The webinar will begin shortly

Use the Q&A box to send us your questions.
Recording and slides will be sent out next week.
Voting Rights and Support for People with Felony Convictions
Founded in 2005, Nonprofit VOTE partners with America’s nonprofits to help the people they serve participate and vote. We are the leading source of nonpartisan resources to help nonprofits integrate voter engagement into their ongoing activities and services.
Featured Speakers

Jon Sherman
Senior Counsel, Fair Elections Center

Samuel Gross
Co-President, Revive My Vote

Have questions for our speakers?

Use the Q&A box to send us your questions!
The Fight for Voting Rights Restoration in 2020

Jon Sherman, Senior Counsel
FAIR ELECTIONS CENTER
jsherman@fairelectionscenter.org
SECTION 2 OF THE 14TH AMENDMENT TO THE U.S. CONSTITUTION

• The Supreme Court determined over 40 years ago that the states can pass felon disenfranchisement laws.

• SCOTUS has ruled one other time on felon disenfranchisement since then, striking down Alabama’s felon disenfranchisement provision as racially discriminatory.

• But the constitutional boundaries of felon disenfranchisement and reenfranchisement are still hotly contested in the courts.
THE SPECTRUM OF STATE LAWS

From least restrictive to most restrictive

• NO FELON DISENFRANCHISEMENT (2 states): Maine and Vermont allow people with felony convictions to vote from prison, i.e. they have no felon disenfranchisement.
RESTORATION AFTER RELEASE FROM PRISON

• **17 states plus D.C.:** Colorado, District of Columbia, Hawaii, Illinois, Indiana, Maryland [*PASSED BY VETO OVERRIDE*], Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah
1 state: Louisiana (2018) In 2018, in response to litigation, Louisiana authorized rights restoration for residents on probation or on parole if they have not been in prison for five years; policy excludes residents convicted of felonies for election fraud or other election offenses.
RESTORATION AFTER END OF PAROLE

• 3 states:
  • New York* [*technically as a legal matter, but not in practice – more on Gov. Cuomo’s executive action in a minute]
  • California
  • Connecticut
RESTORATION AFTER END OF PAROLE AND PROBATION (END OF SENTENCE)

• **17 states:** Alaska, Arkansas, Florida [post-Amendment 4, except for people convicted of murder and sex offenses], Georgia, Idaho, Kansas, Minnesota, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Washington, West Virginia, and Wisconsin

• *BIG CAVEAT RE: REQUIREMENTS TO PAY LEGAL FINANCIAL OBLIGATIONS*

• **Note** that Florida is split between two lists in this presentation.
RESTORATION AFTER POST-SENTENCE WAITING PERIOD

• 1 state: Nebraska (2-year waiting period) (2005)
DISCRETIONARY RESTORATION SOME TIME AFTER COMPLETION OF SENTENCE FOR SOME OR ALL PEOPLE WITH FELONY CONVICTIONS

- These are typically discretionary restoration systems, where returning citizens must petition for the restoration of their rights and government officials have complete discretion to grant or deny them.

- Alabama (executive)
- Arizona (judicial) – automatic restoration for first-time felonies; recidivists must petition
- Delaware (executive)
- Florida (executive) – post-Amendment 4, just people convicted of murder and sex offenses
- Iowa (executive) – pending legislation
- Kentucky (executive) – pending legislation and litigation
- Mississippi (legislative & executive) – only certain offenses; pending litigation
- Tennessee (executive) - must be current on child support payments
- Virginia (executive) ~200,000 restored over the last 3-4 years under Governors McAuliffe and Northam; but still a bad law, arbitrary restoration in hands of one person
- Wyoming (executive) - automatic restoration for first-time non-violent felonies; recidivists must petition
RECENT RESTORATION SUCCESSES BY EXECUTIVE ACTION

• New York ~35,000 parolees (2018)

• Kentucky ~140,000 people who have finished their sentences (Dec. 2019) restored by Gov. Andy Beshear’s Executive Order. It unfortunately excludes violent felonies, federal felonies, and out-of-state felonies. About 103,000 returning citizens are not restored by the Order.
RECENT RESTORATION SUCCESSES IN STATE LEGISLATURES

• Colorado ~ 8000 parolees and probationers (2019)

• Nevada ~77,000 parolees and probationers (2019)
ONGOING RESTORATION BATTLES IN STATE LEGISLATURES

• New Mexico ~16,000 parolees and probationers
  • Bill defeated in 2019.
  • The sponsors tried to end all felon disenfranchisement before changing strategies.

