



Still Locked Out in Tennessee

A Survey of County Officials Charged with Implementing the Tennessee Process for Restoring Voting Rights to Individuals Convicted of Felonies
04-13-2023 (updated 10-7-2023)

Executive Summary

In a December 2022 report, the Collateral Consequences Resource Center stated, *“Tennessee has changed its rules on restoration of voting rights several times in the past 30 years, and as a result has created what is perhaps the most complex and confusing situation in the nation.”*¹ The authors noted that fewer than 5% of individuals completing felony sentences ever succeed in restoring their voting rights in Tennessee. The Sentencing Project documented a 24% decline in the number of U.S. citizens unable to restore their voting rights between 2016 and 2022. This was due to policy and legal changes in many states that promoted voting rights restoration.² Unfortunately, Tennessee was not among them. In 2022, these researchers noted that 2% of voting age adults in the U.S. (1 in 50) were disenfranchised due to felony convictions, compared to 8% (1 in 13) in Tennessee.²

The League of Women Voters of Tennessee conducted a survey of county officials involved in restoration of voting rights process in 2022. Survey findings and consequent recommendations include the following:

- 1. Lack of clarity in Tennessee’s Certificate of Restoration (COR) process contributes to inconsistent procedures across counties.** We recommend the Secretary of State (1) investigate the differences that exist from county to county in implementation of COR procedures and (2) revise as necessary to ensure consistent due process. Further we recommend that the Secretary of State provide oral and written training for county officials about their responsibility to ensure due process and the COR procedures.
- 2. Many county officials do not provide equal treatment to individuals including access to information about legal requirements and options that can improve success in restoring voting rights.** We recommend the Secretary of State (1) develop an easy-to-understand packet to be shared with individuals seeking re-enfranchisement that contains the COR and its instructions as well as all information that may be applicable; (2) make these available in all offices that provide services to individuals convicted of a felony including all incarceration facilities, probation/parole offices, and appropriate Criminal/ Circuit Court Clerk offices; and (3) provide training to officials to ensure they understand legal requirements and important alternative options for qualifying individuals as well as their responsibility to provide equal treatment and access to information for every person seeking re-enfranchisement.
- 3. Payment of legal financial obligations (LFOs) prior to qualifying for re-enfranchisement through the COR process is an unsurmountable challenge for many individuals due to inconsistent interpretations of the law regarding payment plans for court costs and fees, penalties for lack of payment, fee reduction, and waiver of costs and fees due to indigency.** We recommend the Secretary of State (1) establish and share a standardized list of acceptable charges for court costs and fees, (2) provide written information about LFO options in simple language understandable to individuals without advanced education; and (3) designate officials to explain LFOs and specify where additional help is available if needed.
- 4. Lack of access to accurate and complete criminal court databases inhibits individuals in finding information needed to obtain court records for all felony convictions for which a COR must be completed (in other Tennessee county courts, in federal courts, and in other states.)** We recommend the Secretary of State (1) provide public access to the same electronic database(s) used by state officials to obtain information about felony convictions prior to authorizing re-enfranchisement; and (2) assign Probation/Parole Officers in each county to conduct state and national database searches on behalf of individuals seeking re-enfranchisement.

Acknowledgements

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Mission: Empowering Voters. Defending Democracy.

Vision: We envision a democracy where every person has the desire, the right, the knowledge, and the confidence to participate.

Value: We believe in the power of women to create a more perfect democracy.

We gratefully acknowledge the work of many who contributed to this statewide project.

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OVERVIEW

Note: This report was completed prior to the changes implemented by the Tennessee Secretary of State in July 2023, requiring individuals to restore citizenship rights prior to engaging in the Certificate of Restoration of Voting Rights process (COR). The 10-7-2023 update of this report was completed only to clarify our findings and recommendations relevant to the COR process.

Why this Survey was Conducted

The League of Women Voters is a nonpartisan, grassroots organization working to protect and expand voting rights and to ensure that democracy works for everyone. The right of every citizen to vote has been a basic League principle since its origin. Consistent with these values, we decided to conduct this survey of county officials involved in Tennessee's voting restoration process for people who had lost their voting rights after felony convictions. Primary goals of this study were to:

- Explore reasons why Tennessee ranks so low among other states in the number and percentage of individuals convicted of felonies and eligible for re-enfranchisement who succeed in having their voting rights restored after completing their sentence and meeting state requirements.
- Document the types of services offered by officials as well as complications and impediments that may contribute to very low re-enfranchisement of individuals convicted of felonies in Tennessee under the current state laws.
- Specify recommendations for simplifying, streamlining, and replicating standard administrative processes for restoration of voting rights across the state.

Problems with the Tennessee Process for Restoring Voting Rights

All states except Maine and Vermont, (along with the District of Columbia and the Commonwealth of Puerto Rico) remove voting rights from individuals convicted of felonies. The process for restoring voting rights and conditions under which restoration is allowed varies widely from state to state. A December 2022 report from The Collateral Consequences Resource Center (CCRC) compared all U.S. states. Unlike Tennessee, 21 states reinstate the right to vote once a person completes their period of incarceration. "In 25 states and D.C. almost every citizen living lawfully in the community is automatically eligible to vote despite a felony conviction."¹ But in the CCRC ratings of states, Tennessee received a grade of "F" for restoration of voting rights. The authors reported that fewer than 5% of individuals who have completed felony sentences ever succeed in restoring their voting rights in Tennessee.¹

"Tennessee has changed its rules on restoration of voting rights several times in the past 30 years, and as a result has created what is perhaps the most complex and confusing situation in the nation."

Collateral Consequences Resource Center¹

In October 2020, The Sentencing Project published a comprehensive national study of Americans denied voting rights due to felony convictions. They reported that, in Tennessee, approximately 360,103 citizens who had completed a felony sentence remained disenfranchised. Further, the Tennessee Secretary of State's Office provided researchers with data indicating that, between 2016 and 2020, Tennessee had re-enfranchised only 3,415 citizens with felony convictions.³ Although the Sentencing Project's update in 2022 indicated a 24% decline

in the number of individuals locked out of re-enfranchisement across the United States. These researchers discussed how recent policy and legal changes led to increased success in restoration of voting rights in many states—but not in Tennessee.²

According to 2022 data from this report², 2% of U.S. adults of voting age, (1 in 50), are disenfranchised due to current or previous convictions. But in Tennessee (also Alabama and Mississippi) 8% of adults of voting age, (1 in 13), cannot vote. More than 15% of African American adults in Tennessee (also Mississippi) cannot vote, compared to 5.3% nationally. The Campaign Legal Center (CLC) attributes the disproportionate number of African Americans disenfranchised in most U.S. states is attributable to laws that followed those established in Tennessee and other southern states shortly after the Civil War ended.⁴ Tennessee's complex laws and processes for re-enfranchisement contribute to this stark contrast with other states.

