

ThinkTennessee

Voting in Tennessee in 2024:

Education Series Part 4 of 5

Restoring Voting Rights

Federal laws, e.g., the 1965 Voting Rights Act, 1993's National Voter Registration Act, and 2002's Help America Vote Act, set the guidelines for the administration of elections across the country. However, elections are administered at the state level. Policies from voter registration eligibility to how voters can cast their ballots vary from state to state.

This series highlights key elements of Tennessee's election laws so Tennessee voters can successfully participate in elections.

What Tennessee voters should know about how to restore your voting rights:

- **Eligibility:** Who can and cannot register to vote with a felony conviction
- **Restoring Voting Rights:** How to have rights restored
- **Registering:** How to register after rights have been restored

In Tennessee, voting rights are lost with a felony conviction- whether received in Tennessee (with some exceptions), another state, or in federal court. Depending on the type and timing of the conviction, you may have

your voting rights restored.

Restoring Voting Rights in TN:

- Felony convictions, whether received in Tennessee, other states, or federal court, **disqualify Tennesseans from registering to vote.**
- The **time and type of conviction** determine whether you lost your voting rights.¹ Misdemeanor convictions do not affect voting rights.
- Some convictions result in **permanent loss** of voting rights.²
- To be eligible to vote in Tennessee, you must complete Tennessee's voting rights restoration process **regardless of where your conviction was received.**
- If your **conviction is expunged**, you may regain your voting rights.
- Applying to have your voting rights restored requires multiple steps:
 - Receive a **pardon** or have your **full citizenship rights restored** by a court, and
 - Complete the **Certificate for Voting Rights Restoration (COR)** showing that you have completed your sentence and do not owe restitution or court costs.

Eligibility: Who can and cannot register to vote with a felony conviction

- What a felony conviction means for your eligibility to register to vote
 - All felony convictions after **May 18, 1981**, in

¹ For the list of convictions and the qualifying date ranges that impact voting eligibility, see <https://sos.tn.gov/elections/guides/restoration-of-voting-rights>.

² Ibid. The secretary of state's website lists convictions that result in permanent loss of voting eligibility.

Tennessee and felony convictions received in other states or federal court, disqualify Tennesseans from registering to vote.

- Some convictions result in permanent loss of voting rights. Otherwise, your rights may be restored.³

- **Eligible to register:**

- Tennessee convictions before **January 15, 1973**, nor rendered “infamous”
- Tennessee convictions from **January 15, 1973 - May 17, 1981**
- Misdemeanor convictions

- **Your voting rights have been restored:**

- Your record has been expunged, **OR** you’ve completed Tennessee’s voting rights restoration process

- **Ineligible to register:**

- **As of July 1, 1986:** Voter fraud, treason, first-degree murder, and aggravated rape
- **As of July 1, 1996:** Any degree of murder or rape
- **As of July 1, 2006:** Sexual or violent sexual offenses that are felonies where the victim was a minor, or felony bribery, misconduct involving public officials and employees, or interference with government operations

- **Did You Know?**

- You must still complete Tennessee’s voting

³ Ibid. The secretary of state’s website lists what convictions are disqualifying in certain date ranges. If your conviction is not on this permanently disqualifying list, your rights may be restored.

rights restoration process even if your conviction was not in Tennessee

- You must provide a pardon from the state of conviction's governor or U.S. president or a court certificate restoring your full citizenship rights in Tennessee and complete Tennessee's Certificate of Voting Rights Restoration (COR).

Restoring Voting Rights: How to Have Voting Rights Restored

- Voting rights can be restored by expunging your conviction or completing a two-part, multi-step process except for those felony convictions resulting in permanent loss.
 - 1. Have your conviction expunged**
 - If eligible to have your conviction expunged, the process includes a waiting period and court petition.⁴
 - **Waiting period:** 5 or 10 years after sentence completion, depending on the conviction
 - **Expungement process:**
 - Petition the court⁵
 - The district attorney general has 60 days to make their recommendation to the court
 - The court reviews evidence and weighs your interest against the best interests of justice and public safety

⁴ Not all convictions are eligible for expungement. See Tenn. Code Ann. § 40-32-101(g).

⁵ Petition the court where the conviction occurred. See Tenn. Code Ann. § 40-32-101(g)(3).

