, run for office, serve on juries, and serve as Notary Public. These do not include the right to transport or possess firearms, though you may petition the court in your district to regain that right after your rights have been restored. Also, if you would like to receive a pardon—an official act of forgiveness, granted in only exceptional cases—you must first apply for and receive restoration of rights.

#### **WHEN AM I ELIGIBLE TO APPLY FOR RESTORATION OF RIGHTS?**

To be eligible for restoration of rights, you must have completed all sentences and conditions of supervision, including probation and parole. You must have no pending charges, and you must have paid all fines, restitution, and/or court costs for any prior convictions.

There are two separate application processes: one is for non-violent offenders, including drug possession offenders; the other, longer application is for violent offenders and people convicted of drug manufacturing or distribution. For the first process, you may not apply until completing three years not having been incarcerated or on probation or parole. You must also not have been convicted of any offense, felony or misdemeanor, during those three years (though, in practice, most traffic violations do not disqualify your application). For the second process, the period is five years.

Also, for people interested only in regaining the right to vote, Virginia provides a separate procedure in which you can appeal to the courts for restoration of the right to vote. This process will not restore your rights to serve on a jury or be a Notary Public. This procedure is not open to violent offenders or people convicted of drug manufacturing or distribution. To qualify, you must have completed your sentence and/or any probation or parole, you must have demonstrated civic responsibility through community or comparable service, and you must have been free from criminal convictions for at least five years after the end of your sentence and supervisory period.

If you are unsure whether you meet these requirements regarding sentences, fines and costs, and restitution, you should consult the Clerk of the Court in which you were convicted.

#### **HOW DO I APPLY FOR CLEMENCY?**

Write to the Office of the Secretary of the Commonwealth request an application for a pardon or restoration of rights.

Alan Brittle  
Restoration of Rights Specialist  
Office of the Secretary of the Commonwealth  
P.O. Box 2454  
Richmond, VA 23218-2454  
(804) 786-2441 x128

Applications can also be secured online at  
<http://www.commonwealth.virginia.gov/Clemency/clemency.cfm>.

To appeal just for the right to vote through the courts, you must petition the circuit court of the county in which you were convicted or the county in which you currently reside. Contact the appropriate court for more information.

**WHAT INFORMATION SHOULD I INCLUDE IN MY APPLICATION?**

Your application for the short, nonviolent offender process should include the following information:

1. Personal information: name convicted under, current name, date of birth, social security number, address, and phone;
2. Convictions information: offense, court name and location, date convicted, date of sentence, date sentence completed; and
3. Affidavit affirming the truth of the information provided, to be signed in the presence of a notary public.

Your application for the longer, violent offender process should include the following information:

1. Personal information: current name, name convicted under, social security number, prison number, address and phone, date of birth, employer's name and address, and how long you have worked for current employer;
2. Convictions information: name and address of last probation officer, date of conviction, court, offense, and sentence;
3. A letter from your most recent probation or parole officer outlining your period of supervision, to be addressed to the Governor c/o the Secretary of the Commonwealth's office and included in your application; if your officer is no longer working, call the probation office you reported to and explain the need for a letter;
4. A copy of your pre-sentencing and post-sentencing report, available from your probation or parole officer or from the court in which you were convicted; if these reports do not exist, get a letter on the court's letterhead indicating they are not available;
5. Certified copies of every order of conviction on your record, which can be obtained from the Clerk of Court in which you were convicted;
6. If you have ever had your sentence, parole, or probation terminated by the court, certified copies of any court order or other official document modifying that term;
7. Certified proof of payment of fines, restitution, and/or court costs, which can be obtained from the Clerk of the Court in which you were convicted.
8. Three letters of reference from people to vouch for your good character, to be submitted with your application;
9. Personal letter/Details of Offense Letter, which is your account of the circumstances surrounding your convictions, how your life has changed since then, if you are involved in any community activities, and why you think your rights should be restored; and
10. Affidavit affirming the truth of the information provided, to be signed in the presence of a notary public.

**IS THERE ANYONE I CAN CALL AT THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH FOR HELP WITH MY APPLICATION?**

If you have any questions about the restoration of rights process or the status of your application, you can reach the Clemency Division at:

Alan Brittle  
Restoration of Rights Specialist  
Office of the Secretary of the Commonwealth  
P.O. Box 2454  
Richmond, VA 23218-2454  
(804) 786-2441 x128  
alan.brittle@governor.virginia.gov  
<http://www.commonwealth.virginia.gov/Clemency/clemency.cfm>

You may also contact your probation or parole officer for guidance.

**WHAT IS THE PROCEDURE ONCE I SUBMIT MY APPLICATION FOR RESTORATION OF RIGHTS?**

If you are applying through the courts for only the restoration of the right to vote, the court will either approve or deny your petition. If you are approved, the court will issue an order stating that your right to vote can be restored after 90 days, subject to the approval of the Governor. One copy of the order will be sent to you, and another will be sent to the Secretary of the Commonwealth, who must transmit the order to the Governor. Depending on the Governor's decision, the Secretary will mail you a certificate restoring your right to vote or a notice that your request was denied, within 90 days of the original issuance of the order by the court

For applications for restoration of rights, the process typically takes six months, beginning from the time the application is considered complete. Throughout the process, the Restoration of Rights Specialist in the Office of the Secretary of the Commonwealth will keep you updated, through your attorney if you have one, of the status of your application.