CLC's Tennessee Restore Your Vote program, which assists Tennesseans who have lost their voting rights because of a felony conviction, attests to the difficulties these individuals experience in negotiating the complexities, complications, and inequities in laws and policies that hinder the re-enfranchisement process.⁴ Tennessee laws that determine which people with past criminal convictions can and cannot vote are confusing. Eligibility to vote depends on the year of the conviction(s), the crime(s) for which they were convicted, whether they can pay their legal debt(s), and whether they have completed their sentence(s). All felony convictions on or after May 17, 1981, disqualify a person from voting in Tennessee. To qualify for the restoration of voting rights, individuals convicted of one or more felonies must meet all the following criteria:

- They have completed their sentences including parole and probation.
- They have paid all court fees imposed at sentencing or have been declared indigent at the time they begin the COR process.
- They have paid all restitution imposed at sentencing.
- Their child support obligations, if applicable, are currently met.

"Most people with past convictions do not know about this avenue for rights restoration. As a result, many Tennesseans with past convictions who are or could be eligible to vote simply do not know that they can participate. ... The state does not provide adequate public information or assistance for those individuals to effectuate their rights. Even worse, it does not even educate its own officials who consistently apply the law incorrectly, thwarting even those who understand their rights. This is disenfranchisement by inaction, and it is no accident."

*CLC's Tennessee Restore Your Vote Program*⁴

If eligible for restoration of voting rights, disenfranchised individuals must have a Certificate of Restoration (COR) form completed by a probation/parole officer and/or a clerk of court in the county where the felony conviction occurred. If individuals with multiple felony convictions, must have a separate COR form completed by designated officials in the Tennessee county where each conviction occurred, and/or in federal courts and/or other courts outside the state of Tennessee. People who lost their right to vote upon conviction are only eligible to engage in the Tennessee COR process after completing their sentence(s) and meeting all post-sentence completion requirements.

On December 3, 2020, the CLC filed a class action lawsuit on behalf of the Tennessee Conference of the NAACP and five individual plaintiffs, against Tennessee's Governor, Commissioner of the Department of Correction, Coordinator of Elections, Secretary of State, and the Rutherford County Clerk of Circuit Court.⁵ This case challenges, under the procedural due process clause, the state's "unequal, inaccessible, opaque, and error-ridden implementation of the statutes granting restoration of voting rights to citizens who lost the right to vote because of a felony conviction."⁵ The State of Tennessee filed a motion to dismiss the lawsuit's claims. The

district court's ruling, however, rejected the state's motion to dismiss on March 30, 2022⁶, and the lawsuit will now proceed to trial (most likely, in October 2023).

This court case and the research literature cited in this document demonstrate the need for better understanding of personal issues and procedural complexities that discourage disenfranchised individuals from seeking to restore their voting rights in Tennessee. These individuals may still be traumatized by their convictions, even after completing sentencing requirements, and afraid or embarrassed to ask for help completing required documents. They may be unable to recall the location in which prior convictions occurred, especially if there were multiple convictions in various courts. They may have lost papers documenting their convictions and have no access to court records. Those with few resources who are struggling to get a decent job and stable housing may find paying legal financial obligations impossible. They may not know where to find required information or be aware of options that might expedite efforts to restore their voting rights.

County officials working to implement Tennessee's COR process may lack information needed to fully inform individuals of their legal options and help them overcome avoidable obstacles to re-enfranchisement. They may lack resources, including adequate staffing, easily searchable data storage facilities or electronic state and national databases from which complete and accurate criminal records can be retrieved. The League of Women Voters wanted to hear from county officials who are directly responsible for implementing procedures established by the state to restore voting rights. We wanted to learn about their professional understanding of state and county policies and procedures, and whether they have adequate resources and training to provide helpful assistance to disenfranchised Tennesseans who want to vote again. Hence, we initiated this study.

METHOD

Telephone Interviews

To learn more about officials' efforts to assist disenfranchised individuals through Tennessee's process to restore voting rights, the League of Women Voters of Tennessee (LWVTN) decided to conduct telephone interviews with officials typically involved in this process:

- ***County Election Commission Administrators of Elections*** charged with answering questions of those seeking information about the process of re-enfranchisement
- ***County Criminal or Circuit Court Clerks*** charged with providing access to records of convictions in their respective county and payment of legal financial obligations
- ***Tennessee Department of Corrections Probation/Parole Officers*** with access to a national criminal records database

Volunteers, members of the LWVTN, conducted the phone interviews, asking questions on a written survey that focused on three areas of service to individuals seeking re-enfranchisement:

1. The process and procedures within that office for providing services to individuals wanting to restore their voting rights
2. The information provided by the office to individuals regarding the state's restoration process
3. The information provided by the office regarding related options that could expedite restoration for qualifying individuals (such as expungement or affidavit of indigency, etc.)

The objective was to interview officials in most of Tennessee's 95 counties in the spring and summer of 2022. The coordinator of data management assigned several officials to each volunteer, assuring equal

distribution of cases by county population size (5 categories from high to low) and by location of assigned counties within the state's three Grand Divisions (East, Middle, and West Tennessee), which are based on geographical size of each third of the state rather than number of counties. (See **Table 1.**)

Table 1. Total Telephone Interviews Conducted with TN County Officials by Population Category & Grand Division of the State				
Population 1 929744 - 72803	Population 2 70152 - 41072	Population 3 40953 - 25462	Population 4 25216 - 15864	Population 5 15826 - 5001
Admin of Elec 2 (East) 0 (Middle) 0 (West) Total: 2	Admin of Elec 1 (East) 0 (Middle) 1 (West) 2	Admin of Elec 1 (East) 0 (Middle) 2 (West) 3	Admin of Elec 2 (East) 0 (Middle) 0 (West) 2	Admin of Elec 1 (East) 0 (Middle) 1 (West) 2
Clerk 4 (East) 3 (Middle) 2 (West) Total: 9	Clerk 3 (East) 2 (Middle) 2 (West) 7	Clerk 2 (East) 0 (Middle) 3 (West) 5	Clerk 2 (East) 0 (Middle) 1 (West) 3	Clerk 1 (East) 1 (Middle) 1 (West) 3
Probation Officer 0 (East) 0 (Middle) 0 (West) Total: 0	Probation Officer 0 (East) 0 (Middle) 0 (West) 0	Probation Officer 0 (East) 0 (Middle) 1 (West) 1	Probation Officer 1 (East) 0 (Middle) 0 (West) 1	Probation Officer 0 (East) 0 (Middle) 1 (West) 1
Number of Counties Represented by Offices Surveyed				
Admin. of Elections 11 out of 95 (11.5%)	Criminal/Circuit Court Clerks 27 out of 95 (28%)		Probation Officers 2 out of 95 (.02%)	
Phone Survey: Number of Counties Represented in Phone Survey				
30 (32% of 95 TN Counties)				
Email Survey: Number of Administrators of Elections (or designee) Represented				
34 (36% of 95 TN Counties)				

The volunteers sent a standardized email message to each county official for whom they had contact information, describing the request for an interview. They followed up with a request for an interview appointment, making several attempts to call those who did not initially respond. We were able to conduct telephone interviews with officials in 30 counties, including 27 Criminal or Circuit Court Clerks or designated staff members, 11 Administrators of Elections or designated staff members, and 3 Probation/Parole Officers. Due to the very low number of Probation/Parole Officers we interviewed, they were removed from the study. The telephone interviews included in the study provided a representative sample of counties across Tennessee.

