APPENDIX
Appendix

LEGAL FINANCIAL OBLIGATIONS (LFOs) AS BARRIERS TO REENFRANCHISEMENT*

<table>
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<tr>
<th>10 States deny reenfranchisement indefinitely due to LFOs</th>
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<tr>
<td>• Three states deny the vote indefinitely for any unpaid LFOs related to a disqualifying conviction: <strong>Alabama</strong>,¹ <strong>Arkansas</strong>,² and <strong>Florida</strong>³</td>
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<td>• Five states deny the vote indefinitely for certain unpaid LFOs related to a disqualifying conviction: <strong>Arizona</strong> (restitution),⁴ <strong>Georgia</strong> (fines),⁵ <strong>Kansas</strong> (fines and certain restitution),⁶ <strong>Tennessee</strong> (restitution),⁷ and <strong>Texas</strong> (fines)⁸</td>
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<td>• Two states deny the vote indefinitely for certain types of convictions with unpaid LFOs: <strong>Connecticut</strong> (federal and out-of-state convictions)⁹ and <strong>South Dakota</strong> (convictions after June 30, 2012)¹⁰</td>
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<th>36 States &amp; D.C. do not deny reenfranchisement indefinitely due to LFOs</th>
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<td>• 20 States and D.C. do not make reenfranchisement depend on LFOs:</td>
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<td>o Two states and D.C. do not disenfranchise: <strong>Maine</strong>,¹¹ <strong>Vermont</strong>,¹² **D.C.**¹³</td>
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<td>o <strong>Oklahoma</strong> reenfranchises after a fixed sentence period, without modifying time based on LFOs³²</td>
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<td>• 16 states allow LFOs to delay reenfranchisement in certain circumstances, via early termination of supervision for payment, delayed discharge for failure to pay, or both:³³ <strong>Alaska</strong>,³⁴ <strong>California</strong>,³⁵ <strong>Delaware</strong>,³⁶ <strong>Idaho</strong>,³⁷ <strong>Louisiana</strong>,³⁸ <strong>Minnesota</strong>,³⁹ <strong>Missouri</strong>,⁴⁰ <strong>Nebraska</strong>,⁴¹ <strong>New Mexico</strong>,⁴² <strong>New York</strong>,⁴³ <strong>North Carolina</strong>,⁴⁴ <strong>South Carolina</strong>,⁴⁵ <strong>Washington</strong>,⁴⁶ <strong>West Virginia</strong>,⁴⁷ <strong>Wisconsin</strong>,⁴⁸ and <strong>Wyoming</strong>⁴⁹</td>
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<th>4 States restore exclusively by a discretionary constitutional power</th>
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<td>• <strong>Iowa</strong>,⁵⁰ <strong>Kentucky</strong>,⁵¹ <strong>Mississippi</strong>,⁵² and <strong>Virginia</strong>⁵³</td>
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</tbody>
</table>
Prepared by Margaret Love and David Schlussel of the Collateral Consequences Resource Center. In general, LFOs as barriers to voting necessarily relate to a disenfranchising conviction (except Tennessee’s requirement to be current on child support). This appendix does not capture reenfranchisement through executive clemency, except in the states that rely exclusively on these discretionary mechanisms for reenfranchisement. It also does not reflect the extent to which automatic reenfranchisement laws may exclude certain categories of offenses.

1 Alabama provides a certificate of eligibility to register to vote if: “The person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases.” Ala. Code § 15-22-36.1(a)(3).

2 In Arkansas, persons seeking reenfranchisement must show they have “paid all applicable court costs, fines, or restitution.” Ark. Const. amend. LI, § 11(d)(2)(A).

3 Florida restores the vote after completion of sentence, which includes “[f]ull payment of restitution ordered to a victim by the court as a part of the sentence” and “[f]ull payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision.” Fla. Const. art. VI, §4; Fla. Stat. Ann. § 98.0751(2)(a)(5); see also § 98.0751(2)(a)(5)(c) (“fines, fees, or costs”) (emphasis added).

4 Arizona restores the vote automatically to a person with only one felony conviction on “final discharge” but only if “the person pays any victim restitution imposed.” Ariz. Rev. Stat. §13-907(A). Reenfranchisement is otherwise discretionary with the superior court. Id. § 13-908(A).


6 Kansas provides for reenfranchisement when a person “has completed the terms of the authorized sentence.” Kan. Stat. Ann. § 21-6613(b). A fine and certain restitution may be imposed as part of the sentence. Id. §§ 21-6611, 21-6607(b)(11), (c)(2), 22-6604, 22-3717(d)(1)(D)(vi).
Tennessee restores the vote only if a person has paid “all restitution . . . ordered by the court as part of the sentence,” as well as court costs (unless indigent), and is current on child support. Tenn. Code Ann. § 40-29-202(b), (c).