For both nonviolent and violent offenders, upon receiving the application, the Restoration of Rights Specialist will order state police and Department of Motor Vehicles records checks. For nonviolent offenders, the specialist also obtains copies of the conviction orders from the appropriate court; violent offenders are required to submit these with their applications. For violent offenders, the office will order probation reports. The specialist will review the information, write a summary and recommendation for the applicant, and send this report to the Secretary of the Commonwealth's Policy Office. In the Policy Office, an individual or a panel will review the application and the Specialist's recommendations and then add further comments to the file. The application must be sent within 90 days to the Governor, who must decide whether to grant clemency.

If you meet all the requirements for restoration of rights and submit a complete application, you will most likely be granted your request for clemency. Those who are denied usually have convictions for very violent crimes and subsequent criminal histories after completing their sentences. Drunk driving charges in particular are looked at poorly.

If restoration of rights is granted, the Secretary of the Commonwealth's office will call you to inform you that your request was granted and that official notice will be arriving by certified mail. A Governor's Order is issued, with one copy sent to you and another filed with the court of convictions.

If your application is denied, you will still receive official notice in the mail informing you of the Governor's decision. You have no right of appeal, and you must wait two years before applying again.

**WHEN DO I REGISTER TO VOTE?**

You must register to vote at least 29 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You may register to vote by obtaining and completing a voter registration form and submitting the form to your local registrar’s office. You may register to vote in person or by mail. Registration applications can be found at the following locations:

- State Board of Elections office
- Department of Motor Vehicles offices
- Public libraries
- Any state agencies that provide public assistance, including Temporary Assistance for Needy Families; Special Supplemental Food Program for Women, Infants, and Children; Medicaid; and Food Stamps
- Any state agencies that provide services to people with disabilities
- Military recruitment offices
- Regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8

You can also register to vote through mail-in registration forms provided by the State Board of Elections. Registration forms can be obtained online at <http://www.sbe.state.va.us/VotRegServ/Forms/registration.appl.download.htm>.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Lawyers’ Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Alan Brittle  
Restoration of rights Specialist  
Office of the Secretary of the Commonwealth  
P.O. Box 2454  
Richmond, VA 23218-2454  
(804) 786-2441 x128  
[alan.brittle@governor.virginia.gov](mailto:alan.brittle@governor.virginia.gov)  
<http://www.commonwealth.virginia.gov/Clemency/clemency.cfm>

**FELON DISENFRANCHISEMENT STATISTICS**  
**What is the impact of felon disenfranchisement in Virginia?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
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269,800	5.3%	110,000	25.0%
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\* Percentage of the adult population

\*\* Percentage of black men who are disenfranchised

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at <http://www.hrw.org/reports98/vote/usvot98o-01.htm>.

### What are the demographics of Virginia?

White	72.3%
Black	19.6
American Indian/Alaskan Native	0.3
Asian	3.7
Native Hawaiian/Other Pacific Islander	0.1
Hispanic/Latino	4.7
Other	2.0

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

#### **Virginia Constitution, Article II, § 1. Qualifications of voters.**

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. 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. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

The residence requirements shall be that each voter shall be a resident of the Commonwealth and of the precinct where he votes. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide for persons who are employed overseas, and their spouses and dependents residing with them, and who are qualified to vote except for relinquishing their place of abode in the Commonwealth while overseas, to vote in the Commonwealth subject to conditions and time limits defined by law. The General Assembly may provide for persons who are qualified to vote except for having moved their residence from one precinct to another within the Commonwealth to continue to vote in a former precinct subject to conditions and time limits defined by law. The General Assembly may also provide, in elections for President and Vice-President of the United States, alternatives to registration for new residents of the Commonwealth.

Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

#### **Code of Virginia § 24.2-409. Division of Criminal Records to transmit monthly lists of felony convictions to State Board**

The Division of Central Criminal Records Exchange shall transmit to the State Board by electronic means a monthly list of all persons convicted of a felony during the preceding month. The list shall be in a format

specified by the State Board and shall contain the convicted person's name; address; county, city or town of residence; social security number, if any; date and place of birth; and date of conviction. The Board shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427.

**Code of Virginia § 24.2-409.1. State Board to transmit information pertaining to persons convicted of a felony in federal court**

Upon receipt of a notice of a felony conviction sent by a United States attorney pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.), the State Board shall notify the appropriate general registrar of the conviction.

**Code of Virginia § 53.1-229. Powers Vested in Governor**

In accordance with the provisions of Article V, Section 12 of the Constitution of Virginia, the power to commute capital punishment and to grant pardons or reprieves is vested in the Governor.

**Code of Virginia § 53.1-231. Investigation of cases for executive clemency by Parole Board**

The Virginia Parole Board shall, at the request of the Governor, investigate and report to the Governor on cases in which executive clemency is sought. In any other case in which it believes action on the part of the Governor is proper or in the best interest of the Commonwealth, the Board may investigate and report to the Governor with its recommendations.

**Code of Virginia § 53.1-231.1. Process for notification regarding restoration of civil rights**

The Director of the Department of Corrections shall provide that any person convicted of a felony is notified of the loss of his civil rights and of the processes to apply for restoration of civil rights and of voting rights. The notice shall be given at the time the person has completed service of his sentence, period of probation or parole, or suspension of sentence.

The Director shall assist the Secretary of the Commonwealth in the administration of the process established by the Governor for the review of applications for restoration of civil rights.