Some reasons for the lower-than-expected number of officials participating in the telephone survey are evident from the comments made by respondents.

- County Court Clerks reported very demanding schedules and limited resources.

- One Administrator of Elections wrote to say that most officials in his position were too busy with multiple state and local elections during the spring and summer of 2022 as well as redistricting issues.
- More than a few Administrators of Elections, using almost identical language, stated their refusal to participate and referred interviewers to their attorney or to the Secretary of State's Office.
- We had difficulty obtaining contact information for Probation/Parole Officers and ultimately had to eliminate them from the study because only 2 of these officials statewide were contacted.
- We also had reason to believe that the reluctance of Administrators of Elections to be interviewed and the lack of response from Probation/Parole Officers may have been related to a judge's decision in the spring of 2022 not to dismiss a court case challenging the constitutionality of Tennessee's process for restoring the right to vote after felony convictions.⁶

Email Survey

We also conducted an email survey of Tennessee Administrators of Elections to gain better insight into numerous comments from participants in the telephone interviews as well as published data indicating very low numbers of individuals who successfully complete the voting rights restoration process in Tennessee. In the fall of 2022, we sent a standardized email message to all 95 Administrators of Elections. We asked them to provide their best estimate of the annual number of individuals who

- contacted them expressing an interest in completing the restoration process,
- submitted a completed COR form, and
- were either approved or denied restoration of voting rights.

The results are summarized in **Table 2**, specifying these estimates for each participating county.

Table 2. Estimates of Average Annual Numbers of Tennesseans Engaging in the COR Process and Results of Efforts to Restore Voting Rights by County Population Size					
Approximate County Population Categories & Number of Counties	Estimated range of individuals interested	Estimated range of COR submittals	Estimated range and percent approved		
			Approvals	Denials	Percent Approved
72,000 – 480,000 (6 counties)	10 - 50	5 – 30	4 – 21	0 - 10	52% (21 of 30)
50,000 – 55,000 (6 counties)	5 - 60	3 – 25	3 – 15	1 - 5	60% (15 of 25)
32,000 – 41,000 (6 counties)	2 - 20	2 – 12	4 – 11	1 - 3	92% (11 of 12)
15,000 – 26,000 (8 counties)	3 - 10	1 – 6	1 – 5	0 - 2	83% (5 of 6)
5,000 – 15,000 (8 counties)	1 - 5	1 – 5	1 – 4	0 – 2	80% (4 of 5)

We received responses from 34 officials in counties across the state representing all populations sizes. The very low estimates of annual numbers of individuals reported to be engaging in the COR process point toward two important issues that are discussed in further detail later in this report:

1. Based on reported estimates, in many of these 34 counties considerably fewer individuals who initially contacted Administrators for information about the process followed through in submitting one or more COR completed forms required for re-enfranchisement. Our data suggest at least one reason this lack of follow through occurs. Almost all Administrators who estimated an equal number of individuals showing an interest in and submitting COR forms were in counties with a population of less than 20,000.
2. The estimates provided by survey participants suggest that overall, about one-fourth of individuals who completed the COR process are denied re-enfranchisement. The re-enfranchisement process leaves the determination of eligibility to seek restoration of voting rights in the hands of authorized county officials. So why are so many individuals unable to restore their rights?

We believe our telephone interview findings shed light on answers to both questions and support conclusions of other reports referenced in this paper. We present these findings as they relate to specific issues or barriers that impede individuals from restoring their voting rights in Tennessee.

POTENTIAL BARRIERS TO IMPLEMENTATION OF TENNESSEE'S COR PROCESS

1. Lack of clarity of the Tennessee COR process for restoring voting rights contributes to inconsistent procedures across counties.

A careful examination of the information provided about the COR process reveals how easy it can be for officials to interpret procedures inconsistently throughout the state. Our findings support this contention, as will be described in other sections. (Note that determination of eligibility for re-enfranchisement—another highly confusing issue for individuals seeking restoration of voting rights—was not addressed in this survey of county officials.)

The Secretary of State website provides a guide to assist citizens wanting to restore their voting rights and also for the use of county officials charged with assisting these individuals. (Note: Based on our findings from telephone interviews, we presume officials receive little else in the form of instructions for their assigned duties.) We include on page 9 the narrative provided on the Secretary of State's website⁷. This guide mentions the need for completion of a separate form for each additional docket/case number by "the proper authority or agent." But the guidance does **not** mention the requirement of payment of all legal financial obligations, including court costs and fees as well as restitution, nor that child support payments must be current. These requirements are evident only by careful reading of the COR form and its accompanying instructions.

Many individuals who seek re-enfranchisement may overlook the brief set of instructions that apply to them because they are included beneath a long set of items (that cover most of the page) preceded by the heading, "Instructions to the Agent Completing the Certificate of Restoration." Further, if disenfranchised individuals understand they are not allowed to complete the form by themselves, they may not carefully read these additional instructions. As a result, they may not discover that they must pay all legal financial obligations before having voting rights restored—or that they might be able to petition for an affidavit of indigency while completing this process, which could waive court costs and fees (but not restitution). In addition, there are no instructions to officials about what can be included among legal financial obligations, since the state has no list of

legal court costs and fees.⁸ Consequently, there is limited consistency across counties in what is counted as a legal financial obligation.

Tennessee Secretary of State's Guide to Restoring Voting Rights

Any conviction for a crime that is a felony in Tennessee – whether by a court in Tennessee, in another state, or federal – causes you to lose your voting rights. You may regain your eligibility to vote if you have your conviction expunged or if you have your voting rights restored.

The restoration of voting rights form may be used to restore an individual's voting rights for a felony conviction on or after May 18, 1981. **Note:** For each felony conviction on or after May 18, 1981 – whether federal, Tennessee state, or another state – a separate restoration of voting rights form must be completed for each felony conviction with a different docket/case number.

The form must be completed by an agent, such as a probation/parole officer or criminal court clerk, who has the authority to provide the required information regarding the individual's conviction, final release date and information regarding restitution or court cost. The person convicted of the felony offense may not complete the restoration of voting rights form. Once the form(s) are completed, the form(s) must be submitted to the local county election commission office in the county in which the individual resides.

