

# State of Our State: Rights Restoration

## Tennessee Bars a Higher Rate of People with Felony Convictions from Voting than Nearly Any Other State

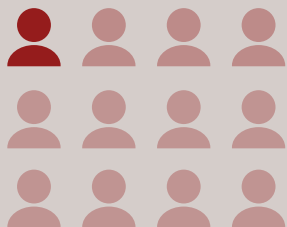
Tennessee has some of the strictest rights restoration laws in the nation. It is one of twelve states with lifetime voting bans for people convicted of certain crimes and also one of twelve states that require those with felony convictions to complete a series of steps beyond serving their sentence in order to have their rights restored. Tennessee is the only state that includes as one of these steps the payment of child support obligations.

**Rights restoration contributes to reduced recidivism and saves taxpayer dollars.** Over 421,000 Tennesseans could benefit from easing the financial requirements for rights restoration or going even further to immediately restoring voting rights upon the completion of a sentence. But the benefits would not stop there: Research shows that states that permanently bar people with felony convictions from voting see higher rates of repeat offenders than those that do not. High rates of incarceration and recidivism come with a high cost to taxpayers.

**A national trend to restore voting rights for people with felony convictions has emerged.** Rights restoration, and criminal justice reform more broadly, has gained strong support from prominent conservative groups and Congress.<sup>(i)</sup> Since 1997, twenty-three states have amended laws for rights restoration. As a result of these reforms, nearly three million Americans regained the right to vote between 1997 and 2018.

## Hundreds of Thousands of Tennesseans Stand to Benefit from Rights Restoration

Voting-age Tennesseans barred from voting based on a past felony conviction: **421,227 individuals, or one in twelve.**<sup>(ii)</sup>

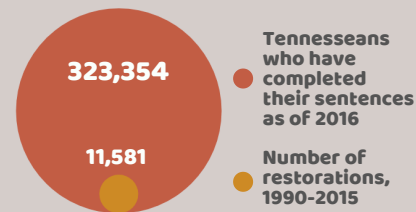


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Tennessee has a higher rate of people banned from voting than forty-seven states, **ranking 48th.**<sup>(iii)</sup>



Only a **small fraction** of Tennesseans released from prison are able to complete the process to restore their voting rights.<sup>(iv)</sup>

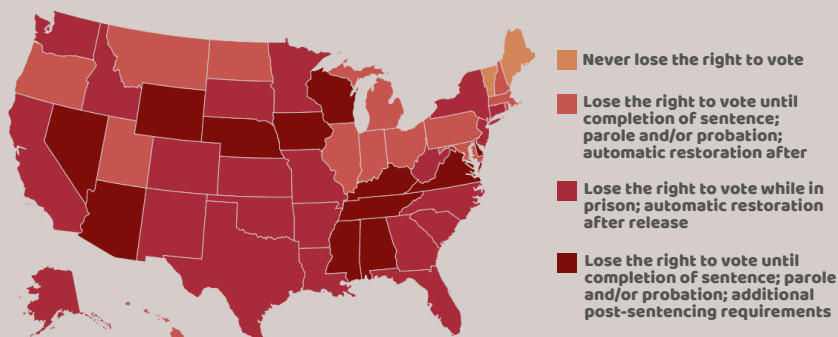


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## Tennessee's Current Rights Restoration Process is Complex, Uncommon and Costly

Tennessee is among a minority of states (one of twelve) that require people with felony convictions to both complete their sentence (including parole and probation) and go through a post-sentence process to regain voting rights. In most states, people with felony convictions immediately regain the right to vote after completing their sentence, though they must still reregister in order to cast a ballot.<sup>(v)</sup>

Processes of Rights Restoration After Felony Convictions



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## The Only State to Predicate Rights Restoration on Child Support Payments

Tennessee alone requires people with felony convictions to be current on all court-ordered child-support obligations before regaining voting rights. This otherwise-unheard-of financial requirement stands out as a key obstacle to rights restoration.<sup>(vi)</sup>

## Tennessee's Complicated Restoration Process

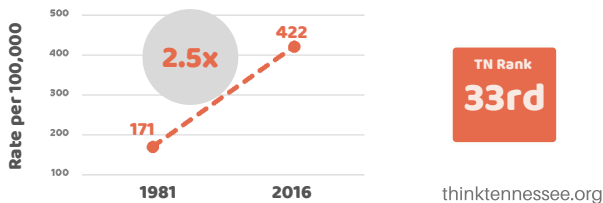
Unless convicted of certain felonies, (vii) individuals must:

- 1 Receive a pardon or complete their sentence (including probation and parole).
- 2 Pay all restitution and court fees or fines.
- 3 Be current on court-ordered child support.
- 4 Obtain a "Certificate of Restoration of Voting Rights" from the Election Commission in their county of residence, the Secretary of State's website or the Tennessee Board of Probation and Parole.
- 5 Have their probation/parole officer, pardoning authority or corrections agent certify they have completed their sentence and sign the form.
  - ➔ If their charge was tried in a federal court, obtain this signature from a U.S. Probation and Parole office.
  - ➔ If their charge was tried in a state or circuit court, obtain this signature from a Tennessee Board of Parole office or criminal court clerk.
- 6 Have a criminal court clerk certify they have met all their legal financial obligations and sign the form.
  - ➔ If their charge was tried in a federal court, obtain this signature from a U.S. Probation and Parole Office.
  - ➔ If their charge was tried in a state or circuit court, obtain this signature from the Circuit Court Clerk in the county where the conviction occurred.
- 7 Take the Certificate of Restoration of Voting Rights to the Election Commission in their county of residence, which will send the form to the Division of Elections in Nashville to review and approve.
- 8 Repeat the process if they move to another Tennessee county.

## Rights Restoration Saves Taxpayer Dollars and Contributes to Reducing Recidivism

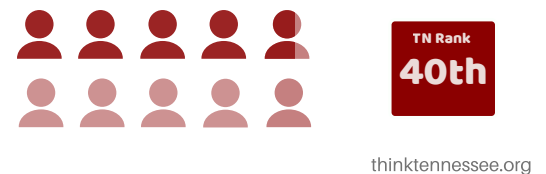
Tennessee's rate of incarceration more than doubled in over three decades, placing our state among those with one of the highest rates of incarceration in the country. (viii)

Tennessee Incarceration Rate Change and National Rank, 2016



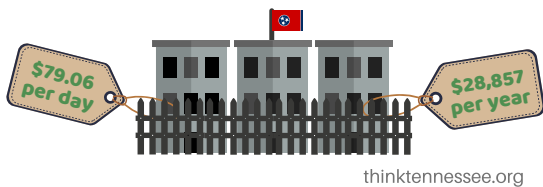
Nearly half of those released from prison or jail (47.1%) in Tennessee are reincarcerated within three years, a higher rate of recidivism than most states. (ix)

Tennessee Recidivism Rate and National Rank, 2016



High rates of incarceration and recidivism come with a high cost. The Tennessee Department of Correction (TDOC) budget for the 2018/2019 fiscal year exceeds \$1 billion. (x) Rights restoration is one important driver of successful reentry, helping mitigate recidivism and save taxpayer dollars. **Rights restoration can foster trust in government and the criminal justice system and can lead to increased cooperation with law enforcement—factors linked to reduced recidivism.** (xi) Research also suggests that states that permanently ban people with felonies from voting see greater recidivism than states without lifetime voting bans. (xii)

Average Cost to House a TDOC Offender, FY 2017-18



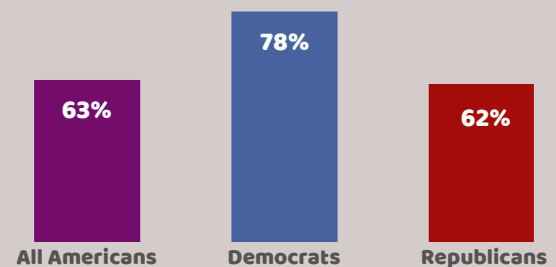
In Florida, rights restoration is associated with a **12.8% decrease in recidivism**, or a reduction in correctional facility admissions of over 3,500 inmates per year. (xiii) A similar reduction in recidivism and inmate admissions in Tennessee could translate into significant cost savings in the form of taxpayers dollars and public resources needed to cover correctional facilities and supervision, as well as court operating costs. (xiv)

## Most Americans Support Rights Restoration, and a National Trend Toward Restoration has Emerged

Two-thirds of Americans believe people with felony convictions should have the right to vote once they have completed their sentences. Support for rights restoration is strong regardless of party affiliation. (xv)

Since 1997, twenty three states have amended their laws. Thirteen states eliminated lifetime voting bans and/or expanded voting rights to those who had completed their sentences, including several conservative states like Texas, Louisiana, Virginia, Nebraska and, most recently, Florida, where a 2018 ballot initiative passed in a 65-35 landslide. **As a result of these reforms, nearly three million Americans had their voting rights restored between 1997 and 2018.** (xvi)

Support for Rights Restoration Post-Sentence Completion, 2018



## ***A Spectrum of Policy Solutions Could Help Improve Tennessee's Rights Restoration System***

Tennessee lawmakers who want to take action have a variety of policy options. **Many of Tennessee's peer states have successfully implemented some variation of the reforms below.**