To promote the efficient processing of applications to the Governor, the Secretary of the Commonwealth shall maintain a record of the applications for restoration of rights received, the dates such applications are received, and the dates they are either granted or denied by the Governor. The Secretary shall notify each applicant who has filed a complete application that the complete application has been received and the date the complete application was forwarded by the Secretary to the Governor. Such complete application shall be forwarded by the Secretary to the Governor within ninety days after receipt of the application.

**Code of Virginia § 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons**

This section shall apply to any person who is not a qualified voter because of a felony conviction, who seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the conditions and requirements set out in this section.

Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in subsection C of § 17.1-805 and any crime ancillary thereto, (ii) convicted of a felony pursuant to §§ 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-255, 18.2-255.2 or § 18.2-258.02, or (iii) convicted of a felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil right to be eligible to register to vote through the process set out in this section. On such petition, the court may approve the petition for restoration to the person of his right if the court is satisfied from the evidence presented that the petitioner has completed, five or more years previously, service of any sentence and any modification of sentence including probation, parole, and suspension of sentence; that the petitioner has demonstrated civic responsibility through community or comparable service; and that the petitioner has been free from criminal convictions, excluding traffic infractions, for the same period.

If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner, and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall transmit the order to the Governor who may grant or deny the petition for restoration of the right to be eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send, within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the restoration of the right or denial of restoration by the Governor.

On receipt of the certificate of restoration of the right to register to vote from the Secretary of the Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

## RESTORE YOUR RIGHT TO VOTE IN

### WASHINGTON

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

##### **If you were convicted of an infamous crime in Washington and imprisoned before July 1, 1984:**

The restoration of your voting rights is not automatic and is governed by the Indeterminate Sentence Review Board (ISRB) and they will determine whether or not the certificate of discharge is issued. If you are a parolee whose conviction was before July 1, 1984 and you have performed all of the obligations of your release, including any and all legal financial obligations to the satisfaction of the ISRB where they find that your release is not incompatible with your welfare and the best interests of society, then the Board will issue you a certificate of discharge that restores all of your civil rights. The Board has up to 3 years from the date of parole to enter a final order of discharge, unless your parole status has been suspended or revoked. If you are serving a suspended sentence for a felony conviction, you may petition the sentencing court for restoration upon termination of the suspended sentence. Information on this process is available at: <http://www.srb.wa.gov/services.html>.

##### **If you were convicted of an infamous crime in Washington after July 1, 1984:**

Your right to vote is automatically restored upon completion of your sentence and receipt of a certificate of discharge from the sentencing court. When you have completed all requirements of your sentence, including any and all legal financial obligations, the secretary of state or the secretary's designee shall notify the sentencing court which shall discharge you and provide you with a certificate of discharge. The discharge shall have the effect of restoring your voting rights lost by operation of law upon conviction. You will need the certificate of discharge to register to vote. If you do not receive it, contact your sentencing court or, if applicable, the ISRB.

##### **If you were convicted of a federal felony or a felony in another state:**

When you have completed all of the requirements of your sentence, you may apply to the Clemency and Pardons Board for a pardon specifically to restore your right to vote in Washington.

##### **If you were convicted of an infamous crime in Washington and imprisoned prior to July 1, 1984 and the ISRB has not restored your voting rights or if you were convicted of an infamous crime in Washington and all of the requirements of your sentence are not complete:**

You may apply to the Governor for a pardon.

#### **WHEN AM I ELIGIBLE TO APPLY FOR A PARDON?**

##### **Pardon:**

If the ISRB has not restored your voting rights or you have not completed all of the requirements of your sentence, your petition for pardon should be directed to the Governor through the Clemency and Pardons Board.



**Pardon to restore voting rights:**

If you were convicted of a federal felony or a felony in another state and you have completed all of the requirements of your sentence, you may petition the Clemency and Pardons Board for a pardon that specifically restores your right to vote in Washington.

**In addition to completing the pardon application and submitting it to the Clemency and Pardons Board, what else do I have to do to qualify for a pardon?**

In either situation where you apply for a pardon, the petition is the only thing required to apply.

**HOW DO I APPLY FOR A PARDON OR A PARDON TO RESTORE VOTING RIGHTS?**

Contact the Clemency and Pardons Board in care of the Office of the Governor:

Office of the Governor

Post Office Box 40002

Olympia, WA 98504-0002

(360) 902-4111 (voice)

(360) 753-4110 (fax)

(360) 753-6466 (TTY/TTD)

**What information should I include in my request for a pardon application?**

You should include your contact information, an explanation of your offense and why you deserve a pardon to restore your voting rights.

**What type of information does the pardon application require?**

After reviewing your initial letter, The Clemency and Pardons Board will request additional information if necessary.

**Is there anyone I can call at the Clemency and Pardons Board for help with my pardon application?**

Call the Office of the Governor and ask for the Clemency and Pardons Board.

**Must notice be given to anyone before my right to vote can be restored?**

If you are applying for a pardon of a crime committed in Washington before the requirements of your sentence are complete, then notice is given to several people before the pardon is granted and by effect your civil, thus voting, rights are restored. The Clemency and Pardons Board cannot recommend that the governor grant clemency until a public hearing is held on the petition. The prosecuting attorney of the county where the conviction was obtained must be notified. The prosecuting attorney then notifies the victim, survivors of the victim, witnesses, and the law enforcement agency or agencies that conducted the investigation so they may give statements regarding the petition. Information regarding the victims, their survivors or witnesses receiving the notice is not made available to the offender.