The restoration of voting rights form only restores an individual's voting rights. An individual's citizenship rights must be restored through a court order. However, you are never eligible to register and vote if you were convicted of specific felonies within specific date ranges."

Dates and felony types are listed on the website:

<https://sos.tn.gov/elections/guides/restoration-of-voting-rights>⁷

It is enlightening to compare Tennessee's voting restoration process with that of Alabama, one of the 11 states along with Tennessee that currently require payment of financial obligations before re-enfranchisement.

Alabama's voting restoration process is posted online by the ACLU as "Guidelines for Alabama Voters Convicted of Crimes."¹⁰ It includes a discussion of 7 steps in their process. Note that in Alabama there is a true application process in which an individual initiates the process by applying online to seek re-enfranchisement. Further, this application establishes a deadline for completion of the process within 44 days. There is no need for disenfranchised individuals to contact several authorized agents; applications are submitted online to one address and processed by only one office. Alabama's guide also includes several phone numbers that individuals can call for assistance. The ACLU provides color-coding to assist individuals in determining eligibility for re-enfranchisement.

Alabama Steps to Restoring Voting Rights

1. Check criminal history
2. Check eligibility
3. Contact Board of Pardons and Paroles
4. Wait up to 44 days
5. Register to Vote
6. Get a voter ID
7. Get help

Guidelines for Voters Convicted of Crimes:

<https://www.aclualabama.org/sites/default/files/handout-votingrightsrestoration.pdf>¹⁰

In contrast, Tennessee has no application process with a set deadline for response by officials. Individuals in Tennessee are not allowed to complete COR forms for themselves. Instead, individuals seeking re-enfranchisement are expected to track down the proper authority or authorities who can complete the COR form related to each conviction. Only an agent of the pardoning authority, a probation/parole officer, or an agent of the supervising authority can complete a COR. And there is no clarification about who is supposed to certify which of 3 items. Our telephone survey revealed that most Tennessee counties require an individual to first contact a Probation/Parole Officer who completes part of the COR and second to take the COR to a Criminal or Circuit Court Clerk for further processing. Some Tennessee counties reverse this process, while a very few (based on counties represented in our telephone survey) provide a one-stop-shop where one official certifies all items on the form. This is a permissible approach but not stated clearly in the instructions to the “proper authority/agent.”⁹ In addition, some but not all counties where we interviewed court clerks required the applicant to pick up the form and deliver it to the Administrator of Elections. Others stated their clerk’s office staff submit the COR form to the Administrator of Elections.

It should be noted that the instructions for completing a COR form state that completed COR forms should be sent to the local County Election Commission Office for processing. After a decision is made by the Elections Attorney at the Secretary of State’s office, the Administrator of Elections notifies individuals of whether they were approved or denied and assists with the voter registration process. Further, though nothing is included about seeking information from the Administrator of Elections, this appears to be a common place for disenfranchised individuals to begin the process. This lack of clarity about the COR process may help to explain the very low number of individuals in Tennessee who seek re-enfranchisement.

In the remainder of this report, we will refer to Administrators of Elections (or designated staff members who we interviewed as administrators and Criminal/Circuit Court Clerks (or designated staff members) as clerks.

2. Many county officials do not provide equal treatment to individuals including access to information about legal requirements and options that can improve success in restoring voting rights.

Almost all the officials who participated in the telephone survey genuinely shared a desire to assist individuals seeking re-enfranchisement through the COR process. However, the majority appeared to focus solely on duties as they pertained to completion of a COR form. The survey gathered data about two aspects of due process that may determine whether an individual is successful in restoring voting rights—and for which administrators and /or clerks may or may not provide assistance or believe this was part of their responsibility. These aspects included (1) knowledge officials expect individuals to have when they enter the process, and (2) knowledge about various options essential for some individuals to achieve success and the degree to which they believe they should and do share information about these options with individuals—including options individuals might qualify for that would expedite restoration of voting rights.

Although not addressed in the Tennessee Guidelines, it appeared that the initial encounter with county officials occurs frequently when individuals contact their Administrator of Elections. All 11 of the administrators or designated staff member participating in the telephone survey clearly described what they believed to be their responsibilities in the restoration process. The majority said their duties were limited to providing the COR form, telling the individual what office or offices they would need to contact for completion of the form, and submitting completed forms to the Secretary of State’s Office for approval or denial. When these officials received results from the review board, they shared that it was their responsibility to contact individuals and inform them whether they were denied or approved, and to help those approved to register to vote. Given the vague and incomplete

information provided in writing, one might assume that the Administrator of Elections or another designated staff member would be responsible for determining what additional assistance individuals might need to complete their re-enfranchisement. Due process fails unless individuals have equal access to such information.

Clerks described their duties as limited to finding records and certifying one or more items on the COR form. They discussed their difficulty in finding older records that were archived in paper files and not in their county's electronic data base, particularly if an individual could not recall the year of the conviction. Almost every clerk interviewed clearly stated that they have no access to records outside their court. As will be discussed in a later section, these interviews revealed the lack of consistency in offering payment plans for court costs and fees to individuals convicted of felons.

During our telephone surveys, our interviewers asked administrators and clerks whether they expected disenfranchised individuals to know 4 types of information relevant to completing the COR process. (See **Table 3** for the number and types of county officials who said they expected individuals to know each type of information.)

Table 3. Officials' Expectations of Disenfranchised Individuals' Knowledge *Number of officials who expected individuals to know information out of total number responding on survey.		
Type of Information	Administrators' Expectations of Disenfranchised Individuals	Clerks' Expectations of Disenfranchised Individuals
1. If conviction(s) resulted in loss of voting rights	Expected to know (8/10)	Expected to know (15/25)
2. Date(s) of felony conviction(s)	Expected to know (9/10)	Expected to know (12/25)
3. Any additional convictions outside the county court	Expected to know (8/10)	Expected to know (13/24)
4. Eligibility to seek re-enfranchisement	Expected to know (5/10)	Expected to know (12/24)

Most administrators did not believe it was their job to help people with 3 or 4 types of information, other than eligibility to seek re-enfranchisement. In comparison, about half of all clerks felt it was their responsibility to provide all 4 types of information. However, 23 of 25 clerks indicated they had responsibility only to provide information about felony convictions that occurred in their county (see item 3). Two clerks indicated, however, that they assisted individuals by searching a state or national criminal records database. Many clerks noted that while they only needed the individual's name and date of birth or social security number to look up convictions in their electronic database, only the year and preferably the month of the conviction were needed to search paper archives. A few clerks said individuals could get information about additional convictions outside their county from administrators. No administrators reported that they assist individuals with finding additional convictions beyond their county. It was more common, however, for clerks to assert that Probation/Parole officers should assist in finding additional convictions.

