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ANALYSES

STATE BY STATE RESTORATION OF RIGHTS

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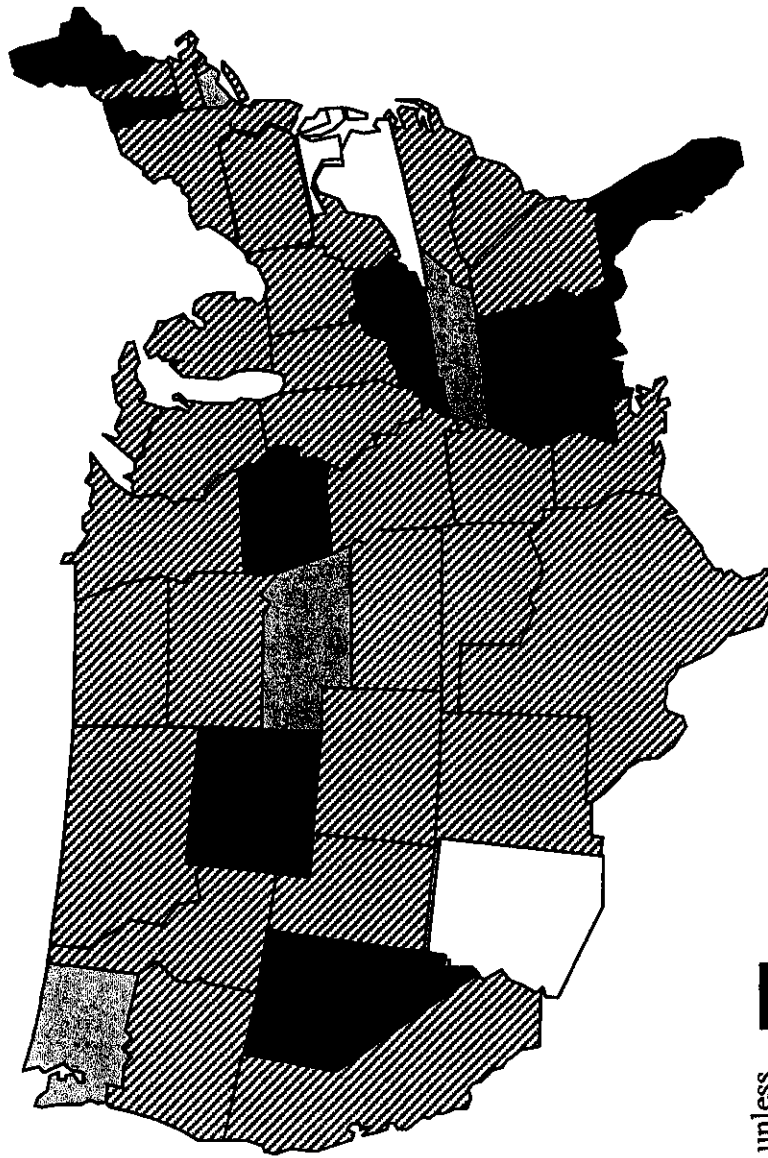
ASSEMBLY JUDICIARY

DATE: 3/26/03 ROOM: 3138 EXHIBIT D

SUBMITTED BY: C. GIUNCKELMANI

Process for Restoration of Voting Rights

Source: The Sentencing Project and the U.S. Department of Justice
 Compiled and Updated by the National Conference of State Legislatures, June 19, 2002



Felons permanently lose their right to vote, unless they can obtain a pardon

Certain felons permanently lose their right to vote

Felons retain their voting rights

Automatic restoration upon completion of sentence, probation, or parole

Felon must file or obtain certain documents

Voting Rights Restoration Process

Source: U.S. Department of Justice, December 2000;