**What is the procedure once I submit my application for a pardon?**

After receiving a petition for a pardon, the Board evaluates whether your request merits a hearing. If a hearing is determined to be appropriate, the Board will schedule the hearing, at which time it will take testimony from a variety of potential witnesses, including you, your attorney, the prosecuting attorney, and family members of you and the victim.

After the hearing, the Board votes on a recommendation, which is then forwarded to the Governor. The Governor is under no legal obligation to follow the recommendation. Petitions for a pardon to restore voting rights are reviewed and adjudicated by the Board.

**If I receive a pardon, will records of my conviction be destroyed?**

The records of a conviction are not destroyed for a pardon limited to restoring voting rights of those people who committed federal crimes or crimes in other states. For pardons of crimes committed in Washington granted by the Governor, the records of your conviction are destroyed.

**WHEN DO I REGISTER TO VOTE?**

You must register at least 30 days in advance of an election to be eligible to vote in that election. If you are registering by mail or by using the online form, your application must be postmarked by the 30-day cutoff or it will not become effective until after the election. If you miss the 30-day deadline, you can still sign up in time for the election, but you must register in person at your county elections department no later than 15 days before the election.

**WHERE DO I REGISTER TO VOTE?**

You can register at your county auditor or elections department office or when you renew or apply for your driver's license.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM****Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Office of the Secretary of the State  
Elections Division  
520 Union Avenue SE  
Post Office Box 40229  
Olympia, WA 98504-0229  
(360) 902-4180  
(800) 448-4881 (volunteer hotline)  
(800) 422-8683 (TDD)  
e-mail: [elections@secstate.wa.gov](mailto:elections@secstate.wa.gov).

ACLU of Washington  
705 Second Avenue, Suite 300  
Seattle, WA 98104  
Legal Complaint Line: (206) 624-2180  
Phone: (206) 624-2184

League of Women Voters  
Ms. Judy Hedden  
LWV of Washington  
4710 University Way, NE  
#214  
Seattle, WA 98105

Phone: 206-622-8961  
Fax 206-622-4908  
E-mail: [lwwwa@lwwwa.org](mailto:lwwwa@lwwwa.org)

### FELON DISENFRANCHISEMENT STATISTICS

#### **What is the impact of felon disenfranchisement in Washington?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>151,500</b>	<b>3.7%</b>	<b>16,700</b>	<b>24.0%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of Washington?**

White	81.8%
Black	3.2%
American Indian/Alaskan Native	1.6%
Asian	5.5%
Native Hawaiian/Other Pacific Islander	0.4%
Hispanic/Latino	7.5%
Other	3.9%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS

#### **Washington State Constitution, Article VI, § 1. Qualifications Of Electors.**

All persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections.

#### **Washington State Constitution, Article VI, § 3. Who Disqualified.**

All persons convicted of infamous crime unless restored to their civil rights and all persons while they are judicially declared mentally incompetent are excluded from the elective franchise.

#### **Revised Code of Washington § 9.96.010. Restoration of civil rights.**

Whenever the governor shall grant a pardon to a person convicted of an infamous crime, or whenever the maximum term of imprisonment for which any such person was committed is about to expire or has expired, and such person has not otherwise had his civil rights restored, the governor shall have the power, in his discretion, to restore to such person his civil rights in the manner as in this chapter provided.

#### **Revised Code of Washington § 9.96.050. Final discharge of parolee--Restoration of civil rights--Governor's pardoning power not affected.**

When a prisoner on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the prisoner. The certificate of discharge shall be issued to the offender in person or by mail to the prisoner's last known address.

The board shall send a copy of every signed certificate of discharge to the auditor for the county in which the offender was sentenced and to the department of corrections. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence. If not earlier granted, the board shall make a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state. This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

**Revised Code of Washington § 9.94A.637. Discharge upon completion of sentence -- Certificate of discharge -- Obligations, counseling after discharge.**

(1) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

**Revised Code of Washington § 9.95.260. Indeterminate sentence review board -- Supervision of conditionally pardoned persons -- Hearing.**

(1) The indeterminate sentence review board shall, when requested by the governor, pass on the representations made in support of applications for pardons for convicted persons and make recommendations thereon to the governor.

(2) It will be the duty of the secretary of corrections to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The indeterminate sentence review board shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of corrections shall prepare materials and make investigations requested by the indeterminate sentence review board in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

(3) The board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.885(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days before the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

**Revised Code of Washington § 9.94A.885. Clemency and pardons board -- Petitions for review -- Hearing.**

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days before the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person

**RESTORE YOUR RIGHT TO VOTE IN**

**WEST VIRGINIA**

**FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any conviction for treason, felony, or bribery in an election will result in the loss of voting rights.

**CAN I VOTE WHILE I'M INCARCERATED?**

No.

**CAN I VOTE WHILE I'M ON PROBATION?**

No.

**CAN I VOTE WHILE I'M ON PAROLE?**

No.

**CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No. In West Virginia, the right to vote is automatically restored upon completion of your sentence of imprisonment, parole or probation.

**HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is automatically restored upon completion of your sentence, including any period of parole or probation. Although your right to vote is automatically restored, you must then register to vote after completion of your sentence.

**WHEN DO I REGISTER TO VOTE?**

To be eligible to vote in an upcoming state, county or city election, you must register at least 20 days prior to the election. To be eligible to vote in an upcoming presidential election, you must register at least 30 days prior to the election.

