

RIGHTS RESTORATION IN TENNESSEE

I. DISENFRANCHISEMENT AND RESTORATION PROCESSES

Who does Tennessee disenfranchise?

Tennessee permanently disenfranchises people convicted of “infamous crimes” before January 15, 1973. However, people with such convictions may be still be eligible if they can show that the judgment of conviction did not include a statement rendering the crime “infamous.”¹¹⁰

Those who were convicted of a felony between January 15, 1973 and May 17, 1981 may vote. People convicted of a felony after May 17, 1981 are ineligible to vote until they have finished their sentence and paid their Legal Financial Obligations (LFOs), including court fines, fees, and outstanding child-support payments.¹¹¹

What is Tennessee’s restoration process for people with felony convictions?

A person with a felony conviction can petition a circuit court in Tennessee for restoration of their full rights of citizenship.¹¹²

Those who have completed their sentences and paid restitution and court costs may be eligible to restore their right to vote without a court petition through the Certificate of Restoration (COR) process. This process requires sign-off from a probation or parole officer and sign-off from the court clerk. More information about this complex and “convoluted” process may be found in the advocacy materials.¹¹³

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

After a person restores their right to vote, they should be able to register and vote like any other eligible, but unregistered voter.

II. IMPACT

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

Tennessee disenfranchises 421,000 people with felony convictions. The law denies the right to vote to 8.2% of the voting age population statement.¹¹⁴

Who are the impacted people?

21% of the adult African American voting-age population is disenfranchised.¹¹⁵

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	X	X			X

Legislation

Past – In 2006, Tennessee removed a requirement to appear before a court to restore voting rights.

Current – In 2019, a bipartisan coalition backed HB 547/SB 589, eliminating the LFO requirement and mandating that the state issue a certificate of voting rights restoration, thereby streamlining the restoration process and eliminating the need to request restoration. This bill was tabled to 2020.¹¹⁶

Litigation

Johnson v. Bredesen, 624 F.3d 742 (6th Cir. 2010) – Upheld Tennessee’s LFO requirements, including child support.

Advocacy

Efforts have been made by national, state, and local grassroots organizations to advocate for better processes with the Tennessee Secretary of State’s Office and other state agencies.

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

Legislative: The state legislature can refer constitutional amendments to the state ballot for gubernatorial general elections. The legislature must approve a measure during two successive legislative sessions with an election in between.¹¹⁷

IV. KEY ISSUES/WHERE THE FIGHT IS

The fight in Tennessee likely resolves around LFOs and streamlining the complex restoration process, specifically, the passage of HB 547/SB 589, a bill eliminating the LFO requirements and mandating that the state issue a certificate of voting rights restoration, thereby eliminating the need to request restoration.