

CAPITOL RESEARCH

ELECTIONS

Felon Voter Disenfranchisement

Felon voter disenfranchisement refers to the withdrawal of voting rights when a person is convicted of a felony. These restrictions on people who have committed a felony are derived from Section 2 of the 14th Amendment, which says a person can be denied the right to vote if he or she has committed a crime.¹ This is an issue affecting millions of Americans.

- An estimated 5.85 million Americans, or 1 in 40 adults, have lost the right to vote because of a felony conviction.
- More than 7 percent of the adult population in Alabama, Florida, Kentucky, Mississippi, Tennessee and Virginia have lost the right to vote.
- The rate of disenfranchisement reaches a high of 10 percent in Florida.
- As of 2010, 45 percent of the disenfranchised population are ex-felons who had completed their sentence. Of the remaining 55 percent, 24 percent are in prison, 21 percent are on probation, 9 percent are on parole, and approximately 1 percent is in jail.
- Due to state laws regarding voting by convicted felons, 1 in 13 African-Americans are prohibited from voting.²

States that have rescinded the ability of felons to vote have done so using various methods. Maine and Vermont are the only states that do not permanently or temporarily prohibit felons from voting, allowing convicted felons to vote while incarcerated.

- Florida, Iowa and Kentucky authorize permanent voting restrictions for all felons. After their sentence is completed, felons must apply for rights restoration or pardons in order to vote again.
- Eight states—Alabama, Arizona, Delaware, Mississippi, Nevada, Tennessee, Virginia and Wyoming—permanently block offenders convicted of certain felonies from voting. These felonies typically include violent crimes and crimes against children.
- Thirty-seven states allow convicted felons to vote after they have served part or all of their sentences.
 - » Twenty states restore voting rights after the completion of the sentence, which includes



parole and probation. In most cases, the restoration occurs immediately upon completion, without any processing.

- » Four states—California, Colorado, Connecticut and New York—restore voting rights after prison time and parole, allowing probationers to vote.
- » The District of Columbia and 13 states allow parolees and probationers to vote after they have completed prison time.³

The restoration of voting rights also varies significantly among states. In the 11 states that permanently block people convicted of some or all felonies from voting, each state has its own method. States require convicted felons to meet certain requirements before they can regain voting rights.

- Two states—Alabama and Delaware—do not reinstate voting rights for felons who have committed violent or sex crimes. Both states include various disqualifying felonies.
- Two states—Arizona and Nevada—automatically restore voting rights to felons who commit nonviolent crimes, but require judicial actions for felons who have committed other types of crime.
- Florida and Wyoming require a minimum five-year waiting period before a felon can apply to

- restore voting eligibility. Florida sets a seven-year waiting period for more serious offenders and Wyoming requires action from the governor for felons more serious offenses.
- Iowa and Tennessee require felons to apply to regain the ability to vote after they have completed their sentences. Iowa also requires felons to pay all outstanding fines before applying for reinstatement of voting rights.
 - Kentucky requires felons to submit an application to the governor after the completion of the sentence to appeal for an executive pardon to reinstate voting rights.
 - In Mississippi, a felon’s state legislator must author legislation to restore his or her voting rights; that legislation must pass both houses in order to be enacted. Felons also can seek restoration of voting rights directly from the governor.
 - Virginia automatically reinstates voting rights after felons who have committed nonviolent crimes have completed their sentence, as long as they have paid all monetary obligations. People convicted of violent crimes, crimes against minors, and elections law offenses must wait three years to apply for a gubernatorial restoration of rights.⁴

President Obama, U.S. Sen. Rand Paul of Kentucky and Attorney General Eric Holder, among others, recently have suggested states revise regulations and restore voting rights to felons who have completed their sentences.

States have started to change laws on felon voting rights—some have restored rights, while others have made it more difficult for felons to regain rights.

- **Washington** in 2009 restored the right to vote for felons who completed their sentences, but required those people to re-register to vote.
- **Delaware** in 2013 passed legislation eliminating the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored.

- **Virginia** in 2014 mandated that felons convicted of nonviolent felonies will have their ability to vote automatically restored providing they have completed their term of incarceration and all probation or parole, have paid all outstanding monetary obligations and have no pending felony charges.⁵
- **Florida** in 2011 reversed a 2007 policy change that automatically restored voting rights to nonviolent offenders upon the completion of their sentence. The new policy requires all ex-felons wait between five and seven years before applying to regain voting rights.
- **Tennessee** in 2012 created stricter regulations by adding to the list of felonies or sexual offenses that keep offenders from ever regaining eligibility to register to vote
- **South Carolina and South Dakota** in 2012 revoked the right to vote for felons on probation. Previously, only felons on parole or incarcerated had their voting rights suspended.⁶



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REFERENCES

¹Kang, Boyoung. “Felony Disenfranchisement as a Legitimate State Regulation.” *Journal of Race, Gender, and Ethnicity* 4.1 (2009). May 2009.
<http://www.tourolaw.edu/journalrge/uploads/issues/vol4issue1/kang-final.pdf>.

²“U.S. Disenfranchisement Laws by State.” The Sentencing Project.
<http://sentencingproject.org/template/page.cfm?id=133>.

³“Felon Voting.” ProCon.org.
<http://felonvoting.procon.org/view.resource.php?resourceID=000286#florida>.

⁴“U.S. Disenfranchisement Laws by State.” The Sentencing Project.
<http://sentencingproject.org/template/page.cfm?id=133>.

⁵“Felon Voting Rights.” National Conference of State Legislators.
<http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>.

⁶*Ibid.*

Felon Voting Rights Across the United States

Method/Process or Provision for Felony Disenfranchisement	States
No Disenfranchisement for Felony Offenders	Maine, Vermont
Permanent Disenfranchisement for All Offenders	Florida, Iowa, Kentucky
Permanent Disenfranchisement for Some Offenders	Alabama, Arizona, Delaware, Mississippi, Nevada, Tennessee, Virginia, Wyoming
Rights Restored After Completion of Sentence (including Parole and Probation)	Alaska, Arkansas, Georgia, Idaho, Kansas, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Washington, West Virginia, Wisconsin
Rights Restored After Completion of Prison Time (Parolees and Probationers May Vote)	District of Columbia, Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah
Rights Restored After Completion of Prison Time and Parole (Probationers May Vote)	California, Colorado, Connecticut, New York