**WHERE DO I REGISTER TO VOTE?**

Voter registration is available at many places in West Virginia, including:

- county clerk's office
- driver's license agencies
- public assistance agencies
- disability agencies
- military recruiting offices
- by mail using a mail-in voter registration form, which is available from your county clerk, the office of the Secretary of State, or on the internet at [www.state.wv.us/sos/election](http://www.state.wv.us/sos/election)

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division

Post Office Box 66128  
 Washington, D.C. 20035  
 (202) 307-2767 (tel)  
 (800) 253-3931 (toll-free)  
 (202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

West Virginia Secretary of State  
 Elections and Licensing Division  
 Bldg. 1, Suite 157-K  
 1900 Kanawha Blvd. East  
 Charleston, WV 25305-0770  
 (304) 558-6000  
 (866) SOS-VOTE (toll-free)  
 (304) 558-0900 (fax)  
<http://www.wvsos.com>

ACLU of West Virginia  
 Executive Director: Andrew Schneider  
 P.O. Box 3952  
 Charleston, WV 25339  
 Phone: (304) 345-9246

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in West Virginia?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
<b>6,700</b>	<b>0.5%</b>	<b>900</b>	<b>4.4%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of West Virginia?**

White	95.0%
Black	3.2%
American Indian/Alaskan Native	0.2%
Asian	0.5%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	0.7%
Other	0.2%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

**VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **West Virginia Constitution Art. IV, § 1**

The male citizens of the State shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote, for sixty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein.

### **West Virginia Code § 3-1-3. Persons entitled to vote**

Citizens of the state shall be entitled to vote at all elections held within the precincts of the counties and municipalities in which they respectively reside. But no person who has not been registered as a voter as required by law, or who is a minor, or of unsound mind, or who is under conviction of treason, felony or bribery in an election, or who is not a bona fide resident of the state, county or municipality in which he offers to vote, shall be permitted to vote at such election while such disability continues. Subject to the qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote only in a primary election if he will have reached the age of eighteen years on the date of the general election next to be held after such primary election.

### **West Virginia Code § 3-2-2. Eligibility to register to vote**

(a) Any person who possesses the constitutional qualifications for voting may register to vote. Such a person shall be a citizen of the United States and a legal resident of West Virginia and of the county where he or she is applying to register, shall be at least eighteen years of age, except that a person who is at least seventeen years of age and who will be eighteen years of age by the time of the next ensuing general election may also be permitted to register, and shall not be otherwise legally disqualified: Provided, That a registered voter who has not reached eighteen years of age may vote both partisan and nonpartisan ballots in a state, county or municipal primary election, but is not eligible to vote in a municipal general election or special election.

(b) Any person who has been convicted of a felony, treason or bribery in an election, under either state or federal law, is disqualified and shall not be eligible to register or to continue to be registered to vote during the term of any sentence for such conviction, including any period of incarceration, probation or parole related thereto. Any person who has been determined to be mentally incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register or to continue to be registered to vote for as long as that determination remains in effect.

### **West Virginia Code § 3-2-23. Cancellation of registration of deceased or ineligible voters**

The clerk of the county commission shall cancel the registration of a voter:

(a) Upon the voter's death as verified by:

(1) A death certificate from the registrar of vital statistics or a notice from the secretary of state that a comparison of the records of the registrar with the county voter registration records show the person to be deceased;

(2) The publication of an obituary clearly identifying the deceased person by name, residence and age corresponding to the voter record; or

(3) An affidavit signed by the parent, legal guardian, child, sibling or spouse of the voter giving the name and birth date of the voter, and date and place of death;

(b) Upon receipt of an official notice from a state or federal court that the person has been convicted of a felony, of treason or bribery in an election, in which event, the clerk shall enter a notation on the voter record of the date upon which the term of any sentence for such conviction will cease, unless sooner vacated by court action or pardon;

(c) Upon receipt of a notice from the appropriate court of competent jurisdiction of a determination of a voter's mental incompetence;

(d) Upon receipt from the voter registration of a written request to cancel the voter's registration, upon confirmation by the voter of a change of address to an address outside the county, upon notice from a voter registrar of another jurisdiction outside the county or state of the receipt of an application for voter registration in that jurisdiction, or upon notice from the secretary of state that a voter registration



application accepted in another county of the state subsequent to the last registration date in the first county, as determined from a comparison of voter records;

(e) Upon failure to respond and produce evidence of continued eligibility to register following the challenge of the voter's registration pursuant to the provisions of section twenty-eight of this article; or

(f) As required under the provisions of section twenty-seven of this article.

**West Virginia Code § 3-3-1. Persons eligible to vote absentee ballots**

(a) All registered and other qualified voters of the county may vote an absentee ballot during the period of early voting in person.

(b) Registered voters and other qualified voters in the county are authorized to vote an absentee ballot by mail in the following circumstances:

(1) Any voter who is confined to a specific location and prevented from voting in person throughout the period of voting in person because of:

(A) Illness, injury or other medical reason;

(B) Physical disability or immobility due to extreme advanced age; or

(C) Incarceration or home detention: Provided, That the underlying conviction is not for a crime which is a felony or a violation of section twelve, thirteen or sixteen, article nine of this chapter involving bribery in an election;

## RESTORE YOUR RIGHT TO VOTE IN

### WISCONSIN

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any conviction for treason, felony, or bribery will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

No.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

Your right to vote is restored automatically upon completion of your sentence. You should expect to receive confirmation of this a few weeks after your discharge in the form of a Certificate of Discharge from the Department of Corrections. Whether you receive the Certificate or not, your right to vote is restored. While you do not have to produce this Certificate to register, it may be helpful to have a copy of it in the event there are any questions as to your eligibility to vote. Although your right to vote is automatically restored, you must then register to vote after completion of your sentence.

