

Restoring Voting Rights to Citizens with Past Felony Convictions

2014 POLICY GUIDE



State Policy

August 2014

States can pass laws to ensure that once a person is released from prison, his or her right to vote is restored.

The Problem: Individuals with a felony conviction are often barred from voting based solely on where they live. State laws involving voting rights for people with felony convictions vary widely. Eight states permanently deny suffrage to individuals convicted of certain felonies; two states make no exceptions. Another 38 states restore voting rights upon completion of people's sentences, but often mandate completion of parole or probation.

Even in states that allow quick restoration of voting rights for persons with felony convictions, the process of re-registering to vote is often difficult because laws regulating voting rights restoration can be complex and decentralized. The process often involves lengthy paperwork, burdensome documentation, and coordination among several state agencies.

The Solution: U.S. Senators Ben Cardin (D-MD) and Rand Paul (R-KY) are proposing legislation to establish federal norms. States can pass legislation right now that will remove barriers to voting for people with felony convictions.

There is a range of legislative

changes that make restoring voting rights easier. These include making voter registration a part of the parole and probation processes, eliminating waiting periods between release from prison and restoration of voting rights, improving data-sharing procedures among state agencies, and requiring that ex-offenders be given information and assistance in regaining their voting rights.

Success Story: In 2013, Virginia's Republican governor put in place a new policy which automatically restores voting rights to citizens convicted of nonviolent or drug offenses after they have paid their debts to society. The new policy eliminates the previous two-year waiting period for the restoration of voting rights. In addition, the Virginia policy restores the rights to run for and hold public office, to serve on juries and to function as a notary public. This is an important step forward. Under the prior system, an estimated 350,000 Virginians were unable to vote because of a felony conviction. Supporters of the policy estimate that at least 100,000 could have their right to vote restored.

Key Facts

More than five million Americans who have been released from prison are denied the right to vote due to laws that disenfranchise people with felony convictions.

Fiscal Impact

Little to none. While there may be some costs associated with registering more people to vote, this could be accomplished as a part of the parole or probation process. Moreover, by creating a statewide procedure, legislation would also reduce administrative hurdles and Election Day confusion over who should and should not be allowed to vote. Restoring voting rights to people out of prison would also eliminate the opportunity for erroneous purges of eligible citizens from the voting rolls and relieves confusion among election officials about who is eligible to vote.

Related Reforms

- Restoring Voting Rights to People with Past Criminal Convictions: Federal
- Right to Vote Constitutional Amendment

Part Two Resources

- Model State Statutory Language