### ***Streamline voting rights restoration after sentence completion.***

**Current Tennessee Approach:** Tennessee requires people with felony convictions to both complete their sentence (including parole and probation) and satisfy several post-sentencing requirements. In most states, individuals are eligible to register to vote immediately after completing their sentence. Over half of Americans (52%) believe voting rights should be restored in this way rather than through a post-sentence process.(xvii)

#### **What Other States Have Done:**



A 2018 ballot initiative in **Florida** was approved in a 65-35 landslide in favor of a streamlined rights-restoration policy after sentence completion, except for those convicted of murder or a sexual offense. Florida's change to rights restoration laws will expand voting eligibility to over 1.4 million Floridians.(xviii)



### ***Eliminate some or all of the financial obligation requirements for rights restoration.***

**Current Tennessee Approach:** Tennessee is in a minority of states that include financial obligations in the rights-restoration process, and is the only state requiring people to be current on child support to regain the right to vote.

#### **What Other States Have Done:**



In 2015, **Virginia's** governor eliminated the requirement that individuals pay court costs and fees in order to be eligible for voting rights restoration. Individuals are still required to pay these financial obligations, but their debts do not prevent them from regaining the right to vote.(xix)



### ***Expand voter-rights notices and related education for incarcerated people.***

**Current Tennessee Approach:** Tennessee law does not require that people with felony convictions be notified or assisted in understanding the rights-restoration process. Individuals eligible to have their voting rights restored must self-initiate the process to complete the Certificate of Restoration of Voting Rights application.(xx)

#### **What Other States Have Done:**



In 2008, **Louisiana** passed a bill requiring the Department of Public Safety and Corrections to notify those who have completed their sentence of their right to vote and to assist in voter registration. In conjunction with additional legislative efforts, these changes returned the right to vote to 43,000 individuals.(xxi)

Other states have passed bills requiring citizens to be notified and assisted in the rights-restoration process, including **Florida** (2006), **North Carolina** (2007), **New Mexico** (2005) and **Virginia** (2000).(xxii)



### ***Publish data on the number of Tennesseans granted restoration of rights.***

**Current Tennessee Approach:** The Tennessee Election Commission does not make public data for the number of individuals whose rights have been restored. Understanding the full impact of rights restoration on recidivism requires an up-to-date analysis of the number of individuals applying for and being granted the restoration of their rights.

#### **What Other States Have Done:**



Since 2006, **Hawaii** requires data collection and sharing between agencies involved in rights restoration. Hawaii has one of the lowest rates of people with felony convictions without voting rights, 0.57%.(xxiii)



The **Florida** Commission on Offender Review publishes annual Clemency Action Reports detailing the frequency of restorations and the low rates of recidivism among individuals with restored rights. This allows the analysis of the connection between rights restoration and recidivism.(xxiv)