#### **What if I do not receive a Certificate from the Department of Corrections upon completion of my sentence?**

Contact your supervising agent or the Wisconsin Department of Corrections:

3099 East Washington Avenue  
Post Office Box 7925  
Madison, Wisconsin  
53707-7925  
Phone: 608-240-5000  
Fax: 608-240-3300  
Email: [docweb@doc.state.wi.us](mailto:docweb@doc.state.wi.us)

#### **WHEN DO I REGISTER TO VOTE?**

It depends on your municipality. Contact your municipal clerk's office to find out whether or not you must register before voting. If you must register before voting, you need to register by the second Wednesday preceding the election. You can also register on the day of the election at your polling place or by bringing a completed registration form to the municipal clerk's office.

#### **WHERE DO I REGISTER TO VOTE?**

Registration is available at many places in Wisconsin, including:

- The municipal clerk's office,
- Office of register of deeds,
- Public high schools, if you are a student or staff member,
- Registration drives,
- Fire stations,
- Libraries,
- Community centers,
- Other locations often are used as registration sites, and

- Your polling place on election day (you must bring acceptable identification, including proof of residence).

Registration may also be available at other state service agencies. Contact the municipal clerk's office near you to find out which service agencies provide voter registration.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM  
Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Wisconsin State Elections Board  
17 West Main St., Suite 310  
P.O. Box 2973  
Madison, WI 53701-2973  
(608) 266-8005 (voice)  
(608) 267-0500 (fax)  
<http://elections.state.wi.us>

**FELON DISENFRANCHISEMENT STATISTICS**

**What is the impact of felon disenfranchisement in Wisconsin?**

Total Felons	Rate for Total*	Black Men	Rate for Black Men**
<b>48,500</b>	<b>1.3%</b>	<b>14,900</b>	<b>18.2%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

**What are the demographics of Wisconsin?**

White	88.9%
Black	5.7%
American Indian/Alaskan	0.9%

Native	
Asian	1.7%
Native Hawaiian/Other Pacific Islander	0.0%
Hispanic/Latino	3.6%
Other	1.6%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

## **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

### **Wisconsin Constitution Art. 3, § 2. Suffrage Implementation.**

Laws may be enacted:

- (1) Defining residency.
- (2) Providing for registration of electors.
- (3) Providing for absentee voting.
- (4) Excluding from the right of suffrage persons:
  - (a) Convicted of a felony, unless restored to civil rights.
  - (b) Adjudged by a court to be incompetent or partially incompetent, unless the judgment specifies that the person is capable of understanding the objective of the elective process or the judgment is set aside.
- (5) Subject to ratification by the people at a general election, extending the right of suffrage to additional classes.

### **Wisconsin Statutes § 6.02. Qualifications, general.**

- (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 10 days before any election where the citizen offers to vote is an eligible elector.

### **Wisconsin Statutes § 6.03. Disqualification of electors.**

- (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:
  - (a) Any person who is incapable of understanding the objective of the elective process or under guardianship pursuant to the order of a court under [ch. 880](#), except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote;
  - (b) Any person convicted of treason, felony or bribery, unless the person's civil rights are restored.
- (2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

### **Wisconsin Statutes § 304.078. Civil rights restored to convicted persons satisfying sentence.**

- (1) In this section:
  - (a) "Imprisonment" includes parole and extended supervision.
  - (b) "Jailer" has the meaning given in s. 302.372(1)(b).
- (2) Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person's certificate rights which have been restored and which have not been restored. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights from and after September 25, 1959.
- (3) If a person is disqualified from voting under s. 6.03(1)(b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.



## RESTORE YOUR RIGHT TO VOTE IN

### WYOMING

#### **FOR WHAT CRIMES OR TYPES OF CRIMES CAN I LOSE MY RIGHT TO VOTE?**

Any felony conviction will result in the loss of voting rights.

#### **CAN I VOTE WHILE I'M INCARCERATED?**

No.

#### **CAN I VOTE WHILE I'M ON PROBATION?**

No.

#### **CAN I VOTE WHILE I'M ON PAROLE?**

No.

#### **CAN MY RIGHT TO VOTE BE TAKEN AWAY PERMANENTLY?**

Yes. According to the Governor's Policies On Pardons and Restorations of Rights conviction of certain crimes makes you ineligible for a pardon or restoration of rights.

You may *not* restore your voting rights if you were convicted of any of the following crimes under Wyoming state law, and any federal crimes substantially similar to these:

Sexual assault in any form or degree, regardless of the identity of the victim; any crime involving a child as the victim, including, but not limited to, the following: incest, child abuse, sexual exploitation of children and child pornography, indecent liberties with a minor, and child abandonment or endangerment.

If you were convicted of any of the above or similar crime or are otherwise disqualified from restoration of rights or a pardon, you must present, with the submission of your application for pardon or restoration of rights, a compelling circumstance that clearly justifies being excused from the Governor's policies.

#### **HOW DO I RESTORE MY RIGHT TO VOTE?**

The right to vote may be regained only through a pardon or by restoration of rights granted by the Governor.