Administrators and clerks were also asked whether they provide additional information that might help individuals restore their voting rights. The purpose of this question was to determine whether individuals received assistance in understanding and pursuing options that might overcome challenges to their success or allow them to bypass a major barrier—options for which most people would not know they could pursue. For many, the payment of all legal financial obligations (LFOs) is likely the most common barrier. Individuals need to be told about alternative ways in which they may qualify for re-enfranchisement. One option is to bypass the COR process through **expungement** of court records of certain convictions. Another option, for those who can show they are of

exemplary character, is a petition to a judge to **restore citizenship rights**. (If citizenship rights are restored, the person does not have to pay LFOs prior to restoration of voting rights.) According to a recent law, people who are declared indigent by judicial decree may be able to get a court to **waive some or all court fines and fees**—payments they have little hope of ever paying in full. Those who pay **child support** need to know how to ensure they are current on payments before submitting their COR form(s). Otherwise, they will be denied. In addition, every applicant with **multiple convictions** outside the county of residence needs to know how to search other courts in and outside Tennessee and ensure they find all convictions so they can get a COR form completed and certified in each court. Further, there is no established method of appeal in Tennessee.

County officials' responses as displayed in **Table 4** indicated 3 levels of assistance they provided to individuals seeking restoration of voting rights:

- Not their responsibility—do not share information
- Willingness to tell individuals about each option whether they knew to ask or not
- Willingness to share information—but only if asked

Table 4. Number of Administrators & County Court Clerks Sharing Information Needed by Disenfranchised Individuals *Number at each level out of number of officials responding in each type of office												
Level of provision of information	Expungement		Petition Rights of Citizenship		Legal Financial Obligations		Affidavit of Indigency		Child Support		Process if Records Outside County	
Not their office's Responsibility	Adm. 55% 6/11	Clerk 13% 3/23	Adm. 64% 7/11	Clerk 48% 11/23	Adm. 82% 9/11	Clerk 22% 5/23	Adm. 64% 7/11	Clerk 38% 9/24	Adm. 73% 8/11	Clerk 48% 11/23	Adm. 50% 5/10	Clerk 48% 11/23
Only if asked	Adm. 36% 4/11	Clerk 43.5% 10/23	Adm. 27% 3/11	Clerk 48% 11/23	Adm. 0% 0/11	Clerk 17% 4/23	Adm. 9% 1/11	Clerk 17% 4/24	Adm. 9% 1/11	Clerk 22% 5/23	Adm. 20% 2/10	Clerk 26% 6/23
Tells them	Adm. 9% 1/11	Clerk 43.5% 10/23	Adm. 9% 1/11	Clerk 4% 1/23	Adm. 18% 2/11	Clerk 61% 14/23	Adm. 27% 3/11	Clerk 46% 11/24	Adm. 18% 2/11	Clerk 30% 7/23	Adm. 30% 3/10	Clerk 26% 6/23

Some respondents said they did not provide any information about certain options, often because it did not seem to them to be their office's responsibility. Some acknowledged they did not know about one or more of these areas of information that might greatly affect some disenfranchised individuals. See **Table 4** for the number and percent of administrators and clerks responding at each level. It should be noted that information about alternative options for re-enfranchisement or tips for successfully restoring voting rights does not appear on the Secretary of State's webpage.

Most administrators reported they did not share information about all 6 options. Less than half of clerks also responded in this manner. Only 36% of administrators would share Information about expungement—but only if asked; another 9% would routinely tell individuals about this potential option. Most clerks would share information about expungement. Five administrators stated they would share information about obtaining records outside the county, but 2 of these 5 stated they would share information only if asked. Five of the 10 administrators said this information not their responsibility, leaving individuals to find out later that clerks some or many probation/parole officers could not help them with records outside the county. Information about child support was considered outside the responsibility of 73% of administrators, even though individuals might miss

this requirement since no signature is needed on the COR. Of some concern to us was that 38% of clerks reported it was not their responsibility to inform individuals about the waiver of court fines and fees if they were declared indigent by a judge. Access to this information might determine whether low-income individuals could ever restore their voting rights. Further, 64% of administrators reported they did not share this information.

A few administrators and clerks commented about providing handouts that included information in addition to the COR form, its instructions, and (in some cases) the guidelines provided on the Secretary of State's website. Clerks in 2 counties responded that they provided additional handouts. One reported that if requested, they also gave individuals a voting rights packet and/or an expungement packet. Another clerk stated that they had a D.A. packet but did not say what it contained or whether it provided more than the COR materials. Only 3 administrators said they gave out additional handouts but did not describe what information the handouts contained to interviewers.

It is important to note that both the Tennessee Governor's website and the Secretary of State's website contain webpages and pdfs related to all the topics we included in this part of the study. However, individuals need to know how they relate to restoring voting rights and the COR process. They need to be able to easily find this information. Otherwise, due process fails. It seems highly appropriate for officials to provide this information to individuals. But officials need the knowledge and clear directives to do so.

Officials in 3 counties who participated in the telephone survey mentioned their offices' websites. We found only two of these sites contained information beyond the COR form, its instructions, and the state's guidelines: The first website displayed a brief list of steps, what information to obtain, and where to get it. Legal jargon was used that might not be helpful to an applicant. The second website included a phone number for the Election Commission where an applicant could check whether a decision had been made about their submission. Neither of these websites contained information about any of the 7 items listed above in **Table 4**. It should be noted that we found a Criminal Court Clerk's website in a Tennessee county known for its work in assisting individuals with re-enfranchisement. It contained important information and a link to a comprehensive *Manual for Restoration of Civil Rights Restoration* provided by the CLC Restore Your Vote Project.¹¹ (They mentioned supplements available for 2 Tennessee counties.) The manual and supplements were not developed by the Tennessee government, and in our search were not easy to find on the internet. A search for one of these supplements revealed that it contained links to offices an individual needs to reach in that county regarding completion of the COR form. In addition, the supplement also contained information about potential barriers to re-enfranchisement including legal financial obligations, petition for affidavit of indigency, and issues with child support payments.

These findings suggest a fragmented re-enfranchisement system in which county officials have different understandings of their assigned tasks and provide limited assistance to individuals who have difficulty navigating the COR process. Under these circumstances, who will ensure due process? As one clerk commented, "We process paperwork, not [provide] first-step assistance." Two administrators remarked that they don't look up any records; their job is to give people the Certificate of Restoration form and tell them where to go to get it completed. Another clerk reported that staff in that office don't share information about a petition to restore citizenship rights because they "need to move people through the system." Many officials interviewed seemed to be focused on meeting assigned responsibilities, with limited time to focus on helping individuals overcome barriers to restoring their voting rights. In addition, one administrator commented that individuals will find out whether they are current on child support when they are denied re-enfranchisement. The comment suggested insensitivity to the emotional and practical impact of a denial on persons whose efforts might have succeeded if

they had understood what was required for approval before submitting a COR form. Because Tennessee does not have a standardized appeal process in place, it is particularly important to meet all requirements and avoid denial.