Connecticut disenfranchises anyone convicted of a felony and sentenced to incarceration and restores it to those with state convictions upon completion of parole. Those with federal and out-of-state convictions may regain the vote only upon payment of all LFOs. Conn. Gen. Stat. Ann. § 9-46a(a), (b).

In South Dakota, a person convicted after July 1, 2012, who is “serving a sentence for a felony conviction” is eligible to vote upon completion of their entire sentence, including payment of LFOs. S.D. Codified Laws § 12-4-18; S.D. Admin. R. 5:02:03:24, S.D. Sec’y of State, https://sdsos.gov/elections-voting/voting/register-to-vote/felony-convictions.aspx (last visited July 25, 2020). A person convicted on or before June 30, 2012 is disenfranchised only while serving a prison term, including parole. S.D. Codified Laws § 12-4-18 (2003).

Me. Const. art. II § 1.


Colo. Const. art. 7 § 10; Colo. Rev. Stat. § 1-2-103(4).


Ind. Const. art. II, § 8; Ind. Code § 3-7-13-4.


Mass. Const. amend. art. III.
22 Mont. Const. art. IV, § 2; Mont. Code § 46-18-801.
26 N.D. Cent. Code §§ 12.1-33-01(1), 12.1-33-03.
27 Ohio Const. art. 5 § 4; Ohio Rev. Code Ann. § 2961.01.
30 R.I. Const. art. 2, § 1.
33 A person on lifetime supervision might in theory be ineligible for early discharge because of unpaid LFOs, but we have not identified that scenario in our research.
36 Delaware provides for reenfranchisement upon “full discharge.” In 2016 the legislature deleted from definition of “full discharge”: “and has also paid all financial obligations required by the sentence.” Del. Code Ann. tit. 15, §§ 6102, 6103(c). Probation may be extended for failure to pay LFO as conditions of supervision, which may also be terminated early for payment. Del. Code tit. 11, §§ 4204, 4332(a), 4333.
37 Idaho disenfranchises only if a person received a prison sentence, and restores the vote upon “final discharge,” defined as “satisfactory completion of imprisonment, probation and parole as the case may be.” Idaho Code Ann. §§ 18-310(1), 18-310(2).
Fines and restitution are not part of the sentence but may be conditions of supervision. *Id.* §§ 19-2513, 19-2518, 19-5304(2). The court may extend probation based on failure to pay to maximum period of sentence. *Id.* §§ 19-2601, 20-222.

**Louisiana** restores the franchise automatically when a person has not been incarcerated in the last five years pursuant to any “order of imprisonment” for a felony, or upon earlier completion of such an order. La. Const. art. I, § 10; La. Stat. Ann. §§ 18:102(A)(1), 18:2(8). Ability to pay must be considered in imposing LFOs as conditions of probation or parole, and in considering extension of supervision based on failure to pay. La. Code Crim. Proc. Ann art. 895, 895.1, 875.1(C), 894.4; La. Stat. Ann. § 15:574.4.2(A)(2)(e), (C)(1)(a)–(b).

**Minnesota** restores the vote automatically upon “discharge,” defined as “expiration of sentence.” Minn. Stat. Ann. § 609.165, subd.1, 2. Fines and restitution may be imposed as part of the sentence, and unpaid LFOs may survive for a 10-year period after the “due date,” or until the end of probation, whichever is later. *Id.* §§ 609.10, 609.104, 609.135; Minn. Judicial Branch Policy #209 (July 15, 2010).

**Missouri** disenfranchises a person after conviction of a felony “while confined under a sentence of imprisonment,” or “while on probation or parole” until finally discharged. Mo. Stat. Ann. § 115.133. Probation and parole conditions may include payment of LFOs, and the court may extend supervision up to the “maximum term” for failure to pay. *Id.* §§ 559.016, 559.021, 559.036, 559.100, 559.105.

**Nebraska** provides for a person’s automatic reenfranchisement “two years after he or she has completed the sentence, including any parole term.” Neb. Rev. Stat. Ann. § 29-112. Judgments for fines and costs are not part of the sentence and are subject to revision based on inability to pay. *Id.* §§ 29-2407, 29-2408, 29-2208. Early termination of probation requires that a person have paid LFOs in full. Neb. Sup. Ct. R. 6-1903(A)(3). Ability to pay is considered in various contexts. See Neb. Rev. Stat. Ann. § 29-2208 (providing for hearing on defendant’s claim of inability to pay fine or costs, and waiver or other relief), id. § 29-2412 (same); id. § 29-2281 (in deciding the amount of restitution, the court shall balance the defendant’s ability to pay against the victim’s interests); see also id. 29-2263(1), 29-2268(3)(e).

