



**Felony disenfranchisement in Nebraska: history, consequences, and a simple fix  
to our broken laws.**

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The Nebraska Legislature spends significant time addressing complex criminal justice issues. Most of the members care deeply about balancing important values like fairness, efficiency, and public safety, often in the context of very expensive proposals, like this year’s debate over whether or not to build a new correctional facility. But the Legislature frequently fails to apply the same level of care and critical thought to the reality of Nebraskans who are exiting the criminal justice system. Our felony disenfranchisement laws in particular violate fundamental principles of fairness. They inefficiently and unjustifiably restrict Nebraskans’ constitutional rights. And all available evidence suggests that these policies not only fail their stated goal of improved public safety, but actually make the situation worse. Fortunately, the Legislature can make a simple fix to update our felony disenfranchisement laws in a way that upholds fundamental Nebraska values while reducing recidivism and saving taxpayer money.

## **Current policy**

In Nebraska, someone who is convicted of a felony loses the right to vote for the duration of their sentence.<sup>1</sup> Once the individual has completed their sentence, including parole, the individual must then wait an additional two years before their right to vote is restored. Whether or not someone is actually in prison has no impact on their right to vote.

Nebraska is one of only four states to disenfranchise all felonies for a period of time beyond their sentence.<sup>2</sup> Two states, Maine and Vermont, have no felony disenfranchisement. Eighteen states only disenfranchise people who are in prison, while an additional twenty-one states restore voting rights after completion of the entire

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<sup>1</sup> Nebraska Revised Statute § 32-313

<sup>2</sup> Uggen, Chris et al, “Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,” The Sentencing Project. October 30, 2020.



sentence, including probation and parole. The few remaining states with disenfranchisement policies similar to Nebraska are quickly changing their policy. In 2018, Florida decided by statewide ballot initiative to restore voting rights after the completion of the sentence, and Iowa Gov. Kim Reynolds recently restored voting rights to most Iowans who have completed their sentence.<sup>3</sup> Iowa's recent change leaves Nebraska as the only state in the Midwest with a policy of blanket disenfranchisement for a period beyond someone's sentence.

## History

Criminal disenfranchisement has existed in some form for our nation's entire history. The notion of civil death, the idea that removal or separation from society is a legitimate punishment for serious crimes, was commonplace in Great Britain and its colonies. The authors of the Constitution specifically rejected certain enactments of civil death like bills of attainder, but the Constitution's deferral to individual states on electoral guidelines and definitions in Article I, section 4, made disenfranchisement possible on a state-by-state basis.

Many states included criminal disenfranchisement in their original state constitutions. In 1791, Kentucky's founding constitution declared, "Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors."<sup>4</sup> This language was repeated with some slight variation in the founding of most state constitutions between 1791 and 1870. Notably, Nebraska's founding constitution did not include a criminal disenfranchisement clause.

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<sup>3</sup> Governor Kim Reynolds, Executive Order Number Seven. August 5, 2020.

<sup>4</sup> Article VIII § 2. First Constitution of Kentucky. 1792.



The ratification of the Fifteenth Amendment in 1870 marked the beginning of radical changes to voting laws in most states. Lawmakers openly discussed their desire and plans to prevent Black voters from accessing their newly acknowledged right, and these plans were implemented in state constitutions throughout the country. When Alabama amended its constitution in 1901 to expand the list of crimes to be disenfranchised, the president of the constitutional convention told his colleagues that the purpose of the convention was, “within the limits imposed by the Federal Constitution, to establish white supremacy in this state.”<sup>5</sup> Carter Glass, a delegate to the Virginia Constitutional Convention of 1902 who later served in Congress and as Secretary of the Treasury under Woodrow Wilson, frankly stated the intended consequences of Virginia’s new voting restrictions, which included poll taxes, literacy tests, and expanded criminal disenfranchisement:

We feel absolutely certain of its efficacy. We believe it will, if incorporated in the Constitution as the article of suffrage, emancipate the mind and make free the action of the dominant race in this State, restoring to us the natural right and inestimable blessing of independent thought and conduct upon the great economic and political issues of our time . . . This plan of popular suffrage will eliminate the darkey as a political factor in this State in less than five years, so that in no single county of the Commonwealth will there be the least concern felt for the complete supremacy of the white race in the affairs of government.<sup>6</sup>

Unfortunately, he was right. Legislative schemes enacted throughout the country decimated Black political participation through blatant discrimination and brutality. Poll taxes and literacy tests were eventually banned, but criminal disenfranchisement laws