3. Payment of legal financial obligations (LFOs) prior to qualifying for re-enfranchisement through the COR process is an unsurmountable challenge for many individuals due to inconsistent interpretations of the law regarding payment plans for court costs and fees, penalties for lack of payment, fee reduction, and waiver of costs and fees due to indigency.

In 2019, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights submitted a recommendation that the Tennessee General Assembly and the Governor “*consider moving away from LFOs as a funding model.*”¹² The Committee’s summary statement is provided below.

Legal Financial Obligations in the Tennessee Criminal Justice System

“Based upon its investigation, the Committee found that concerns about the negative consequences of an LFO funding model are warranted. Specifically, the Committee found that criminal fines and fees can create barriers to successful reentry and reintegration of formerly incarcerated individuals, and that accrued penal and court debt may exacerbate an individual’s complex challenges in finding stable work, housing, and transportation after a period of incarceration. The Committee also found that the number and type of fees in Tennessee in criminal proceedings have grown substantially in the past decades, vary significantly across county and local courts and are assessed inconsistently, risk creating uncollectable debt for the locale and the potential for perverse incentives for courts to assess such LFOs to add to their own funding. Finally, the Committee found that the harsh consequences of criminal justice related debt appear to fall disproportionately upon women, the poor, and communities of color, contrary to the pursuit of a fair and effective justice system.”

Tennessee Advisory Committee to the U.S. Commission on Civil Rights, 2019¹²

The Committee’s reasons are supported by results of a *Think Tennessee* 2021 telephone survey of Criminal/Circuit Court Clerks.¹³ The *Think Tennessee* authors concluded that “*Tennessee and the broader Tennessee public are harmed by inequitable, and often insurmountable, court debt. Specifically, we conclude that Tennesseans who are low-income, Black and/or rural are disproportionately impacted by fines and fees, and that fines and fees create serious barriers to housing and employment, potentially increasing rates of recidivism and thus negatively impacting Tennessee communities.*”

This barrier not only keeps individuals from meeting COR process requirements, but also can result in loss of their driver’s license if they miss one or more payments, depending upon practices that vary from county to county. By law, since 2011 the Department of Safety can revoke driver’s licenses for failure to pay LFOs over an extended period. In 2019, however, a new law went into effect that requires income-based repayment plans and even a waiver of court debt for individuals granted an affidavit of indigency. *Think Tennessee* concluded from their survey that “most counties technically make payment plans available to low-income Tennesseans with court debt, but access to those plans—as well as procedures for implementing them and for suspending the driver’s licenses of Tennesseans who have fallen behind on their payments—varies widely across counties.”

In part because of these findings, we decided to include items in our telephone survey that might provide greater understanding of the degree to which clerks were sharing information with COR individuals about

payment plans, fee reduction, and penalties for missed payments. **Table 5** displays the number and percentage of clerks responding to this part of the survey. (Note that the number of County Court Clerks' level of sharing information about a petition for an affidavit of indigency is included in the prior table.)

About half of clerks in our survey responded that they tell individuals about payment plans and penalties for lack of payment. But less than 30% said they share information about the possibility to seek payment reduction—unless individuals know to ask for this information. Clerks in 2 counties reported they do not offer payment reduction in their counties. Of most concern were the comments of clerks who told us it was not their responsibility, that someone else would provide that information.

Table 5. Percent and Number of County Court Clerks Level of Sharing Information Needed by Disenfranchised Individuals about Legal Financial Obligations (LFOs).

	Payment Plan	Payment Reduction	Penalty
Not my responsibility Do not tell	24% (5 of 21)	27% (6 of 22)	13% (3 of 23)
Only if asked	19% (4 of 21)	32% (7 of 22)	17% (4 of 23)
Tell them	57% (12 of 21)	41% (9 of 22)	70% (16 of 23)

4. Lack of access to accurate and complete criminal court databases inhibits individuals in finding information needed to obtain court records for all felony convictions for which a COR must be completed (in other Tennessee county courts, in federal courts, and in other states.)

The COR process requires submission of completed COR forms for every separate conviction of a felony. As we discussed earlier, many individuals may have been unable to keep copies of their records. They may not recall the location of each court and/or found records that were expunged or cases that were dismissed and yet never removed from criminal court records. While the COR process allows officials engaged in the Tennessee COR process to search for records outside their county, most clerks in this study reported they have no access beyond their own county. As presented in **Table 4**, 50% of administrators and 48% of clerks stated it is not their responsibility to provide information about how to obtain records outside their county. Another 30% of administrators participating in our study, and 26% of clerks reported that they tell individuals about this need and provide information about how to search.

Because Tennessee has never provided a state-wide database for criminal court records, searching for records outside a given county is very difficult. At the same time, we have information to suggest that Probation/Parole officers, or at least a designated officer in each county, can search for convictions beyond their own county. Our findings indicate many counties may not offer this service because it is not an explicit responsibility. These officers are only certifying the COR form in their own assigned county. Unfortunately, we were unable to include Probation/Parole Officers in this study.

LWV volunteers with considerable experience helping individuals restore their voting rights have provided information that questions whether due process is occurring related to searching for records of convictions beyond a given county. As part of these volunteers' extensive procedures and prior to submitting COR forms for an individual, they always request a search by the State Election Attorney to ensure that all convictions in Tennessee, other states, and federal courts have been found. This is especially important since even one missing COR results in a denial of rights—and there is no established appeal process. Note that the Election Attorney makes the final determination of approval or denial based on submitted COR forms. LWV volunteers frequently

request information about the database used by this official but have never been able to get a clear answer. They also discussed problems with databases in nongovernmental entities that charge for their use and/or rely upon staff for voluntary data entry. As a result, many of these databases may be inaccurate and/or incomplete.¹⁴

Clearly, Tennessee cannot meet due process standards for restoring voting rights if disenfranchised individuals and those assisting them lack access to a reliable database to ensure that information provided on COR forms is complete and accurate.

CONCLUSIONS AND RECOMMENDATIONS

The state may claim to have a uniform certification of restoration (COR) process to determine eligibility for re-enfranchisement of individuals with felony convictions, but findings of the LWVTN survey reveal stark inconsistencies in implementation of Tennessee's COR process across counties and among county officials. In that respect, our survey results are consistent with those of other studies referenced in this report. The primary focus of this study, however, was focused on officials engaged in the COR process at the county level as they serve individuals applying for or seeking information about restoration of voting rights.

