

Tennessee Secretary of State

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MEMORANDUM

To: County Election Commissions

From: Mark Goins *Mark Goins*
Coordinator of Elections

Date: July 21, 2023

Subject: Restoration of Voting Rights

In a recent case, *Falls v. Goins*, No. M2020-01510-SC-R11-CV (Tenn. Jun. 29, 2023), the Tennessee Supreme Court held that to restore one's voting rights in Tennessee, a person convicted of an infamous crime in another state who had not regained the right to vote in the other state must comply with the provisions set forth in Tenn. Code Ann. § 2-19-143(3) and the additional requirements of Tenn. Code Ann. §§ 40-29-201 through 40-29-205 requiring a two-step process. Although the Court indicated that the holding in *Falls v. Goins* was limited to the facts before them, the application of the holding to other governing statutes requires the same interpretation to those convicted of a felony in both federal and Tennessee state courts because the statutory language that applies to in-state and federal felonies closely aligns with the statutory language at issue in *Falls v. Goins*.

Therefore, a person convicted of a felony in a Tennessee court, an out-of-state court, or a federal court must:

1. Have been pardoned by a Governor, U.S. President, or other appropriate authority of a state, or have had full rights of citizenship restored as prescribed by law, **and**
2. Have paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence, if any; **and**
3. Have paid all court costs assessed, if any, unless the court made a finding of indigency; **and**
4. Is current in all child support obligations, if any.

In light of this interpretation of the voter restoration statutes, we will stop using the existing Certificate of Restoration of Voting Rights (COR) – SS-3041 (Rev. 3/20) and begin using the COR included with this memo. With the use of the revised COR, you will note the following changes:

1. The first box of the form must be completed by the individual wanting to have voting rights restored. This section of the form collects the applicant's name, identifying information, contact information, and whether the individual received a pardon or has had full rights of citizenship restored.
2. The second box requires an agent of your organization to provide information about the felony conviction, restitution, if any, and court costs, if any.

Specifically, in BOX #2, the proper authority/agent must provide the following information:

a) Felony Conviction Information:

- List the crime(s) for which the applicant was convicted. If the applicant has more than one felony, a separate COR must be used for each felony conviction.
- The statute for the felony offense for which the applicant was convicted.
- The month, date, and year the applicant was convicted of the felony.
- The applicant's TOMIS ID No., County of Conviction, and the Case Number of the felony conviction.

b) Restitution:

- Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

c) Court Costs:

- Check the appropriate box as it relates to any court costs that were or were not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

For the person to have voting rights restored, the person must submit evidence of either a Pardon by the appropriate authority, or evidence of the person's full rights of citizenship having been restored, such as by a court. A copy of the applicable document must be submitted with the COR. If the person has had full citizenship rights restored by a court, then a certified copy of the court order is required.

A person who submits a COR without evidence of either a Pardon by the appropriate authority, or evidence of the person's full rights of citizenship having been restored must be instructed to provide evidence of either one of these requirements.

If you have any questions about this revised process, do not hesitate to contact my office.

Thank you for your diligence and assistance in restoring the voting rights of eligible individuals previously convicted of a felony.



CERTIFICATE OF RESTORATION OF VOTING RIGHTS for Persons Convicted of a Felony on or after May 18, 1981

This includes any federal or state felony conviction
both within Tennessee or from another state.

Eligibility

You must 1) have been pardoned by a Governor, U.S. President, or other appropriate authority of a state, or 2) have had your full rights of citizenship restored as required by law; and 3) not owe restitution to the victim(s); 4) have paid all court costs assessed against you, if any, unless the court made a finding you were indigent; and 5) be current in all child support obligations, if any.

1. To Be Completed by Applicant:

I hereby attest that the following is true and correct, to the best of my knowledge:

a. _____
Last Name First Name Middle Name

DOB: _____ - _____ - _____
Month Day Year SSN: _____ - _____ - _____

b. _____
Residential Address City State County

_____ Phone Number _____ Email Address (Optional)

c. Check one:

- I have been pardoned by a Governor, U.S. President, or other appropriate authority of a state (Copy attached.); or
 My full rights of citizenship have been restored as required by law. (Copy attached. If a court order, it must be a certified copy.)

Signature: _____ Date: _____

2. To Be Completed by an Agent of the Pardoning Authority, an Agent or Officer of the Incarcerating Authority, or a Probation/Parole Officer or Agent of the Supervising Authority.

a. _____ / _____ / _____
Felony Offense Conviction Statute(s) Month/Date/Year of Conviction

_____ TOMIS ID, if Applicable _____ County and State of Conviction _____ Case Number

b. Restitution

I hereby certify that the following is true and correct: (check one)

- Restitution is not owed; or
 Restitution ordered by the court is owed; or
 For Federal Convictions Only, 18 U.S.C. § 3613(b) applies in this case and therefore the liability to pay has expired.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Address: _____ Phone Number: _____

c. Court Costs

I hereby certify that the following is true and correct: (check one)

- Court costs are not owed; or
 Court costs ordered by the court are owed; or
 The court has made a finding at an evidentiary hearing that the above individual is indigent at the time of application.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Address: _____ Phone Number: _____

Instructions for Completing the Certificate of Restoration

In order to complete any section of this form, the agent must have access to the information being attested to on this form.

1. In **SECTION #1**, the applicant must provide the requested information and a signature attesting to the information provided.

NOTES for 1.c.:

- If the applicant received a pardon by a Governor, U.S. President, or other appropriate authority of a state, a copy of the pardon must be attached to the application.
- If the applicant had full rights of citizenship restored, a copy of the instrument restoring the full rights of citizenship must be attached to the application. If that instrument is a court order, a certified copy of such order must be attached to the application.

2. In **SECTION #2**, the proper authority/agent must provide the following information:

a. Felony Conviction Information:

- List the crime(s) for which the applicant was convicted.
- The statute for the felony offense for which the applicant was convicted.
- The month, date, and year that the applicant was convicted of the felony.
- The applicant's TOMIS ID No., County and State of Conviction, and the Case Number of the felony conviction.

b. Restitution:

- Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

c. Court Costs:

- Check the appropriate box as it relates to any court costs that were or were not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

Persons convicted of any of the following, cannot have their voting rights restored:

- Between July 1, 1986, and June 30, 1996 – first degree murder, aggravated rape, treason, or voter fraud
- Between July 1, 1996, and June 30, 2006 – murder, rape, treason, or voter fraud
- On or after July 1, 2006 – Any of the above, or any degree of murder or rape or any felony offense under TCA Title 39, Chapter 16, parts 1, 4, or 5; or any sexual offense under TCA § 40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony and where the victim of such offense was a minor

Instructions to the Applicant Seeking to have His or Her Voting Rights Restored:

- After completion, the original form must be filed with the local county election commission office in the county the applicant desires to register to vote.

NOTICE

A person is not eligible to apply for a voter registration card and have their voting rights restored unless the person is current in all child support obligations. Before restoring the voting rights of an applicant, the Coordinator of Elections will verify with the Department of Human Services that the applicant does not have any outstanding child support payments or arrearages.