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<sup>5</sup> Day 2 of 54, 1901 Proceedings, Kentucky Constitutional Convention

<sup>6</sup> Reports of the proceedings and debate of the Constitutional Convention, state of Virginia. Volume 2. Page 3076.



remained untouched for decades and, regardless of intention, continue in many states to keep the electorate disproportionately white.<sup>7</sup>

Nebraska held a constitutional convention almost immediately after ratification of the Fifteenth Amendment, and the convention adopted an amendment providing for criminal disenfranchisement. The constitution was adopted in 1875. The provision, lifetime disenfranchisement unless restored to civil rights, would remain unchanged until 2005, when the Legislature established our current rule: Voting eligibility is restored after the completion of an entire sentence, including probation or parole, and an additional two-year waiting period.<sup>8</sup> Introdurers of the bill have been transparent about the fact that the additional two-year waiting period was a political compromise to advance the bill from committee, not a component with any substantial policy value.<sup>9</sup>

In 2017, Sen. Justin Wayne introduced a bill to eliminate the additional two-year waiting period. The bill advanced from committee 6-1-1, was passed by the Legislature, but was ultimately vetoed by Gov. Pete Ricketts.<sup>10</sup> An override was attempted, but was not successful. A similar bill was introduced in 2018 and in 2020, but neither advanced from committee. This year, that bill is LB158. In 2020, Sen. Machaela Cavanaugh introduced a constitutional amendment to eliminate criminal disenfranchisement entirely, except for treason. The amendment did not advance from committee.<sup>11</sup> Sen. Cavanaugh's 2021 amendment is LR10CA.

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<sup>7</sup> Uggen et al, "Locked out 2020"

<sup>8</sup> LB53 (2005).

<sup>9</sup> Schimek, DiAnna. Testimony to the Government, Military, and Veteran's Affairs Committee on LB75. March 1, 2017.

<sup>10</sup> LB75 (2017).

<sup>11</sup> LR286CA (2020).



## **Problems with current policy**

*Current policy restricts a constitutional right without meaningful justification for doing so.*

Since 2005 when Nebraska first started changing disenfranchisement laws, there has been a fundamental flaw in how our policymakers approach the issue. This was clear in 2017 and 2019, when Sen. Wayne and advocates were challenged to prove that changing our policy would result in a net benefit like reduced recidivism. In Gov. Ricketts's 2017 veto letter, he said, "Proponents of LB75 contend there will be an increased civic engagement by felons voting and that will help reduce recidivism. However, studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates."<sup>12</sup> Vetoing a bill like LB75 because it isn't guaranteed to make things better fails to recognize the obvious: 18-year-old citizens, as a default, have the right to vote. It's not a privilege to be earned, it's a constitutional right to be furiously protected. Under very specific and dire circumstances our constitutional rights can be infringed upon by the state. But we believe that when the state attempts to restrict any constitutional right, it has the burden to prove both the necessity and the effectiveness of doing so. The State of Nebraska has failed to prove both that our current policy of disenfranchisement is necessary and that our current policy does anything positive. The state has produced absolutely no evidence of reduced recidivism, no positive public safety impacts, just thousands of Nebraskans who cannot vote. Remember, the default position for 18-year-old citizens is: "you get to vote." The state is the one infringing on Nebraskan's constitutional rights. They ought to be able to prove why doing so is necessary and effective. They can't.

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<sup>12</sup> <https://governor.nebraska.gov/sites/governor.nebraska.gov/files/doc/press/LB75%20Veto%20Letter.pdf>



*Our current policy has a negative impact on public safety. It's an antisocial policy that encourages recidivism.*

The justification for Nebraska's additional two-year ban on voting is based on the myth that restricting voting rights somehow encourages good behavior. Gov. Ricketts was very blunt about this idea in his LB75 veto: "Requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions."<sup>13</sup> As is the case every time this argument is made, Gov. Ricketts simply asserted this claim without evidence and moved on. In fact, all available research suggests the exact opposite — that withholding the right to vote upon completion of a sentence encourages criminal behavior by making it more difficult to successfully reintegrate into society.<sup>14</sup> Disenfranchisement, by definition, cannot encourage behaviors associated with successful reintegration, one of which is civic participation. Restricting the right to vote is considered by many experts to be a substantial barrier to rehabilitation.<sup>15</sup> This is why the International Association of Chiefs of Police has long recognized civil rights restoration upon completion of a sentence as an important contributor to reducing recidivism by promoting successful re-entry into society.<sup>16</sup>

While it is impossible to definitively prove causation between voting rights restoration and lower recidivism rates (doing so would require a level of variable control only possible in theory), it is worth reiterating that a) the burden is on the **state** to prove that their current restrictive policy is effective, which they've failed to do, but b) the limited

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<sup>13</sup> Ibid.