**New Mexico** restores the vote automatically upon unconditional discharge from custody or completion of all conditions of parole or probation. N.M. Stat. Ann § 1-4-27.1; see also id. §§ 31-13-1(A). Early termination of supervision is available
upon payment of “[a]ll restitution and fines.” N.M. Corr. Depart. Policy 051500; N.M. Stat. Ann. Id. §§ 31-20-6, 13-21-10(E). Fines, fees, costs, and restitution may be waived or reduced based on ability to pay. N.M. Stat. Ann. §§ 31-12-3, 31-17-1, 31-20-6. There is some question whether a person would remain disenfranchised if supervision were revoked based on failure to pay LFOs, but such a revocation would require a willful failure to pay. See N.M. Stat. Ann. §§ 1-4-27.1, 31-12-3, 31-13-1.

43 **New York** extends the period of disenfranchisement until a person’s “maximum sentence of imprisonment has expired” or a person is “discharged from parole.” N.Y. Elec. Law § 5-106. The Board of Parole may terminate early on payment of restitution. N.Y. Elec. Law § 259-j; see also N.Y. Correct. Law § 703(4); N.Y. Exec. Order No. 181 (Apr. 18, 2018).


45 **South Carolina** restores the vote automatically upon “service of the sentence, including probation and parole time unless sooner pardoned.” S.C. Code Ann. § 7-5-120(B)(3). Imposition of fines and restitution must account for ability to pay. Id. §§ 17-25-350; 17-25-322(B). Payment of fine as a condition of probation may result in extension of supervision to five years. Id. §§ 24-21-430(2), 24-21-440, 17-25-323.

46 **Washington** restores the vote in four circumstances, including upon receipt of a “certificate of discharge” from the sentencing court, which may be obtained on petition either upon completion of all requirements of the sentence; or five years after release from custody and completion of all non-financial requirements, with the vote provisionally restored in the interim, during which it can only be revoked for willful failure to pay. Wash. Rev. Code §§ 29A.08.520(6), 9.94A.637(2)(a), 29A.08.520(1).

47 In **West Virginia**, a person convicted of a felony is disqualified from voting “while serving his or her sentence, including any period of incarceration, probation or parole related thereto.” W. Va. Code Ann. § 3-2-2(b); see also W. Va. Const. art. IV, § 1; W. Va. Code § 3–1–3; 55 W. Va. Op. Att’y Gen. 3, 1972 WL 125373 (July 11, 1972). Fines and other LFOs may be conditions of probation only if the court determines the defendant is “able to pay without undue hardship.” Id. §§ 62-12-
9(a)(5), (b)(1)–(2), 62-12-17(b), (c). Ability to pay must be considered in determining victim restitution and making it a condition of supervision. Id. § 61-11A-4(a), (g). Compliance with all conditions is a necessary precondition for early termination of probation. Id. § 62-12-11.

Wisconsin restores the vote automatically upon completion of the term of imprisonment or probation. Wisc. Stat. Ann. § 304.078(3). In determining restitution, the court must consider ability to pay. Id. § 973.20(1r). Failure to make “good faith effort” to pay LFOs as conditions of supervision may result in extension to the maximum authorized term or conversion to civil judgment. Wis. Stat. Ann. §§ 973.05, 973.09, 973.20(1r).

Wyoming restores the vote automatically to individuals with a single non-violent felony conviction upon completion of sentence; the sentence does not include LFOs, but they may be conditions of supervision. Wyo. Stat. Ann. §§ 7-9-103(d), 7-9-108(a), 7-13-201, 7-13-301, 7-13-302(b), 7-13-305(a). The court “shall consider” ability to pay in imposing restitution, and “may permit” a fine to be paid in installments. Id. §§ 7-9-102, 7-13-306, 7-9-106(a)(iii)(G), 7-9-106(a)(iii)(G), 7-13-421 (parole board must consider ability to pay in imposing conditions).

In Iowa, restoration of the vote is exclusively through the discretionary exercise of clemency. See Griffin v. Pate, 884 N.W.2d 182 (2016); Iowa Code § 914.2.


Mississippi relies on the governor’s constitutional pardon power or a legislative clemency process. Miss. Const. art. 5, § 124, art. 12, § 253; Miss. Code Ann. § 47-7-41.