• Iowa ~24,000 people with felony sentences completed
  • Constitutional amendment passed House, tabled in the Senate in 2019
  • Try #2 this year

• California ~222,000 parolees
  • Constitutional amendment effort stalled in 2019
  • Passed Assembly, failed in the Senate
ONGOING RESTORATION BATTLES IN STATE LEGISLATURES (CONT’D)

• Kentucky
  • ~103,000 people excluded from the Governor’s Executive Order
  • There is a proposed constitutional amendment in the House.
  • Passed the Senate with exclusion of violent felonies, but House has a better amended version. Outcome uncertain but could be headed to the ballot this November.

• Nebraska
  • ~7,000 people who have completed their sentences
  • Just about every year there is a fight to repeal 2-year post-sentence waiting period.
  • In 2013, Delaware removed its five-year waiting period, allowing those convicted of most offenses to vote upon completion of sentence and supervision.
RECENT RESTORATION SUCCESS BY BALLOT INITIATIVE

• Florida
  • ~1.48 million people who have finished their sentences
  • But some portion of those individuals exclude because of murder and sex offense convictions
  • Passed with 64.5% of the vote

• But the fight goes on....
RECENT RESTORATION BATTLES IN THE COURTS

**Florida**

- Federal challenge brought by Fair Elections Center as to arbitrariness of Florida’s discretionary restoration system – MOOT
- Amendment 4 approved by 64.5% of Florida voters in Nov. 2018
- SB 7066 passes in 2019 requiring payment of all legal financial obligations, including restitution to the victim, fines, costs and fees that appear in the sentencing documents.
- Five federal cases challenging SB 7066 as poll tax and wealth discrimination – HEADING TO TRIAL
- Supreme Court of Florida’s opinion interpreting Amendment 4
RECENT RESTORATION BATTLES IN THE COURTS (cont’d)

• **Kentucky**
  • Fair Elections Center’s federal First Amendment lawsuit on behalf of the estimated 103,000 people with felony convictions who were excluded from Governor Andy Beshear’s order – PENDING FINAL JUDGMENT IN U.S. DISTRICT COURT

• **Mississippi**
  • Litigation pending on a variety of constitutional challenges to the state’s disenfranchisement and restoration system – ON APPEAL TO U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
RECENT RESTORATION BATTLES IN THE COURTS (cont’d)

• Alabama ~286,000 people disenfranchised
  • This has been a long fight, but Campaign Legal Center’s case is still alive.
  • “Alabama disenfranchises individuals with certain felony convictions, so-called ‘crimes of moral turpitude.’ The list of convictions ‘involving moral turpitude’ includes a number of non-violent crimes, including almost all theft crimes. Citizens with these ‘disqualifying’ convictions may petition to have their rights restored, but only after paying all court-ordered fines, fees and restitution, the equivalent of an insurmountable poll tax for many otherwise eligible voters.”
  • In response to the litigation, the Alabama Legislature finally passed a law, HB 282, enumerating the specific felonies that are “disqualifying.”
  • “This bill is a step in the right direction but does not address Alabama's system of conditioning restoration of the right to vote based on wealth.”
  • https://campaignlegal.org/cases-actions/thompson-v-alabama
Other resources

• (1) restoreyourvote.org – This is Campaign Legal Center’s project to shepherd people through the voting rights restoration process in their states.