<sup>14</sup> Hamilton-Smith, G & Vogel, M. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal*. 22, no. 3 (2012).

<sup>15</sup> Uggen, C. & Manza, J. "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." *Columbia Human Rights Review* 38 (2004): 193-196.

<sup>16</sup> Quoted from Schlakman, M. and Sancho, I. "Here's what you haven't heard about restoring ex-felons voting rights: Analysis". *Orlando Sentinel*. October 8, 2018.



data we do have, both qualitative and quantitative, points to restoring voting rights as a tool to reduce recidivism.

In 2011, the Florida Parole Board commissioned a report on the recidivism rates of individuals who had their voting rights restored. The report focused on recidivism rates between 2009-11. Comparing this data to a Florida Department of Corrections report analyzing the overall recidivism rate gives us a uniquely useful data set to discuss, quantitatively, the correlation between voting rights and recidivism.

The Florida Department of Corrections measures the three-year recidivism rate, meaning the return to prison within three years of release. The three-year recidivism rate for all Floridians consistently hovers around 25%. Between 2009-11 specifically, the average three-year recidivism rate was 26%. The 2009-11 three-year recidivism rate for Floridians who had their voting rights restored was 4.5%, less than one-fifth of the overall average.<sup>17</sup>

The only available evidence, both quantitative and qualitative, indicates that restoring voting rights encourages prosocial behavior and discourages recidivism. This is an important issue not only for the civic health of our state, but also for public safety.

*Our current policy is taxation without representation.*

Finally, felony disenfranchisement leads to taxation without representation. It is not unusual for an incarcerated Nebraskan to pay property taxes, sales taxes, and income taxes. Our two-year additional ban on voting also affects thousands of Nebraskans who are out of prison and paying taxes. This creation of a secondary class of citizen, one

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<sup>17</sup> Report from Florida Parole Commission, "Collection of Statistics and Evaluation of Clemency Action." June 2011. Page 12.



who must pay taxes, follow the law, but not otherwise participate, has been decried by lawmakers, civil right groups, and religious leaders alike. The Nebraska Catholic Conference and Iowa Catholic Conference have both been strong advocates for restoring voting rights upon completion of the sentence. In supporting Iowa’s recent policy improvement, the Iowa Catholic Conference argued, “Civic participation is a moral obligation of our faith teaching, and exercising the right and responsibility of participating as voters is a key component. Restoring the right to those convicted of a felony who have satisfied their debt is a measure of mercy, but also dignity and justice.”<sup>18</sup>

## **Policy solutions**

There are two meaningful policy solutions available to Nebraska. The first is to eliminate the two-year additional waiting period. This idea has been championed in the Legislature by Sen. Justin Wayne. This year’s proposal, LB158, is identical to the bill that was passed and vetoed in 2017. LB158 would take us from our current, extreme position to a policy aligned with nearly every other state. This solution is moderate, measured, and would right a significant wrong. Punishing people by restricting their right to vote for a period beyond their sentence is archaic, excessive, and completely unjustified.

The other conversation taking shape in several states, including Nebraska, is one that questions the entire notion of felony disenfranchisement. Sen. Machaela Cavanaugh’s LR10CA would eliminate disenfranchisement for all felonies except for treason. Incarcerated Nebraskans maintain a variety of rights. According to journalist Janelle Bouie, “Prisoners have freedom of worship. They can protest mistreatment and poor conditions. They can exercise some free-speech rights, like writing for

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<sup>18</sup> Iowa Catholic Conference. “Restoring voting rights for those who have committed a felony”



newspapers, magazines, and other publications.”<sup>19</sup> If the state doesn’t automatically take away all of an incarcerated person’s rights, then we have to address one question: why, specifically, do we take away the right to vote? This returns to the state’s burden — the burden to prove both the necessity and the effectiveness of restricting this particular right. A burden it has failed to meet.