Updated by the National Conference of State Legislatures, November 2001

Restoration Process	
Alabama	The right to vote may be regained only through a pardon.
Alaska	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Arizona	1 st offense – rights are automatically restored; 2 nd and subsequent offenses – must apply to court for restoration; If felony convictions resulted in a prison sentence, felon must wait until two years after your unconditional release from incarceration or completion of parole before felon can apply. If felony convictions resulted in a sentence of probation, felon may apply for restoration of your voting rights immediately upon discharge from probation.
Arkansas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote. Felons must provide evidence of their eligibility to vote after discharge of their sentence.*
California	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Colorado	Automatically restored upon completion of sentence and/or parole; felon must register to vote.
Connecticut	Felon may regain the right to vote upon submission of written or other satisfactory proof that all fines in conjunction with conviction have been paid and that felon has been discharged from confinement or parole. Felon must submit this information to the office of the Registrar of Voters. Probationers automatically regain the right to vote.*
Delaware	-A person convicted of murder, manslaughter or any felony constituting a sexual offense or an offense against public administration involving bribery, improper influence or abuse of office, may not have their voting rights restored. -Any other person who is disqualified as a voter because of a conviction of a crime shall have such disqualification removed upon being pardoned or five years after expiration of sentence, whichever may occur first. Expiration of sentence means satisfactory completion of imprisonment, probation and parole and satisfaction of all financial obligations required by the sentence, including restitution.
D.C.	Automatically restored upon release from confinement; felon must register to vote.
Florida	Civil rights, including the right to vote, are suspended when a person is convicted of a felony. A felon may have his or her civil rights restored by obtaining a full pardon, conditional pardon, or restoration of civil rights from the Governor of Florida.
Georgia	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Hawaii	Automatically restored upon release from confinement; felon must register to vote.
Idaho	Automatically restored upon completion of sentence, probation and parole; felon must register to vote.
Illinois	Automatically restored upon release from confinement; felon must register to vote.
Indiana	Automatically restored upon release from confinement; felon must register to vote.
Iowa	Must obtain a pardon or a restoration of citizenship from the Governor.
Kansas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Kentucky	Must obtain a pardon from the Governor.
Louisiana	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Maine	Eligibility to vote not affected.

Restoration Process	
Maryland	-A first time offender for theft or infamous crime, other than buying or selling votes, the right to vote is automatically restored upon completion of your sentence, including any probation or parole. -If convicted of two or more such crimes, a person is not eligible to vote unless and until a pardon is obtained. -If convicted of buying or selling votes, a person is permanently prohibited from voting in Maryland.
Massachusetts	Automatically restored upon release from confinement; felon must register to vote.
Michigan	Automatically restored upon release from confinement; felon must register to vote.
Minnesota	If convicted of treason or of a felony, the right to vote is automatically restored upon discharge from sentence. Discharge occurs either by order of the sentencing court, following stay of sentence or stay of execution of sentence, or upon final expiration of sentence.
Mississippi	Right to vote may be restored by a pardon or an executive order issued by the Governor upon discharge from probation. The right to vote may also be restored by a two-thirds vote of the state legislature.
Missouri	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote; however, a person is forever disqualified from voting if convicted of a crime connected to the exercise of the right to vote.
Montana	Automatically restored upon release from confinement; felon must register to vote
Nebraska	Must obtain a "warrant of discharge" from the Nebraska Board of Pardons to regain the right to vote; however, if sentenced to confinement in an adult correctional facility, the felon can only regain the right to vote by applying to the Board of Pardons for a warrant of discharge
Nevada NRS 213.157	-Felons who have completed probation may apply 6 months after the expiration of their term of probation to have their rights restored.* -Felons who have completed parole or who have served their full sentence may immediately petition the State Board of Parole Commissioners who may petition the district court for restoration of civil rights. *
New Hampshire	Automatically restored upon release from confinement; felon must register to vote.
New Jersey	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
New Mexico	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote. *
New York	-If convicted of a felony and sentenced to incarceration, felon automatically regains the right to vote upon expiration of the maximum time to which he or she was sentenced, or upon discharge from parole, whichever occurs first. -If convicted of a felony but not sentenced to incarceration, or if the sentence was suspended, felon's conviction does not affect the right to vote.
North Carolina	Automatically restored upon completion of sentence, probation and/or parole. For a North Carolina conviction, the agency having jurisdiction over a felon at the time he or she was unconditionally discharged is required to issue a certificate to the clerk of the General Court of Justice in the county where the felon was convicted, and that clerk shall then file the certificate with the original record at no fee. Once this is done, the felon can simply register and vote.
North Dakota	Automatically restored upon release from confinement; felon must register to vote.
Ohio	Automatically restored upon release from confinement; felon must register to vote.
Oklahoma	Once a conviction has become final and the maximum time set forth in the felon's sentence has expired, his or her right to vote is automatically restored.
Oregon	Automatically restored upon release from confinement or completion of parole; felon must register to vote.