# NOTES AND REFERENCES

- (i) Key conservative groups, such as the Washington Economics Group, Freedom Partners and Americans for Prosperity helped lead the way in Florida's recent amendment to restore felon voting rights. The U.S. Senate recently passed a criminal justice reform bill with bipartisan support and the endorsement of President Donald Trump. Sources: Bousquet, Steve. (2018, September 13). Koch-funded group supports voting rights for felons in Florida. *Tampa Bay Times*; Berry, Debora B. (2018, December 18). Senate passes First Step Act with push from criminal justice groups; bill goes to House. *USA Today*.
- (ii) The most recent data available is from 2016. Source: Uggen, Christopher, Ryan Larson, and Sarah Shannon. (2016). 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016. Available at <https://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf>.
- (iii) Ibid.
- (iv) Ibid.
- (v) Brennan Center for Justice. (2018). Criminal Disenfranchisement Laws Across the United States. Available at <https://www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states>; National Conference of State Legislatures. (2018). Felon Voting Rights. Available at <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>.
- (vi) Meredith, Marc, and Michael Morsel. (2017). Discretionary Disenfranchisement: The Case of Legal Financial Obligations. *The Journal of Legal Studies* 46(2): 309-338. <https://doi.org/10.1086/694323>; Frederickson, Allyson, and Linnea Lassiter. (2016). Disenfranchised by Debt: Millions Impoverished by Prison, Blocked From Voting. Alliance for Just Society. Available at <http://allianceforajustsociety.org/wp-content/uploads/2016/03/Disenfranchised-by-Debt-FINAL-3.8.pdf>.
- (vii) TN Code § 40-29-204 (2014); TN Code § 40-29-202 (2016); TN Code § 40-29-203 (2015); Tennessee Secretary of State. Restoration of Voting Rights. Available at <https://sos.tn.gov/products/elections/restoration-voting-rights>.
- (viii) Minor-Harper, Stephanie. (1982). Prisoners in 1981. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/p81.pdf>; Carson, E. Ann. (2018). Prisoners in 2016. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/p16.pdf>.
- (ix) Tennessee Department of Correction. (2017, April 20). Tennessee Recidivism Rate Shows Promising Decrease. Available at <https://www.tn.gov/correction/news/2017/4/20/tdoc-tennessee-recidivism-rate-shows-promising-decrease.html>; Justice Center, The Council of State Governments. (2018). 50-State Report on Public Safety. Available at <https://50statespublicsafety.us/>.
- (x) Tennessee Department of Correction. (2018) Annual Report, FY 2018. Available at <https://www.tn.gov/content/dam/tn/correction/documents/AnnualReport2018.pdf>.
- (xi) Shineman, Victoria. (2018). Restoring Rights, Restoring Trust: Evidence that Reversing Felon Disenfranchisement Penalties Increases Both Trust and Cooperation with Government. Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3272694](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3272694).
- (xii) Hamilton-Smith, Guy P., and Matt Vogel. (2012). The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism. *Berkeley La Raza Law Journal* 22(3). Available at <https://doi.org/10.15779/Z38Z66F>.
- (xiii) The Washington Economics Group, Inc. (2018). Economic Impacts of Restoring the Eligibility to Vote for Floridians with Felony Convictions as a Result of Passage of Amendment 4. Available at <https://drive.google.com/file/d/1sP2BiK-CEmkqJOiKjAgUBAw175H5UP08/view>.
- (xiv) Tennessee Department of Correction. How much does it cost per day to house a TDOC offender? Statistics and Information, Frequently Asked Questions. Available at <https://www.tn.gov/correction/statistics-and-information/frequently-asked-questions.html>.
- (xv) HuffPost/YouGov Poll. (2018). Restoration of Voting Rights. Topline results available at <http://big.assets.huffingtonpost.com/tabsHPRestorationofvotingrights20180316.pdf>. A 2014 poll yielded similar results, see Rasmussen Reports. (2014). 65% Think Felons Should be Able to Vote After Completing Jail Time. Available at [http://www.rasmussenreports.com/public\\_content/politics/general\\_politics/february\\_2014/65\\_think\\_felons\\_should\\_be\\_able\\_to\\_vote\\_after\\_completing\\_jail\\_time](http://www.rasmussenreports.com/public_content/politics/general_politics/february_2014/65_think_felons_should_be_able_to_vote_after_completing_jail_time).
- (xvi) McLeod, Morgan. (2018). Expanding the Vote: Two Decades of Felony Disenfranchisement Reforms. The Sentencing Project. Available at <https://www.sentencingproject.org/publications/expanding-vote-two-decades-felony-disenfranchisement-reforms/>; Ballotpedia. (2018). Florida Amendment 4, Voting Rights Restoration for Felons Initiative. Available at [https://ballotpedia.org/Florida\\_Amendment\\_4\\_Voting\\_Rights\\_Restoration\\_for\\_Felons\\_Initiative\\_\(2018\)](https://ballotpedia.org/Florida_Amendment_4_Voting_Rights_Restoration_for_Felons_Initiative_(2018)).
- (xvii) HuffPost/YouGov Poll. (2018). Restoration of Voting Rights. Topline results available at <http://big.assets.huffingtonpost.com/tabsHPRestorationofvotingrights20180316.pdf>.
- (xviii) Brennan Center for Justice. (2018). Voting Rights Restoration Efforts in Florida. Available at <https://www.brennancenter.org/analysis/voting-rights-restoration-efforts-florida>.
- (xix) Office of the Governor of Virginia. (2015, June 23). Governor McAuliffe Announces New Reforms to Restoration of Rights Process [News Release]. Retrieved from <https://www.governor.virginia.gov/newsroom/all-releases/2017/mcauliffe-administration/headline-826609-en.html>.
- (xx) See Harris, Nicole R. (2018, August 1). Voting rights restored, Memphis man aims to educate others about disenfranchisement. *Commercial Appeal*. Available at <https://www.commercialappeal.com/story/news/2018/08/01/felon-voting-rights-restoration-tennessee-election/796749002/>.
- (xxi) McLeod, Morgan. (2018). Expanding the Vote: Two Decades of Felony Disenfranchisement Reforms. The Sentencing Project. Available at <https://www.sentencingproject.org/publications/expanding-vote-two-decades-felony-disenfranchisement-reforms/>.
- (xxii) Ibid.
- (xxiii) Ibid.
- (xxiv) Florida Commission on Offender Review. Clemency Action Reports. Available at <https://www.fcor.state.fl.us/reports.shtml>.