In conversations about Second Amendment rights, for example, the argument from the state is usually about public safety, specifically the recommission of violent crime. Reasonable people can disagree about the merits of allowing someone who has served a felony sentence to own a firearm, and that conversation will usually involve an important discussion of whether it’s wise to treat all felony convictions the same. But what is the equivalent for voting? What is the state trying to prevent? Maine and Vermont have allowed voting from prison for years, and their democratic processes are fully intact. A ballot is not a weapon. Voting does not disarm or weaken sentences. If I am convicted of a felony and I am sentenced to ten years in prison, my punishment is ten years in prison. This above-and-beyond civic exile is unnecessary and unjustified. Allowing people to vote puts no one’s safety at risk, and as we discussed above, may actually result in public safety benefits.

We can find no meaningful policy justification for felony disenfranchisement. It is a policy with an undeniably nefarious and racist history that continues to have negative impacts on everyone, with the most disproportionate impact on Black voters. Nebraska’s specific policy, while improved in 2005, is still one of the most extreme in the country. Eliminating the two-year waiting period would bring us in line with the vast majority of states, and at least confine this unjust practice to the duration of someone’s sentence.

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<sup>19</sup> Bouie, Janelle. “Tell Me Again Why Prisoners Can’t Vote.” *The New York Times*. April 11, 2019.



## **Appendix A: Restoring the right to vote via statute**

In 2017, Gov. Pete Ricketts vetoed LB75 on the premise that statutorily eliminating the two-year ban on voting by Nebraskans who have completed their felony sentence, including probation and parole, constituted a legislative pardon and violated the separation of powers provision found in Article II, Section 1, of the Nebraska Constitution. This analysis investigates those claims, and seeks to answer two crucial questions:

- 1) Does the restoration of voting rights constitute a pardon?
- 2) How is the restoration of voting rights legally implemented?

### **Does the restoration of voting rights constitute a pardon?**

We agree with Gov. Ricketts that the Executive Branch, specifically the Board of Pardons, is constitutionally empowered to grant pardons and commute sentences by Article IV, Section 13, of the Nebraska Constitution. The Legislature, while empowered to define specific crimes and guidelines for punishment, is not empowered to grant pardons or commute sentences. With this in mind, it is crucial to understand the legal definitions of “pardon” and “commutation.”

#### *State v. Spady*

Both pardon and commutation are clearly defined by the Nebraska Supreme Court. In *State v. Spady*<sup>20</sup>, Nebraska statute §29-2264 was ruled unconstitutional by a county court for violating the Nebraska Constitution’s separation of powers clause. This statute

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<sup>20</sup> *State v Spady*, 264 Neb. 99, 645 N.W.2d 539, (2002).



allowed individuals to petition a court to set aside a prior criminal conviction and required courts, if they set aside a conviction, to nullify the conviction and “remove all civil disabilities and disqualifications imposed as a result of the conviction.” Here, the Nebraska Supreme Court examined whether the statute actually violated Nebraska’s separation of powers clause. It was challenged as both a commutation and a pardon or a “partial pardon.” The court analyzed both of these challenges, found them insufficient, and overruled the lower court’s finding of unconstitutionality.

### *Restoring rights ≠ commutation*

In response to the argument that restoring civil rights as a result of setting aside a conviction was the equivalent of a commutation, the court has given us a clear definition: “commutation of punishment is substitution of a milder punishment known to the law for one inflicted by the court.”<sup>21</sup> and “substitution of a lesser or partial punishment.”<sup>22</sup> The court held that “§29-2264 is not a commutation statute because it does not substitute a milder punishment.” Therefore, restoration of civil rights upon a judicial set aside was constitutional because it is not a court reducing a sentence post-sentencing.

LB158, like the statute challenged in *State v. Spady*, makes no substitutions of any kind and has no impact on the sentencing of a convicted felon. It only affects the restoration of rights upon completion of a sentence, including probation and parole. Thus, according to the court’s reasoning, restoring the right to vote via statute does not constitute a commutation.

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<sup>21</sup> *Lincoln v. Sigler*, 183 Neb. 347, 349, 160 N.W.2d 87, 88 (1968).

<sup>22</sup> *Lupo v. Zerbst*, 92 F.2d 362, 364 (5th Cir. 1937), *cert. denied* 303 U.S. 646, 58 S.Ct. 645, 82 L.Ed. 1108 (1938).