The Tennessee process for restoring voting rights does not involve an application by those seeking re-enfranchisement due to felony convictions. Requirements are stricter than in most states and the type of felony convictions that allow for re-enfranchisement vary depending on the law in effect at the time of sentencing. They include completion of a sentence and any probation or parole, payment of court costs and fees as well as restitution, and documentation that the individual is current on child support, if applicable. Instead, individuals engaged in the process for restoration of voting rights are required to pursue authorized officials in each county, federal court, or other state where they received a conviction and request that they complete a Certificate of Restoration (COR) form. No county official is required to help individuals find records outside their given county. These officials must complete the COR form and certify the individual meets requirements for re-enfranchisement listed therein. The individual must return all COR forms to the Administrator of Elections who sends them to the Election Attorney in the Secretary of State's Office who determines whether to approve or deny restoration of voting rights. No time limit is set for a decision by the State. No appeal process has been formalized for those individuals who are denied.

After listening to county officials' varying accounts of their responsibilities and experiences, it was almost impossible to imagine how this complicated, confusing process could be implemented consistently across all counties. Some officials who responded to survey questions demonstrated a clear understanding of their assigned duties related to the COR process but an inaccurate understanding of Tennessee's voting rights restoration laws. Some respondents acknowledged unfamiliarity with state laws and policies, including options for re-enfranchisement that do not require completion of COR forms, as well as the availability of information about convictions requiring completion of a COR form. Officials surveyed also differ in what they expect individuals to know or find out on their own, and the extent to which they are willing and able to help expedite applications to restore voting rights and/or enhance the likelihood of approval. These discrepancies in access to information place individuals at higher risk of being denied the right to re-enfranchisement through no fault of their own. Without uniform application of current law across all jurisdictions of the state, equality of due process breaks down.

Disenfranchised individuals are required to pay all legal financial obligations related to each conviction before they can apply for restoration of voting rights in Tennessee. But county officials' understanding of what

legal financial obligations include varies from county to county. This inconsistency results in the unintended consequence that disenfranchised individuals with higher incomes can effectively “buy” their way back to citizenship, while poorer individuals cannot—without knowing about the possibility of indigency waivers. Some struggle for years to resolve debts and remain disenfranchised.

Interpretations of Tennessee’s successive, contradictory voting laws and how they affect convictions that occurred years ago in different jurisdictions requires legal sophistication that county officials who help with the COR process may not have. Interpretations of the law vary from one county to another and from local governments to the Tennessee Secretary of State’s Office. Clearly, systematic failures of the current process for restoring voting rights in Tennessee contributes to the very high numbers of individuals in our state for whom democracy does not work. One could say that the system is broken, but it seems never to have worked.

The LWVTN survey findings reveal four systematic impediments that contribute to low rates of success in restoring voting rights for disenfranchised citizens in Tennessee. These impediments and recommendations for alleviating them are summarized below.

1. Lack of clarity in Tennessee’s Certificate of Restoration (COR) process contributes to inconsistent procedures across counties.

Neither the instructions for completing the COR form nor the guidance posted on the Secretary of State’s website clearly explain which office has the “proper authority/agent” that can certify each item on the form. The role of Administrators of Elections is not defined in these documents (beyond the official to whom completed CORs should be submitted), nor is the Criminal or Circuit Court Clerk Office mentioned. (Note that some clarification was added in the revised guidance posted by the Secretary of State when new requirements were added in July 2023.) We learned through personal correspondence that a clerk who handles county records for felonies can sign all items on a COR that addresses convictions in that county, and that a county Probation/Parole Officer is also authorized to sign all items. When we asked about the process in their offices, however, some clerks responding to our survey said individuals must get a Probation/Parole Officer to complete a part of the form before they would look at it, while other clerks stated that individuals should come to their office first and then take their form to the county’s Department of Corrections. While we do not know details about each county official’s understanding of when to encourage an applicant to petition for an affidavit of indigency that by law would waive legal financial obligation, comments from some clerks suggest they seldom have individuals pursue this option.

Most troubling is the lack of information about voting rights restoration provided to all individuals seeking this information. As described earlier in this report, a clear understanding of the COR process requires careful reading of the briefly written instructions for disenfranchised individuals AND the instructions for officials who must complete the form. The COR process clearly indicates that individuals are not permitted to complete parts of the COR form requiring documentation of convictions. This leaves individuals dependent upon county officials, mentors, or attorneys to assist them with the COR process. Survey results indicate that individuals typically seek assistance from Administrators of Elections, but also show that officials in the Election Commission office vary greatly in the amount of assistance they provide.

Recommendation #1: The Secretary of State should (1) investigate the differences that exist from county to county in implementation of COR procedures and (2) revise as necessary to ensure consistent due process. Further, we recommend that the Secretary of State provide oral and written training for county officials about their responsibility to ensure due process and the COR procedures.

2. Many county officials do not provide equal treatment to individuals including access to information about legal requirements and options that can improve success in restoring voting rights.

Officials vary widely in the amount and kinds of assistance they provide to individuals attempting to restore their voting rights. While officials with the same title (administrator or clerk) tended to hold similar expectations for what individuals should know, there are significant variations in the information these officials provide, according to survey participants. All officials interviewed clearly described their duties as they understood them and displayed a positive professional stance regarding the accomplishment of those duties. But the duties they discussed focused primarily on bureaucratic accomplishments related to paperwork than with mitigating difficulties that disenfranchised individuals encounter in applying for restoration of their voting rights. In addition, more county officials than expected expressed a lack of understanding of Tennessee's voting restoration laws and legal procedures that could affect success or failure in restoring voting rights.

Recommendation #2: The Secretary of State should develop an easy-to-understand packet to be shared with individuals seeking re-enfranchisement that contains the COR and its instructions as well as all information that may be applicable, including • which authorities should sign the COR, • information about expungement, • affidavit of indigency, and • instructions on how to check that child support is current. These packets should be made available in all offices that provide services to individuals convicted of a felony including all incarceration facilities, probation/parole offices, and appropriate Criminal/ Circuit Court Clerk offices. Further, we recommend officials receive training to ensure (1) they understand legal requirements and important alternative options for qualifying individuals, and (2) they understand their responsibility to provide equal treatment and access to information for every person seeking re-enfranchisement.

3. Payment of legal financial obligations (LFOs) prior to qualifying for re-enfranchisement through the COR process is an unsurmountable challenge for many individuals due to inconsistent interpretations of the law regarding payment plans for court costs and fees, penalties for lack of payment, fee reduction, and waiver of costs and fees due to indigency.

Obtaining information about the *process* of determining LFOs in each county was beyond the scope of our survey. We could, however, look at the level of information that survey respondents provided related to LFOs, payment plans, and penalties for not making payments, as well as the indigency factor, which may well be the largest impediments to an individual's success in restoring voting rights. These impediments may be compounded by county policies that encourage officials to avoid sharing information about the indigency factor, payment plans and reductions.