• (2) Florida Rights Restoration Coalition - https://floridarrc.com
  • https://floridarrc.com/fines/

• (3) The Sentencing Project - https://www.sentencingproject.org/

• (4) Fair Elections Center – www.fairelectionscenter.org
Question & Answer

Use the Q&A box to send us your questions.
REVIVE MY VOTE
Who We Are

Revive My Vote was founded in 2013 by William & Mary Law School students and faculty, along with assistance from the Williamsburg Bar Association.

RMV is a nonpartisan project that assists eligible Virginians in regaining their civil rights by providing free and confidential assistance to anyone interested in completing the restoration process.
The Work We Do

Assist anyone who is eligible for restoration, regardless of the current policies in Virginia

Help individuals who are uncomfortable or unable to navigate the restoration process

Navigate applicants through especially difficult cases
- E.g., Out-of-state convictions, missing records, name changes, probation orders, etc.

Communicate accurate and up to date information about restoration policies
Art. II § 1: "No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority."

An individual is eligible to have her rights restored by the Governor if she has been convicted of a felony and is no longer incarcerated or under active supervision, including supervised probation or parole.

Upon the Governor’s restoration, the Secretary of the Commonwealth will issue and mail personalized restoration orders to each individual.
A Brief History

Prior to 2013, bureaucratic red tape and procedural hurdles meant that very few people regained the right to vote.

Republican Governor Bob McDonnell streamlined and simplified the process.

In 2016, the Virginia Supreme Court ruled that felon restorations must be completed on an individual basis, not through “blanket orders.”
Five Takeaways From the Field

1. Think Proactively
2. Technology is Your Friend
3. Build Positive Relationships
4. Create Effective Volunteer Systems
5. Practice Respect & Resiliency
Takeaway 1: Think Proactively

Work to develop a point person within applicable government agencies

Have a contact list of other organizations ready for needs you can’t meet
  - Legal Aid, State Bar Associations, State Police, etc.

Build relationships with community orgs. that intersect to the work
  - Churches, United Way, etc.
Takeaway 2: Use 21st Century Tools

What have we found works best?

- **Online Media**
  - Tremendous success with Facebook and Google advertisements
  - Very inexpensive relative to traditional media
- **Leverage community resources**
  - Such as business school students looking for projects and experience
- **Think broadly**
  - Outreach can be just as successful if it reaches family and friends

What have we found does *not* work?

- **Generally NOT print media**
  - Policies change frequently and fliers can quickly become stale
  - Still can be useful for providing basic contact information
Takeaway 3: Build Positive Relationships

Start the conversation using first names
- Creates a more personal relationship
- People are less likely to hang up

Be conscious of the terminology you use:
- **Good**: Returning citizen, person with a felony conviction, person on parole.
- **Bad**: felon, ex-con, prisoner

Be up front if you will need any personal information

Don’t be afraid to ask for clarification
Positive Relationships Cont’d

Addressing frustrations with the length and/or complexity of the restoration process

- Even a relatively straightforward process can involve lots of trouble and difficult cases
- This is where a lot of our work is done.

Empowering applicants to be part of the process

- Can be as simple as providing phone and fax numbers
Takeaway 4: Create Effective Volunteer Systems

Don’t retain applicants’ personal information beyond what is necessary.

Protect privacy of volunteers
- Burner phones using Zoiper
- Google Voice

Create standardized abbreviations and procedures

Write down instructions and best practices for future volunteers
Create a simple, clear system for volunteers.
<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Phone</th>
<th>F1LV?</th>
<th>DOD</th>
<th>L4SSN</th>
<th>Status</th>
<th>Ideal Time</th>
<th>Next Step</th>
<th>Applicant Contact Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NRF</td>
<td></td>
<td></td>
<td>Initial intake on hotline (1/28/20): 10:09 NH Independent; 1/15 NH; 1/11 NH; 1/13 NH; 1/17 NH; 4/16. Never received application—several attempts to reach him; 4/17: Pts re-sent 10/10 NH, 10/31. He’s going to fill out an application. Check back to make sure he filled it out. 12/6 Texted him (from voice number) link to site; He said his gl is going to help him to fill it out. Should follow up with him in a few weeks; 1/17 2/13 NH, 3/1 NH</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Initial intake on website (1/6/20); NH (11/6/18) sure of feinty because she had it in her sister’s name—definitely has a feinty in her own name Circuit Court (she tried to forge a public record probate where she used her sister’s name); a pending but incomplete; completed application pending; she said she’ll try to lax in her probate letter; 1/4: Still pending (not contacted); 2/19: 3/26 NH; 3/29 NH; 4/2 NH; 4/6 NH; 4/16 NH: pending (not contacted); 10/24 still pending; 11/1 says they still need more info/research; 1/17: Pending; 2/13 pending; 3/1 Pending</td>
</tr>
</tbody>
</table>

