



LEGISLATIVE ALERT

FELONY DISENFRANCHISEMENT IN TENNESSEE VOTE NO ON [HB 969](#)

In Tennessee, all people convicted of felonies lose the right to vote. Once an individual has completed his/her sentence (including incarceration, probation and parole), he or she may obtain a Certificate of Restoration, which restores the right to vote. All court-ordered restitution must be paid and the individual must be current on any child support obligations. People convicted of certain crimes within certain time periods, however, are ineligible for such certificates.

What HB 969 would do: HB 969 (McCord) would require people disenfranchised because of felony convictions to pay all fines and court costs associated with their convictions before having their voting rights restored. These bills are bad for democracy, public safety and the economy, and should not be passed. Unfortunately, HB 969's companion bill, SB 440 (Overby), passed the Senate on 04/16/09, so it is especially important to act now to stop HB 969.

ACLU-TN opposes HB969 because:

- **Tennessee recently streamlined its voting rights restoration process and should continue—not reverse—this trend.** In 2006, Tennessee simplified the restoration process for many people with felony convictions who have completed their sentences. HB 969 would be a step backwards, when what Tennessee truly needs are additional steps forward.
- **There is already widespread confusion about Tennessee's disenfranchisement law; HB 969 will only add to that confusion.** A recent survey of all 95 state election commission offices found that officials across the state are confused by Tennessee's disenfranchisement law. Not a single survey question elicited a 100% accurate response, and at least 30% of the answers to each question were incorrect, incomplete or inaccurate.¹ These findings mirror national research, which documents widespread confusion about the administration of felony disenfranchisement laws, even in states whose policies are less complicated than Tennessee's.² Additional changes will only lead to more confusion and misapplication of the law.
- **Further complicating Tennessee's disenfranchisement law will place an undue burden on the elections officials charged with administering it.** According to the ACLU of Tennessee survey, 26% of officials surveyed think the state's current law is too complex. Legislators should listen to elections commissioners and simplify, rather than complicate, their jobs.
- **Further restricting the right to vote will do nothing to help ensure that fines and court costs are paid.** According to the Tennessee General Assembly Fiscal Review Committee, "The majority of individuals will not have the financial means to pay such fines and court costs." Though the fiscal review

¹ *Addressing Barriers to the Ballot Box: Registering to Vote in Tennessee with a Past Felony Conviction*, by the ACLU of Tennessee, is available at <http://www.aclu-tn.org/pdfs/RTV/FinalRTVSurvey.pdf>.

² *De Facto Disenfranchisement*, by the American Civil Liberties Union and the Brennan Center for Justice, is available at <http://www.aclu.org/votingrights/exoffenders/37000res20081001.html>.

committee estimates that government revenue will increase by \$60,800, there is no evidence that tying voting rights restoration to financial obligations encourages repayment.³

- **Expanding the right to vote, not restricting it, is in the best interests of Tennessee’s economy.** Restoring the right to vote helps people rejoin their communities and resume the duties of full citizenship, including participating in the workforce. Individuals with steady incomes are more likely to be able to pay the fines and court costs imposed on them, so encouraging voter participation may actually benefit the economy.
- **Enfranchising people with past felony convictions is in the interest of public safety.** Restricting voting rights does not prevent crime, provide compensation to victims, or help formerly incarcerated individuals re-integrate into their communities. In contrast, voter participation actually increases public safety: research has found that people with criminal records who vote are half as likely to be re-arrested as their non-voting counterparts.⁴
- **An individual’s financial circumstances should not be tied to his or her right to vote.** Mandating payment of fines and court costs as a precondition for voting rights restoration places a disproportionate burden on low-income people, who are over-represented in the criminal justice system, and punishes them for being poor. By favoring people of means, these pre-conditions violate the Fourteenth Amendment’s Equal Protection clause and the Twenty-Fourth Amendment’s prohibition on poll or other taxes.
- **Tennessee already has one of the harshest and most confusing disenfranchisement laws in the nation.** In 40 other states plus the District of Columbia, voting rights are restored automatically to people who have completed their sentences, if not sooner. These include Tennessee’s neighboring states of North Carolina, South Carolina, Georgia, Arkansas and Missouri. Passing legislation along the lines of HB 969 will only make Tennessee more of an outlier.
- **Several states—and lawmakers across the political spectrum—are eliminating barriers to voting for people with felony convictions.**
 - In 2007, the Maryland Legislature repealed all provisions of the state’s lifetime voting ban and instituted an automatic restoration policy for all persons upon completion of sentence, restoring voting rights to more than 52,000 people.
 - In 2000, Delaware repealed its lifetime disenfranchisement policy, restoring the right to vote to approximately 6,400 persons.
 - In 1997, George W. Bush, then Governor of Texas, signed legislation repealing Texas’ two year post-sentence waiting period, enfranchising approximately 317,000 Texans.
- **People who have completed their sentences should not have to keep paying for their crimes.** Individuals who go on to hold jobs, raise families and rejoin their communities should not be deprived of their basic right to vote and should not be relegated to second-class citizenship. Financial barriers to the franchise unfairly impose additional punishment on people above and beyond their sentences.
- **Voting is a hallmark of democracy. When people complete their sentences, they deserve a second chance to work, raise families and vote.** Taxpaying citizens deserve a say in their government, and voting is an essential part of reassuming the duties of full citizenship. Restoring the right to vote strengthens our democracy.

What you can do: Call your state senator and house representative and ask them to Vote NO on HB969. The easiest way to contact your legislators is to visit <http://www.capitol.tn.gov>, go to “Find My Legislator,” put in your address and click “search.”

³ See fiscal note for SB 440, available at <http://www.capitol.tn.gov/Bills/106/Fiscal/SB0440.pdf>.

⁴ “Voting and Subsequent Crime and Arrest: Evidence from a Community Sample,” by Christopher Uggen and Jeff Manza, is available at http://www.soc.umn.edu/~uggen/Uggen_Manza_04_CHRLR2.pdf.