Restoration Process	
Pennsylvania	Automatically restored upon release from confinement; felon must register to vote; however, if a felon was not registered to vote at the time of his or her conviction, the felon may need to wait 5 years from the date of release from incarceration in order to vote.
Rhode Island	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
South Carolina	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
South Dakota	In South Dakota, the right to vote is restored upon termination of a felon's sentence. When the sentence has been fully discharged, including parole, a felon should receive a certificate from the Secretary of Corrections stating that he or she has been restored to the full rights of a citizen. The Secretary should file a copy of the certificate with the sentencing court. After receiving this certificate the felon must register to vote.
Tennessee	-Persons convicted of murder, aggravated rape, treason, or voter fraud after July 1, 1986, or of rape after June 30, 1996, are ineligible to have their voting rights restored. -For other felony convictions after June 30, 1996, a felon may seek restoration of voting rights after the maximum sentence imposed for his or her conviction has expired, or after the felon has been pardoned, by petitioning the circuit court of the county where the felon lives or was convicted. -If a felon was convicted after July 1, 1986 but before June 30, 1996 of a felony other than murder, aggravated rape, treason, or voter fraud, a felon may request that either the board of probation and parole or the authority that supervised or incarcerated him or her during the sentence issue a Certificate of Restoration of Voting Rights. A felon is eligible to request this certificate after either being pardoned or after the maximum sentence which was imposed for the conviction has expired.
Texas	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote; if convicted persons may also regain their voting rights if they have been granted a gubernatorial pardon or release from the resulting disability to vote.
Utah	Automatically restored upon release from confinement/completion of sentence; felon must register to vote.
Vermont	Eligibility to vote not affected.
Virginia	If convicted of a felony in Virginia, then a felon must obtain a "removal of political disabilities" from the Governor in order to regain the right to vote. A felon is eligible to apply for the removal of political disabilities if he or she completed the sentence more than 5 years ago and if all court costs and restitution have been satisfied.
Washington	In order to regain the right to vote, a felon must have his or her civil rights restored. Civil rights are restored by the issuance of a certificate of discharge. When a felon has completed all of the requirements of sentence, the Department of Corrections notifies the sentencing court. The sentencing court then issues and provides the felon with a certificate of discharge, which will have the effect of restoring the right to vote. A felon must then register to vote, unless the crime was committed before 1984.
West Virginia	Automatically restored upon completion of sentence, probation and/or parole; felon must register to vote.
Wisconsin	Automatically restored upon release from confinement/completion of sentence; felon must register to vote.
Wyoming	The right to vote may be regained either by a pardon or by restoration of civil rights. The Governor has the power both to pardon and to restore rights. The Governor may issue certificates of restoration of rights upon a person's completion of probation or expiration of the term of the sentence. A felon must submit a written application to the Governor in order to request a certificate restoring the right to vote.