|            |           |       |       |     |       | Pending |            |           | Check status |
|            |           |       |       |     |       |         |            |           |            |
|            |           |       |       |     |       |         |            |           |              |

|            |           |       |       |     |       |         |            |           | Check he received grant order |
|            |           |       |       |     |       |         |            |           | 10/15 informed him rights were restored on 10 apps in the system under his name; 12/6 Ana was at work (construction site) and it was hard to call back later, 1/6/2020 called, but he was at work; would check to see if grant order; 2/13 NH, 3/1 NH |

|            |           |       |       |     |       |         |            |           | Check if he filled out online application |
|            |           |       |       |     |       |         |            |           | Evening M-F |

|            |           |       |       |     |       |         |            |           |            |

|            |           |       |       |     |       |         |            |           | "after 5' (he’s at work, otherwise) |
|            |           |       |       |     |       |         |            |           | 3/10/2020 |

| applicant is | Pending | After 5:00 | |

|            |           |       |       |     |       |         |            |           |            |

|            |           |       |       |     |       |         |            |           |            |

|            |           |       |       |     |       |         |            |           |            |
Takeaway 5: Respect & Resiliency

Practice empathy and active listening

Be optimistic, but realistic

- In our experience, federal and out-of-state convictions can often involve lengthy waits

Don’t assume technological or other skills

Be genuine and respectful

Perseverance!
Troubleshooting Common Issues

Maiden names and other name changes

Difficulties with conviction details, such as identifying the court or jurisdiction

Restoration database glitches

Disconnected phone numbers/wrong numbers

Navigating the political landscape
Following Through After Restoration

Once rights are restored, assist in the voter registration process

Ensure that grant orders are received

Make them aware of other civil rights that have been restored

Track data & impact numbers

Soak in the moment!
Thinking About Civic Design

THE PROCESS

Is it possible that the Governor has already restored my voting rights without me asking?

How do I check if the Governor has already restored my rights?

What should I do if the Governor’s database says my record is not found?

I don’t feel comfortable entering my Social Security Number online. Is there another way to get my rights back?

How long do I have to wait once I have submitted my information?

It's a Great Time to Get Your Voting Rights Back!

Have you lost the right to vote in Virginia because of a prior felony conviction? If so, we can help! The first step is to “Check Your Status” below.

CALL 844-932-8683 (TOLL FREE) FOR HELP!
Restorations in the Current Environment

Step up efforts to explain the absentee voting process

Important that early and absentee voting not entirely replace traditional polling places.

Remembering the momentous occasion of the in person voting experience
Additional Resources for Outreach

Federal Bonding Program
- Employer job-hire incentive program that provides Federal Fidelity Bond insurance, issued free-of-charge, to employers and enables the delivery of bonding services as a job placement tool to assist individuals with prior criminal convictions.

CSG Justice Center
- Comprehensive resource website that offers videos, reports, checklists, and other materials to assist organizations who work with returning citizens.

Clean Slate Clearinghouse
- Provides accurate, up-to-date information on record clearance and mitigation, as well as toolkits for organizations looking to develop their own record clearance programs.

The Virginia Employment Commission (VEC)
- Offers resources for job seekers, connects individuals with employers, and assists with job training
Question & Answer

Use the Q&A box to send us your questions.
Thank You!

www.NonprofitVOTE.org
caitlin@nonprofitvote.org