

RIGHTS RESTORATION IN ARIZONA

I. DISENFRANCHISEMENT AND RESTORATION PROCESSES

Who does Arizona disenfranchise?

Arizona disenfranchises all people in prison, on probation, or on parole. The state also disenfranchises anyone with two or more felony convictions until they successfully petition the court to restore their right to vote.²⁷

What is Arizona's restoration process for people with felony convictions?

People with one felony charge in their life become automatically eligible to register to vote once they complete incarceration and probation.

People with two or more felonies must have their rights restored by the judge who discharges them at the end of probation or by a successful petition to the court that originally sentenced them. The Sentencing Project only counted 31 instances of rights restoration through these processes between 2010 and 2015.²⁸

What is the voter registration and verification process for voters with convictions?

All voters, regardless of how many convictions they have, apply to vote through the standard voter registration process.

Is payment of all legal financial obligations required before rights restoration?

For some. People who have only one felony charge must pay restitution before qualifying for automatic rights restoration. They do *not* have to pay fines. People with two or more felony convictions who were sentenced to incarceration are still required to pay all restitution and fines. Individuals with unpaid restitution can petition the court for rights restoration.

Is there a waiting period required after completion of sentence and before rights restoration?

For some. People with two or more felony convictions who were sentenced to incarceration must wait to petition the court for the right to vote until two years after completing their prison sentence and any period of probation or supervision. People who were sentenced only to probation can petition as soon as they are discharged.

Are there any carve-outs for rights restoration eligibility based on the type of conviction?

No. In Arizona, it is only the quantity not the type of felony conviction that determines rights restoration.

II. IMPACT

How many people are directly impacted by disenfranchisement and mass incarceration?

Arizona disenfranchises about 221,000 people.²⁹

Arizona is the fifth most incarcerated state in the country with a state incarceration rate of 539 per 100,000 residents.³⁰

There were 7,178 people on parole and 76,141 people on probation in Arizona as of December 31, 2016.³¹

The overall rate of correctional control, which includes all types of confinement and parole and probation, is 2,112 per 100,000. Arizona ranks 19th in the country on this measure.³²

Who are the impacted people?

As of 2016, Arizona disenfranchised just over 4% of its population, but nearly 12% of its African American population.³³

Arizona’s population is 5% Black but the prison population is 15% Black.³⁴ Latinx people are also overrepresented in the prison system at about 38%, though they make up about 31% of the general population.

III. STRATEGIES TO EXPAND RIGHTS RESTORATION

What are key legal and policy rights restoration strategies tried as of February 2020?

	Legislation	Litigation	Executive Order	Ballot Initiative	Administrative Advocacy
Interventions Attempted in the State					

Legislation: 2019 – House Bill 2080 – eliminated the requirement to pay legal financial obligations for those eligible for automatic rights restoration (who have only one felony charge).

What is the process for bringing forward a ballot initiative in Arizona?

Citizen: Citizens can initiate legislation as constitutional amendments or state statutes. They can also repeal legislation through a veto referendum.

Legislative: The legislature can place measures on the ballot as constitutional amendments or state statutes.³⁵

IV. KEY ISSUES/WHERE THE FIGHT IS

Compared to other states, Arizona's disenfranchisement laws are particularly complex and hard to navigate. The petition process for people with two felony convictions is also lengthy and does not work for applicants.