#### **WHEN AM I ELIGIBLE TO APPLY FOR OR A PARDON OR RESTORATION OF RIGHTS?**

**Restoration of Rights:** If you were convicted of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, you may apply in writing to the state board of parole for a certificate which restores your voting rights. The state board of parole will issue a certificate restoring your voting rights if:

- (i) You have never been convicted of any other felony other than convictions arising out of the same occurrence for which restoration of rights is sought;
- (ii) All of the terms of your sentence are expired, or in the case of probation, you have completed all probation periods; and
- (iii) It has been at least five (5) years since the expiration of all of your terms of sentence, or in the case of probation, the completion of all probation periods.

A nonviolent felony is described as one that did not involve any of the following offences: murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, aircraft hijacking, arson in the first or second degree or aggravated burglary.

**Pardon:** To be eligible for consideration to receive a pardon, the waiting period is not less than 10 years from the time of release from sentence. "Release from sentence" means final discharge from service of the sentence, whether the sentence was incarceration or supervision on probation or parole.

### **HOW DO I APPLY FOR A PARDON OR RESTORATION OF RIGHTS?**

You must submit a written application to the Governor to request restoration of rights or a pardon.

The application is available from the Attorney General at:

Wyoming Attorney General  
Criminal Division  
123 Capitol Building  
Cheyenne, Wyoming 82002  
(307) 777-7977

A document detailing the Governor's Policies On Pardons and Restorations of Rights is also available from the Wyoming Attorney General, Criminal Division.

The completed application should be submitted to the Governor's office at:

Governor of Wyoming  
Wyoming State Capitol  
Cheyenne, WY 82002  
(307) 777-7434

### **What information should I include in my application for a pardon or restoration of rights?**

1. Your name, address, date of birth, marital status, children and social security number;
2. Hospitalizations within the last five years;
3. Whether you are seeking a pardon or restoration of rights and whether you would accept a restoration of rights if your pardon is not granted;
4. The crime for which you were convicted and for which you are now seeking a pardon or restoration of rights;
5. The date and place of the conviction and the presiding judge's name;
6. The sentence ordered by the court;
7. The amount of time actually served in prison/jail, whether all fines, restitution and court costs for the crime have been paid, and when you were discharged from probation or parole;
8. Any subsequent arrests, criminal charges, convictions or sentences;
9. Current employment information and employment history for the past five years; and
10. The names and telephone numbers of five people who support your receiving a pardon.

### **What type of information does the application for a pardon or restoration of rights require?**

In addition to the information listed above, the application for a pardon or restoration of rights requests:

1. A certified copy of the Judgment and Sentence (this must be attached to the application);
2. A written statement in your own words of the facts and circumstances of your crime and how it has affected you and your family, and how you believe it has affected your victim;
3. Documents the Governor may request, such as parole and work release records and any other documents, transcripts, letters or information you want considered with the application; and
4. Submission of the application authorizes the Attorney General to perform a criminal history record check on you.

### **Is there anyone I can call at the Attorney General's Office for help with my application for a pardon or a restoration of rights?**

The Wyoming Attorney General's Office, Criminal Division at (307) 777-7977 is able to assist you with your application.

### **Must notice be given to anyone before my right to vote can be restored?**

If you are seeking a *pardon*, the Governor must provide notice to the district attorney in the county where you were convicted. If you are seeking *restoration of rights* the Governor, as a matter of practice, notifies the district attorney in the county where you were convicted.

**What is the procedure once I submit my application for a pardon or restoration of rights?**

After receiving your application for a *pardon*, the Governor must provide at least three weeks notice before consideration to the district attorney in the county where you were convicted. The district attorney must, within ten days of receiving this notice, provide the Governor with a statement detailing your conviction and any aggravating or extenuating factors which appeared in your trial and sentencing. If you are applying for a *restoration of rights*, the above procedure is not required, but the Governor notifies the district attorney as a matter of practice. Once the application is submitted, it takes from three to six months to be processed and a decision to be made. The Governor or his designee may request to meet with you, but this rarely happens. Once a pardon or restoration of rights is granted, a copy of the pardon or restoration of rights is filed with the Wyoming Secretary of State.

**If I receive a pardon or restoration of rights, will records of my conviction be destroyed?**

No.

**WHEN DO I REGISTER TO VOTE?**

If you register by mail, your registration must be completed 30 days before the election in order to vote in that election. Wyoming also conducts same-day registration at the polls. Absentee voters may register and cast their ballots simultaneously at their county clerk's office at any time before an election.

**WHERE DO I REGISTER TO VOTE?**

Voters in Wyoming may register at their county clerk's office or at their polling site on election day. The county clerk may also conduct voter registration drives at various local sites before elections. More information about registration drives in your area may be obtained by contacting your local county clerk.

**IF YOU ENCOUNTER DIFFICULTY REGISTERING TO VOTE OR TO REPORT A PROBLEM**

**Contact one of the following individuals or organizations:**

Lawyers' Committee for Civil Rights Under Law  
Voting Rights Project  
1401 New York Avenue, NW, Suite 400  
Washington, DC 20005  
(202)662-8600  
(888)299-5227 (toll free)  
(202)783-5130 (fax)  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

United States Department of Justice  
Civil Rights Division  
Post Office Box 66128  
Washington, D.C. 20035  
(202) 307-2767 (tel)  
(800) 253-3931 (toll-free)  
(202) 307-3961 (fax)  
[www.usdoj.gov/crt](http://www.usdoj.gov/crt)

Elections Officer  
State Capitol Building  
Cheyenne, WY 82002-0020  
(307) 777-5333 (tel.)  
(307) 777-7640 (fax)

ACLU Wyoming Chapter  
514 Majestic Bldg.  
1603 Capitol Ave.