*Legislation passed in 2001

Table 49. Collateral Consequences of a Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Alabama	Forfeit	Conviction a factor considered	Habitual offenders (3 or more felonies) and criminal sex offenders	Barred	Forfeit, for crime of moral turpitude
Alaska	Restorable, at final discharge	Sexual or child abuse	Sex offenders	Restorable	Forfeit for crime of moral turpitude, until unconditional discharge
Arizona	Suspended, until civil rights restored	Crime shows unfitness or long sentence	Yes ¹	Public office is barred, but other public employment is permitted	Suspended until civil rights restored
Arkansas	Forfeit	Abandonment, neglect, unfitness	Sex offenders	Barred	Forfeit
California	Restorable, at final discharge	Crime shows unfitness	Sex offenders	Barred for designated crimes	Forfeit
Colorado	Restored, at end of incarceration and parole	Crime shows unfitness or long sentence (6+ yrs.)	Sex offenders	Unaffected	-
Connecticut ²	Restorable, at final discharge	Abandonment or neglect	Sex offenders	Public office barred until rights regained. Public employ. permitted.	Forfeit, for 7 years
Delaware	Forfeit	Crime involved or harmed child	Sex offenders	Barred for conviction of an infamous crime	Forfeit
Dist. of Columbia	Restored, at end of incarceration	Conviction a factor considered	Sex offenders	Restorable	Forfeit, for > 1 year after probation/parole ended
Florida	Restorable by governor	Long sentence, nature of crime, harm to child	Yes (sex offenders under separate statute)	Barred only if directly related to position of employment	Restorable by governor
Georgia	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Barred if felony involved moral turpitude	Forfeit, to the extent no longer "upright citizen". Grand Jury forfeit if no pardon or restoration of rights.
Hawaii	Restored, at end of incarceration	Abandonment or neglect	Sex offenders	Restored at final discharge	Forfeit
Idaho ³	Restored, at end of incarceration	Abandonment, neglect or abuse	Yes, certain sex crimes only	Restorable, tied to voting rights	Forfeit, if lost the right to vote
Illinois	Restorable, at final discharge	Specified Crimes	Sex offenders and specified murderers	Restorable, after 5 years for perjury	Must be "free of legal exception"
Indiana	Restored, at end of incarceration	Specified Felonies	Sex offenders	Forfeit	Forfeit, while serving time
Iowa	Forfeit	Abandonment	Sex offenders	Barred	No effect
Kansas	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Restorable, at final discharge	Forfeit, if convicted within past 10 years
Kentucky	Forfeit	Abandonment, neglect or abuse	Sex offenders	Restorable, barred if bribery	Forfeit, if indicted or convicted

Table 49. Collateral Consequences of Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Louisiana	Restorable, at final discharge	Specified Crimes	Sex offenders	Unaffected unless convicted while in State employment	Forfeit, if indicted or convicted
Maine	No effect	Specified Crimes	Sex offenders	-	No effect
Maryland	Restorable, at final discharge for 1 st conviction, pardon for subsequent conviction	If in best interest of the child, or abandoned	Sex offenders	-	Forfeit, if fined over \$500 or sentenced to 6+ months (Restored via pardon)
Massachusetts	Forfeit only for corrupt election practices	If in best interest of the child	Sex offenders	Restorable	Forfeit, for 7 years
Michigan	Restored at end of incarceration	If in best interest of the child	Sex offenders	Barred from working for Dept. of Corrections	Forfeit, while serving sentence
Minnesota	Restorable at final discharge	Abandonment	Sex offenders	Only barred where crime relates to position	Restored, when civil rights restored
Mississippi	Forfeit	Considered if prolonged imprisonment	Sex offenders	-	Forfeit, if convicted of "infamous" crime or sale of alcohol in last 5 years
Missouri	Restored at end of incarceration except for felony connected with right of suffrage	Conviction a factor considered	Sex offenders, offenses against minors	Restorable except for felony connected with right of suffrage	Forfeit
Montana	Restored at end of incarceration	If unfit and convicted of violent crime	Sex offenders	Restorable	Forfeit
Nebraska	Restored by pardon	Abandonment or neglect	Sex offenders	Restorable	Restored by pardon
Nevada	Forfeit, but restorable	Conviction a factor considered	Yes	Forfeit	Forfeit, but restorable
New Hampshire	Restorable, at final discharge ⁴	Offense type & length of sentence	Sex offenders	Restored at final discharge	No effect
New Jersey	Restorable, at final discharge	Abandonment, neglect or abuse	Sex offenders	Restorable	Forfeit
New Mexico	Forfeit	Abandonment, neglect or abuse	Sex offenders	Barred from elected office or appointed office	Forfeit
New York ⁵	Restorable, at final discharge	Permanent neglect	Sex offenders	Restorable except Public Officials	Forfeit
North Carolina	Restorable, at final discharge	Considered for abandonment, abuse, or neglect	Yes, sex offenders, certain crimes against children	Restorable except police or sheriffs	Not "qualified" and subject to challenge for cause
North Dakota	Restored at end of incarceration	Abandonment or neglect	Sex offenders, crimes against children	Restorable	Forfeit if lost right to vote
Ohio	Restored at end of incarceration	Abandonment	Sex offenders	Barred	Forfeit
Oklahoma	Restorable, at final discharge	Child abuse or death of a child	Sex offenders	Restorable, except Public Officials	Restorable