### *Restoring specific rights ≠ pardon*

In response to the challenge that restoring civil rights upon a judicial set aside is a pardon or “partial pardon,” we can again look to the court’s definition of a pardon to support the constitutionality of LB158. In *State v. Spady*, the court defines a pardon as “an act of grace, proceeding from the power entrusted with the execution of laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. It is a declaration on record by the chief magistrate of a state or county that a person named is relieved from the legal consequences of a specific crime.”<sup>23</sup> The court expressly notes that §29-2264 does not restore all civil rights. If it had, it seems the conclusion might have been different. Instead, the court draws an explicit distinction between the restoration of civil rights and a pardon:

“In construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense.<sup>24</sup> Section §29-2264 does not act as a pardon. The party is not exempted from the punishment imposed for the crime . . . §29-2264 does not nullify all of the legal consequences of the crime committed because certain civil disabilities enumerated above are not restored, as occurs when a pardon is granted . . . We conclude that §29-2264 does not result in the granting of a pardon. Nor does it allow a court to grant a ‘partial pardon.’ The court is permitted to set aside convictions, but certain civil disabilities are exempted from restoration. Thus, §29-2264 does not infringe upon the power expressly delegated to the Board of Pardons and does not violate the separation of powers clause of the Nebraska Constitution.”

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<sup>23</sup> Quoting *United States v. Wilson*, 32 U.S. (7 Pet.) 150, 8 L.Ed. 640 (1833).

<sup>24</sup> *City of Lincoln v. Central Platte NRD*, 263 Neb. 141, 638 N.W.2d 839 (2002).



LB158 meets all of the criteria set out in *State v. Spady* for a permissible restoration of civil rights:

- 1) It does not fully restore an individual to civil rights
- 2) It does not exempt an individual from their actual consequence
- 3) It does not “nullify all of the legal consequences of the crime committed.”

The court states multiple times in *State v. Spady* that a pardon, by definition, restores all civil rights and exempts an individual from all consequences of their sentence. LB158, which restores a single civil right only upon the completion of a sentence, including probation and parole, does neither of these things.

### **How is the restoration of voting rights legally implemented?**

This question is answered succinctly by the Nebraska Supreme Court in *Ways v. Shively*, in which the court wrote, “The right to vote is a civil right, and the restoration referred to in the Nebraska Constitution Article VI, Section 2, is the right to vote. Restoration of the right to vote is implemented through statute.”<sup>25</sup>

#### *Constitutional framework*

Article VI, Section 2, of the Nebraska Constitution prohibits anyone convicted of a felony from voting, “unless restored to civil rights,” but the Constitution is silent on how, exactly, those rights are to be restored. Article III, Section 30, requires the Legislature to “pass all laws necessary to carry into effect provisions of this constitution.” In this case, the Legislature is constitutionally required to pass laws creating a mechanism for restoring civil rights. The idea that the Board of Pardons is exclusively responsible for

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<sup>25</sup> *Ways v. Shively*, 264 Neb. 255, 646 N.W.2d 621, (2002).



the restoration of civil rights post-sentence is utterly absent from the Nebraska Constitution.

### *Statutory mechanism*

§29-112 is the statutory mechanism by which the Legislature empowers the Board of Pardons to restore civil rights. This is one of two statutes amended when, in 2005, the Nebraska Legislature passed LB53, automatically restoring voting eligibility “two years after he or she has completed the sentence, including any parole term. The disqualification is automatically removed at such time.” Eliminating this two-year waiting period simply requires amending the mechanism already in place.

### **Conclusion**

The Nebraska Constitution requires someone convicted of a felony to be “restored to civil rights,” before regaining eligibility to vote. Article III, Section 30, requires the Legislature to create a mechanism to enact such restoration. The Nebraska Supreme Court has been absolutely clear that “restoration of the right to vote is enacted through statute.” A statutory mechanism to restore voting rights has been in place for the entire legislative history of our state, and has never been found to be unconstitutional. The power to amend statute is one of the Legislature’s most basic and undisputed powers. In 2005, the Legislature amended the statutory mechanism for restoring voting rights to create automatic restoration upon completion of both a full sentence, including probation and parole, and an additional two-year waiting period. The Legislature should again amend that mechanism to eliminate the additional two-year waiting period. The Nebraska Supreme Court has decided that the restoration of voting rights constitutes neither a pardon nor a commutation, so this change would be clearly constitutional.