- The court either grants or denies the petition
- If denied, you must wait two years to file another petition

2. Complete the two-part, multi-step restoration process

■ Step 1: Receive a pardon or have full citizenship rights restored

- Pardons “forgive” a felony conviction and are granted (or denied) by state governors or the U.S. president. In Tennessee, other rights of citizenship lost with a felony conviction include the right to serve on a jury, hold public office, and own firearms.⁶

● Tennessee’s Pardon Process:

- Apply to the Board of Probation and Parole five years after sentence completion
- Provide proof of good citizenship and compelling reasons for the pardon
- The board reviews the materials and either sets a hearing to evaluate evidence (and then recommends or declines a pardon) or takes no further action
- If the board recommends a pardon, it is issued as a non-binding recommendation to the governor
- The governor decides whether to

⁶ The citizenship rights lost with a felony conviction include the right to serve on a jury (Tenn. Code Ann. § 22-1-102), hold public office (Tenn. Code Ann. § 40-20-114(a)), execute a fiduciary office (Tenn. Code Ann. § 40-20-115), own firearms (Tenn. Code Ann. § 39-17-1307(c)), and the right of suffrage (Tenn. Code Ann. § 40-20-112).

- grant the recommended pardon
- **Full citizenship rights restoration process:**
 - Petition the court after the maximum sentence imposed expires.⁷
 - Gather and submit evidence of eligibility and merit
 - Provide notice to district attorneys general or U.S. attorneys who may oppose restoration
 - The circuit court grants or denies the petition
- **Step 2:** Complete the Certificate of Voting Rights Restoration (COR)
 - The Certificate of Voting Rights Restoration (COR) demonstrates that you are eligible to have your voting rights restored.
 - **Eligible to complete a COR:**
 - Received a pardon or court order restoring full rights of citizenship⁸
 - Completed your sentence, including probation or parole
 - Do not owe any restitution or court costs
 - Are current on any child support obligations
 - **COR Process**
 1. An agent of the pardoning, incarcerating, or supervising

⁷ The petition should be filed in the circuit court either where the petitioner resides or where the conviction occurred. See Tenn. Code Ann. § 40-29-105(c).

⁸ Full rights of citizenship are interpreted to include the right to own firearms.

- authority affirms your sentence is complete and no restitution or court costs are owed⁹
2. You submit the signed COR along with proof of pardon or court order restoring full citizenship rights to your County Election Commission who sends it to the state coordinator of elections
 3. The coordinator of elections reviews and confirms you are current on child support obligations
 4. If accepted, you are eligible to register to vote

- **Did You Know?**

- **Pardons and court petitions are discretionary.**

- Pardons and court petitions are not guaranteed. The Board of Probation and the governor may decline to consider a pardon or may decide a pardon is unwarranted, and a judge may decide to withhold citizenship rights.

- **There are new rules about who can complete sections of the COR.**

- Before July 2023, you were not allowed to fill in any part of the COR. Now, you can complete the first part of the form which includes your identifying information.
- You are still not allowed to fill in the

⁹ Part two of the COR is intended to be filled out by an agent of the pardoning authority, an agent or officer of the incarcerating authority, or a probation/parole officer or agent of the supervising authority. However, they may not be able to complete the information on restitution or court costs owed, and you will have to try the county court clerk to complete these sections of the COR.

remainder of the form. That must be completed by an agent of the pardoning, incarcerating, or supervising authority.

- **The COR does not contain a section related to child support obligations.**
 - Unlike restitution and court costs where a state official must sign a declaration, child support obligations are checked by the state coordinator of elections after receiving the COR.

Registering: How to register to vote after rights have been restored

- Once you have received a pardon or court order restoring your full citizenship rights and completed the COR, you can apply to register to vote.
- **If you have a felony conviction that resulted in a permanent loss of voting rights or if you have not had your rights restored, you are not eligible to register to vote.**
- **Registration Process:**
 - Complete a voter registration application that asks, "Have you ever been convicted of a felony?"
 - Answer YES if you have had your rights restored
 - Answer NO if you have had your record expunged
 - Submit your application along with a copy of both:
 - Your pardon or court order and
 - Your COR

- *If your record has been expunged, you can submit a voter registration application with no additional material.

- **Did You Know?**

- **Contact your County Election Commission if you are unsure about your eligibility.**

- It is a felony to intentionally give false information or attempt to register when you are not qualified.¹⁰

- If you are unsure of your eligibility, do not submit a voter registration application without finding out more information.

- **Maneuvering the voting rights restoration process takes time.**

- It takes time to meet all the requirements for restoration, which include:

- Receiving a pardon or having full citizenship rights restored
- Paying off court-ordered restitution and court costs
- Being current in child support obligations

- The process is complicated to maneuver and requires legal assistance. If you have questions about the process, some organizations can help you through the process.

¹⁰ See Tenn. Code Ann. § 2-19-107.