Legend: -- Not Applicable

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Table 49. Collateral Consequences of a Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Oregon	Restored at end of incarceration	Abuse, neglect, unfitness, extreme conduct, abandonment	Sex offenders	Restorable	Restorable
Pennsylvania	Restored 5 years after end of incarceration	Abandonment or neglect	Sex offenders, child kidnapping	Restorable unless subversive person	Forfeit
Puerto Rico	Forfeit if judicially declared unqualified	Misconduct - conviction a factor considered	No	Restorable	Forfeit
Rhode Island ⁶	Restorable at final discharge	Unfitness, abusive or abandonment	Sex offenders, crimes against children	Barred for three years	Restorable
South Carolina	Restorable (at final discharge if election law violation); or restored at end of incarceration.	Abandonment, neglect or abuse	Sex offenders	Barred	Forfeit
South Dakota	Restorable at final discharge	Murder, sex offense, crimes against children	Sex offenders	Restorable	Forfeit
Tennessee	Forfeit if convicted of a felony.	Abandonment, neglect or abuse, incarcerated 10+ yrs. & child under 8	Sex offenders	Restorable	Forfeit if convicted of infamous, perjury or theft offenses
Texas	Restorable after sentence, parole, probation, etc. completed	Unable to care for child for at least 2 years because imprisoned	Sex offenders	-	Forfeit
Utah	Forfeit if convicted of treason, bribery, election fraud	Conviction a factor considered	Sex offenders	Restorable. May be removed from public office as part of sentence	Forfeit
Vermont	No effect	Unfitness	Sex offenders	Restorable	Forfeit
Virginia	Forfeit	Abandonment or neglect	Sex offender, crimes against minors	Restorable	Forfeit
Washington	Forfeit	Best interest of the child	Sex offenders	Restorable, except for public officials	Forfeit, unless civil rights restored
West Virginia	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Restorable	Forfeit, if convicted of perjury or "infamous" crime
Wisconsin	Restorable, at final discharge	⁷	Sex offenders	Restorable	Restorable
Wyoming	Forfeit, unless civil rights restored	Unfitness	Sex offenders	Restorable	Forfeit, unless civil rights restored
Federal Courts	Dependent on state law	Dependent on state law	Sex offenders	Restorable, unless clear nexus with official duties	Forfeit, unless state has substantially restored civil rights

FOOTNOTES:

Arizona:
¹Judges may require registration at time of sentencing.

Connecticut:
²Exception, civil rights are not impaired for failure to pay support (a felony).

Idaho:
³Still has "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Table 49. Collateral Consequences of Felony Conviction

New Hampshire:

⁴Except bribery, treason, or willful violation of election laws which require restoration by Supreme Court.

New York:

⁵Still has "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Rhode Island:

⁶Still have "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Wisconsin:

⁷May terminate if parent has caused death/injury to a child/children resulting in a felony conviction or if parent intentionally/recklessly killed other parent.