Cheyenne, WY 82001  
(307) 637-4565

Wyoming Defender Aid Program  
P.O. Box 3035  
Laramie, WY 82071  
(307) 766-3223

### **FELON DISENFRANCHISEMENT STATISTICS**

#### **What is the impact of felon disenfranchisement in Wyoming?**

<b>Total Felons</b>	<b>Rate for Total*</b>	<b>Black Men</b>	<b>Rate for Black Men**</b>
<b>14,100</b>	<b>4.1%</b>	<b>400</b>	<b>27.7%</b>

\* Percentage of the adult population.

\*\* Percentage of black men who are disenfranchised.

Human Rights Watch and The Sentencing Project. Losing the Vote, the Impact of Felony Disenfranchisement Laws in the United States (1998), at [http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101\\_2428](http://www.hrw.org/reports98/vote/usvot98o-01.htm#P101_2428).

#### **What are the demographics of Wyoming?**

White	92.1%
Black	0.8%
American Indian/Alaskan Native	2.3%
Asian	0.6%
Native Hawaiian/Other Pacific Islander	0.1%
Hispanic/Latino	6.4%
Other	2.5%

US Census Bureau, American Factfinder (2000): <http://factfinder.census.gov>.

### **VOTER REGISTRATION AND FELON DISENFRANCHISEMENT LAWS**

#### **Wyoming Statutes § 6-10-106. Rights lost by conviction of felony; restoration.**

(a) A person convicted of a felony is incompetent to be an elector or juror or to hold any office of honor, trust or profit within this state, unless:

- (i) His conviction is reversed or annulled;
- (ii) He receives a pardon;
- (iii) His rights are restored pursuant to W.S. 7-13-105(a); or
- (iv) His rights as an elector are restored pursuant to W.S. 7-13-105(b) and (c), in which case the person shall remain incompetent to be a juror or to hold any office of honor, trust or profit within this state.

#### **Wyoming Constitution Article IV, Section 5. Pardoning power of governor.**

The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied

for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported to the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve with his reasons for granting the same.

**Wyoming Statutes § 7-13-105. Certificate of restoration of rights; procedure for restoration in general; procedure for restoration of voting rights for nonviolent felonies; filing requirements.**

(a) Upon receipt of a written application, the governor may issue to a person convicted of a felony under the laws of a state or the United States a certificate which restores the rights lost pursuant to W.S. 6-10-106 when:

- (i) His term of sentence expires; or
- (ii) He satisfactorily completes a probation period.

(b) A person convicted of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events may apply in writing to the state board of parole for a certificate which restores the person's voting rights lost pursuant to W.S. 6-10-106. The application shall specifically state that the requirements of this subsection have been met and shall be on a form approved by the state board of parole. The state board of parole shall issue a certificate restoring a person's voting rights if:

- (i) The applicant has never been convicted of any other felony other than convictions arising out of the same occurrence for which restoration of rights is sought;
- (ii) All of the applicant's terms of sentence are expired, or in the case of probation, the applicant has completed all probation periods; and
- (iii) It has been at least five (5) years since the expiration of all of the applicant's terms of sentence, or in the case of probation, the completion of all probation periods.

(c) Upon receipt of the written application under subsection (b) of this section, the board shall review the materials and make an initial determination of eligibility. Should the board deny the application at this initial determination, the applicant shall have the right to request a contested case hearing before the board as provided by and in accordance with the Wyoming Administrative Procedure Act. The decision of the board after such hearing shall be deemed a final administrative determination, shall be in writing, and, shall in the case of a denial of the application, state the findings of the board and the reasons for the denial and shall not be subject to judicial review under W.S. 16-3-114.

(d) As used in this section, "violent felony" means as defined by W.S. 6-1-104(a)(xii), including offenses committed in another jurisdiction which if committed in this state would constitute a violent felony under W.S. 6-1-104(a)(xii). As used in this section, "nonviolent felony" includes all felony offenses not otherwise defined as violent felonies.

**Wyoming Statutes § 6-1-104(a)(xii).**

"Violent felony" means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, aircraft hijacking, arson in the first or second degree or aggravated burglary;

**Wyoming Statutes § 7-13-804. Contents of application for pardon; notice to district attorney.**

(a) A person convicted of a felony may apply to the governor for a pardon. The application shall contain:

- (i) The name of the person seeking the pardon;
- (ii) The offense for which he was convicted;
- (iii) The date and place of the conviction;
- (iv) The sentence imposed;
- (v) The sentence served;
- (vi) Any subsequent arrests, criminal charges, convictions or sentences; and
- (vii) Any pertinent information the governor may request such as parole and work release records.

(b) The governor shall give notice of the application to the district attorney of the county in which the applicant was indicted or informed against at least three (3) weeks before the application is considered by the governor.

**Wyoming Statutes § 7-13-805. Statement of district attorney following notice of pardon application.**

Within ten (10) days after receiving the notice required by W.S. 7-13-804(b), the district attorney for the county in which the applicant was indicted or informed against shall forward to the governor a statement setting forth the time of the trial and conviction, the date and term of the sentence, the crime of which the person was convicted and any circumstances in aggravation or extenuation which appeared in the trial and sentencing of the person.