Recommendation #3: The Secretary of State should (1) establish and share a standardized list of acceptable charges for court costs and fees, (2) provide written information about LFO options in simple language understandable to individuals without advanced education; and (3) designate officials to explain LFOs and specify where additional help is available if needed.

4. Lack of access to accurate and complete criminal court databases inhibits individuals in finding information needed to obtain court records for all felony convictions for which a COR must be completed (in other Tennessee county courts, in federal courts, and in other states.)

Individuals who have been convicted of felonies in more than one county are faced with a serious impediment to applying for voting rights restoration, especially when they cannot recall the county or state in which the conviction occurred or are unsure how many convictions they have had. They need access to a reliable

source of information and assistance in finding documentation of these convictions. Every Tennessee county has its own database and archived records on written documents take an extended length of time to find. While a few officials in our study reported they would assist individuals to find convictions records outside their county, almost all clerks reported they could only look up cases in their county's records. None of them suggested an accurate and complete national database to search. We wonder why a governmental database with no fee is not readily available for individuals to look up their own records, or for a person assisting them to do so.

Recommendation #4: The Secretary of State should (1) provide public access to the same database(s) used by the state officials to obtain information about felony convictions prior to authorizing re-enfranchisement; and (2) assign Probation/Parole Officers in each county to conduct state and national database searches on behalf of individuals seeking re-enfranchisement.

These 4 findings and recommendations for change provide a clear contrast with current movement in the United States regarding restoration of voting rights to citizens convicted of felonies. In the CCRC introduction the *Many Roads from Reentry to Reintegration*¹⁵, Chin describes the growing movement in many states to improve processes for re-enfranchisement. He discusses 5 principles for such processes: they need to be accessible, effective, coordinated, fair, and administrable. Clearly, Tennessee's process would benefit greatly by revisions that meet these principles. And the LWVTN recommendations, if implemented, point the way.

Most Americans agree that people arrested or convicted of crime should not be relegated to a permanent subordinate status.

Gabriel Chin, Introduction to
Road to Reentry and Reintegration

Indeed, the LWVTN findings from a survey of officials engaged in the Tennessee process for restoring voting rights reveal serious violations of due process for people convicted of felonies who complete their sentences and are eligible for re-enfranchisement. Due process protects individuals by ensuring legal rules and principles are clear and enacted by officials in a consistent manner. When low-income individuals engaged in the COR process are not offered payment plans, due process fails. When very low-income individuals are uninformed that they can petition for an affidavit of indigency that could waive court costs and fees, due process fails. When individuals are uninformed that they may qualify for expungement of some court records, due process fails. When officials assigned duties as part of procedures in the COR process are not well informed about due process, then can only fail. Without due process, the rule of law is broken. The recommended changes in policy, however, go a long way in allowing democracy to work for everyone.

REFERENCES

- ¹The Collateral Consequences Resource Center. Tennessee Restoration of Rights & Record Relief. December 25, 2022: <https://ccresourcecenter.org/state-restoration-profiles/tennessee-restoration-of-rights-pardon-expungement-sealing/>
- ²The Sentencing Project. Uggen, Christopher; Larson, Ryan; Shannon, Sarah; Stewart, Robert. *Locked Out 2022: Estimates of People Denied Voting Rights*. October 2022: <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>
- ³The Sentencing Project. Uggen, Christopher; Larson, Ryan; Shannon, Sarah; Pulido-Nava, Arleth (2020). *Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction*. October 2020: <https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf>
- ⁴Campaign Legal Center (CLC) Restore Your Vote Program. Blair Bowie, September 2018. Written Testimony of Campaign Legal Center, before the U.S. House of Representatives Committee on Judiciary, Subcommittee on Constitution, Civil Rights and Civil Liberties' Hearing on "Discriminatory Barriers to Voting," Memphis, Tennessee. <https://campaignlegal.org/sites/default/files/2019-10/Testimony%20of%20Restore%20Your%20Vote%20Tennessee%20to%20Judiciary.pdf>
- ⁵United States District Court for the Middle District of Tennessee, Nashville Division. TN-NAACP v. Lee. Case 3:20-cv-01039 Document 1 Filed 12/03/20. Complaint for Declarative and Injunctive Relief, p. 2. <https://campaignlegal.org/sites/default/files/2020-12/1%20-%20Complaint%20for%20Declaratory%20and%20Injunctive%20Relief%20%281%29.pdf>
- ⁶United States District Court for the Middle District of Tennessee, Nashville Division. TN-NAACP v. Lee. Case 3:20-cv-01039 Document 83 Filed 03/30/22. Decision of the Court Re: State Defendants' Motion to Dismiss. <https://campaignlegal.org/sites/default/files/2022-04/083%20Order%20MTD.pdf>
- ⁷Tennessee Secretary of State. *Restoration of Voting Rights Guide*. <https://sos.tn.gov/elections/guides/restoration-of-voting-rights>
- ⁸Personal communication, Maureen Organ, LWVN co-coordinator of services to clients seeking to restore voting rights. November 2020.
- ⁹Email from Jessica Cunningham Lim, Elections Attorney, Division of Elections, Office of Tennessee Secretary of State Tre Hargett to Maureen Organ, LWV of Nashville, co-coordinator of direct services to clients seeking to restore their voting rights.
- ¹⁰ACLU Alabama Guidelines for Voters Convicted of Crimes. <https://www.aclualabama.org/sites/default/files/handout-votingrightsrestoration.pdf>
- ¹¹*Manual for Civil Rights Restoration: To Help People with Convictions Vote in Tennessee*. Prepared by RestoreYourVote.org, September 2019: <https://campaignlegal.org/sites/default/files/2021-12/TN%20Manual%2012-21.pdf>

- ¹²Tennessee Advisory Committee to the U.S. Commission on Civil Rights. Diane Di Ianni, Esq., Chair. Legal Financial Obligations in the Tennessee Criminal Justice System: A Report of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights, November 2019. <https://www.usccr.gov/files/pubs/2020/01-15-TN-LFO-Report.pdf>
- ¹³Think Tennessee (December,2021). Beyond payment plans: Breaking the cycle of court debt in Tennessee. <https://www.thinktennessee.org/wp-content/uploads/2021/12/beyond-payment-plans-breaking-the-cycle-of-court-debt-in-tennessee.pdf>
- ¹⁴Personal communication. Amy Kurland. LWVN co-coordinator of services to clients seeking to restore voting rights. February 2023.
- ¹⁵ The Collateral Consequences Resource Center. The Many Roads from Reentry to Reintegration: A National Survey of Laws Restoring Rights and Opportunities after Arrest or Conviction. Introduction by Gabriel J. Chin. Margaret Colgate Love, March 2022: https://ccresourcecenter.org/wpcontent/uploads/2022/08/MRFRTTR_8.24.22.pdf