

BRIEF OVERVIEW OF RIGHTS RESTORATION IN 2020

The following is a 2020 overview of rights restoration across 50 states, Puerto Rico, and the District of Columbia. It identifies each of the 13 states represented at our convening. It also includes a quick summary of federal and state rights restoration legislation and national trends.

As you know, state criminal disenfranchisement laws deprive approximately 6.1 million people in the United States of their constitutional right to vote.¹ These laws have a disparate impact on communities of color. African Americans are “more than four times as likely to lose their voting rights than the rest of the adult population, with one of every 13 Black adults disenfranchised nationally.”² A ten-state study found that “[g]enerally, Latinos are more likely to be disenfranchised than the general population due to felony disenfranchisement laws.”³ The vast majority of those disenfranchised – 77 percent – are not incarcerated and living in the community on probation or parole or having completed their sentence.⁴

50-State Summary with Puerto Rico and the District of Columbia

Only two states and at least one U.S. territory do not restrict the voting rights of people with convictions – Maine, Vermont, and Puerto Rico.⁵ The rest of the 48 states and the District of Columbia divide roughly into four groups. The states **bolded and underlined** below are represented at this convening.

Group 1 – Restoration After Release From Incarceration: Today, in 19 states, people can vote following release from prison, even if they still are on parole or probation. This includes five states with recent victories: **New Jersey** (2020), Nevada (2019), Colorado (2018), Maryland (2016), and New York (2018).⁶ Other states in this group include: Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, and the District of Columbia.⁷

Group 2 – Restoration While On Or After Parole And Probation: In one state – **Louisiana** – parolees and probationers can vote if they have not been incarcerated for five years, which covers most probationers and some parolees. In two states, California and Connecticut, people can vote following release from parole. Probationers in those states can vote.⁸

Group 3 – Restoration After Completion Of Sentence: In 16 states, people can vote after they complete their sentence, including prison, parole, and probation. Efforts are underway in four states in this category to restore rights for probationers and parolees: **Wisconsin**, **Washington**, Minnesota, and North Carolina. **Georgia** is also in this category. Other states include: Alaska, Arkansas, Idaho, Kansas, Missouri, New Mexico, Oklahoma, South Carolina, South Dakota, Texas, West Virginia.⁹

Group 4 – Restriction of Voting Even After Completion/Permanent Disenfranchisement: Finally, 11 states disenfranchise those who have completed their sentences, including

prison, probation, and parole, and in some states, the disenfranchisement is permanent. Most of the states represented at our convening are in this group. Indeed, the majority of those disenfranchised nationally – 3.1 million people – live in one of these 11 states.¹⁰ Movements have produced huge victories in these states, including: **Florida**, **Virginia**, and **Kentucky**. Longtime rights restoration efforts are also underway in **Alabama**, **Arizona**, **Mississippi**, **Tennessee**, and **Iowa**. Other states in this group include Delaware, Wyoming, and Nebraska.¹¹

Cross-State Comparisons

The table below contains a cross-state comparison of several different restrictions that states have imposed on the restoration of voting rights. For additional information on each state’s exact policies, please see the state one-pagers.

	Waiting Period?	Carve Outs?	LFO* Requirement?	Documentation Requirement?*
Alabama	No	Yes	Yes	No
Arizona	Somewhat	No	Yes	No
Florida	No	Yes	Yes	No
Georgia	No	No	Unclear	No
Iowa	No	No	Somewhat	No
Kentucky	No	Yes	Somewhat	No
Louisiana	Yes	No	No	Yes
Mississippi	No	Yes	Yes	No
New Jersey	No	No	No	No
Tennessee	No	Somewhat	Somewhat	No
Virginia	No	No	No	No
Washington	No	No	Somewhat	No
Wisconsin	No	No	No	No

* LFO means Legal Financial Obligations such as fines, fees, restitution, costs.

**This is a requirement imposed for voter registration purposes, not restoration of rights.

Trends

In-Prison Voting: National political candidates, including Bernie Sanders and Andrew Yang, are discussing **never** disenfranchising people with involvement with the criminal legal system. Both Sanders and Yang support in-prison voting. Moreover, there were legislative efforts in seven states last year to establish in-prison voting: Connecticut, Hawaii, Massachusetts, Nebraska, New Jersey, New Mexico, Virginia, and the District of Columbia.¹² The rest of the Democratic field uniformly supports restoring the right to vote following release from incarceration, including Elizabeth Warren, Joe Biden, Pete Buttigieg, Tom Steyer, Amy Klobuchar, and Michael Bloomberg.¹³ We also see support for rights restoration from Republicans in states like Tennessee¹⁴ and Iowa.¹⁵

Implementation – How to Get Voters With Convictions Registered And on the Rolls: While 6.1 million people are disenfranchised, an estimated 18 million people with past convictions are eligible to vote, but not registered to vote.¹⁶ Some of the disparity is a result of confusion around the laws in certain states and a lack of awareness of how the restoration process works. Other issues arise from administrative hurdles in states where requirements for restoration are burdensome.

Federal Legislation

The U.S. House of Representatives has moved forward with federal rights restoration legislation, but the Senate has not taken it up. The Democracy Restoration Act (DRA) of 2019 would restore the right to vote in federal elections to people who have finished incarceration, including those on parole or probation. The DRA passed the House on March 8, 2019 as part of H.R. 1, the For the People Act – the omnibus democracy reform bill. On April 9, 2019, Senator Ben Cardin (D-MD) introduced the DRA as S.1068.¹⁷ This “standalone” bill on rights restoration is presently sitting in the Senate Judiciary Committee.

State Legislation

Several states are currently considering bills that will expand voting rights for those with felony convictions or improve the registration process for those who want to register to vote. The following bills are currently being proposed in the states represented at our convening. More information about these bills and states may be found in the state one-pagers.

- Florida, TBD: Bills simplifying the voter registration form and enhancing re-entry services for returning citizens.
- Iowa, TBD: A bill to amend the constitution to restore voting rights to those who complete their sentence.
- Kentucky, HB 6 and HB 119: Bills amending the constitution to restore voting rights to those who complete their sentence.
- Louisiana, TBD: Bills streamlining voter registration issues for those with convictions, clarifying most probationers retain their right to vote, and restoring voting rights immediately following release from incarceration.
- Tennessee, HB 547/SB 589: A bill removing LFO requirements and requiring the state to issue a voter registration certificate.
- Virginia, TBD: A resolution bill that would start the two-year process of passing a constitutional amendment to remove felony disenfranchisement in Virginia.
- Washington State, SB 5076: A bill that expands voting rights to those on community supervision and removes the penalty for defaulting on LFOs.
- Wisconsin, SB 348/AB 477: A bill to restore voting rights to those on community supervision.