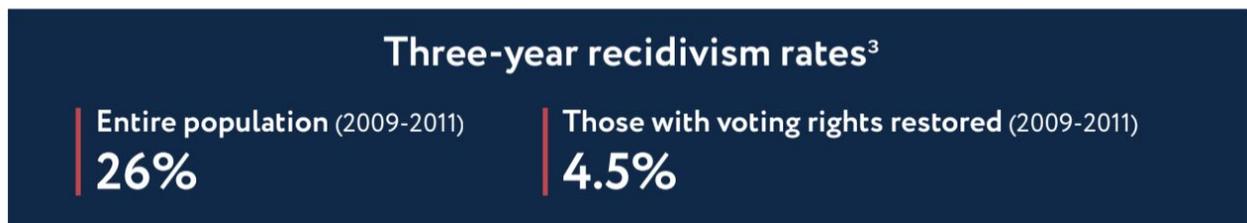
## Appendix B: Case study (Florida)

### *A unique data set*

Discussing the relationship between voting rights and recidivism (return to prison) is often difficult due to a lack of comparable data. In 2011, the Florida Parole Board commissioned a report on the recidivism rates of individuals who had their voting rights restored. The report focused on recidivism rates between 2009-11. Comparing this data to a Florida Department of Corrections report analyzing the overall recidivism rates gives us a uniquely useful data set to discuss, quantitatively, the correlation between voting rights and recidivism.

### *A dramatic difference*

The Florida Department of Corrections measures the three-year recidivism rate, meaning the return to prison within three years of release. The three-year recidivism rate for all Floridians consistently hovers around 25%. Between 2009-11, the average three-year recidivism rate was 26%.<sup>26</sup> The 2009-11 three-year recidivism rate for Floridians who had their voting rights restored was 4.5%, less than one-fifth of the overall average.<sup>27</sup>



<sup>26</sup> Report from Florida Department of Corrections, “Florida Prison Recidivism Report: Releases from 2010 to 2016.” August 2018. Page 2.

<sup>27</sup> Report from Florida Parole Commission, “Collection of Statistics and Evaluation of Clemency Action.” June 2011. Page 12.



### *Restoring voting rights promotes public safety*

Leadership for the International Association of Chiefs of Police (IACP), a professional association for law enforcement worldwide, has long recognized civil rights restoration upon completion of a sentence as an important element of a larger strategy to reduce recidivism by promoting successful re-entry into society, thereby advancing public safety interests.<sup>28</sup>

The only available evidence, both qualitative and quantitative, indicates that restoring voting rights encourages prosocial behavior, and discourages the recommitment of crimes.<sup>29</sup> This is an important issue not only for the civic health of our state, but also for public safety.

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<sup>28</sup> Quoted from Schlakman, M. and McNeil, and Sancho, I. "Here's what you haven't heard about restoring ex-felons voting rights: Analysis", *Orlando Sentinel*. October 8, 2018.

<sup>29</sup> Hamilton-Smith, G. and Vogel, M. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal*. 22:3. 2012.



## **Appendix C: Felony disenfranchisement laws by state**

*No restrictions (can vote from prison)*

Maine  
Vermont  
District of Columbia

*Can vote after release from prison*

Colorado  
Hawaii  
Illinois  
Indiana  
Maryland  
Massachusetts  
Michigan  
Montana  
Nevada  
New Jersey  
New Hampshire  
North Dakota  
Ohio  
Oregon  
Pennsylvania  
Rhode Island  
Utah

*Can vote after completing sentence, including probation and/or parole*

Alaska  
Arkansas  
California  
Connecticut



Florida<sup>30</sup>  
Georgia  
Idaho  
Iowa<sup>31</sup>  
Kansas  
Louisiana  
Minnesota  
Missouri  
New Mexico  
New York  
North Carolina  
Oklahoma  
South Carolina  
South Dakota  
Texas  
Washington  
West Virginia  
Wisconsin  
Wyoming<sup>32</sup>

*States with the most restrictive laws*

Alabama - permanently disenfranchises some, but not all, felonies.

Arizona - permanently disenfranchises people with two or more felony convictions.

Delaware - permanently disenfranchise murder, bribery, and sexual offenses, but all other offenses result in automatic restoration upon completion of a sentence, including probation and /or parole.

Kentucky - Governor Andy Beshear issued an executive order in 2019 restoring voting rights to many, but not all, Kentuckians who had completed their felony sentence.

Mississippi - permanently disenfranchises some, but not all, felonies.

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<sup>30</sup> The Florida Legislature recently included “pay any outstanding fines or fees” as part of completing a sentence.

<sup>31</sup> Governor Kim Reynolds has, via executive order, automatically restored eligibility for Iowans who have completed their sentence.

<sup>32</sup> First-time offenders and persons convicted of non-violent crimes have rights restored automatically upon completion of a sentence.



**Nebraska** - disenfranchises all felonies until after release from prison, finishing parole, finishing probation, and waiting an additional two years.

Tennessee - permanently disenfranchises all felonies unless pardoned.

Virginia - permanently disenfranchises all felonies unless pardoned.