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*Recording history one document at a time.*

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## **RESTORATION OF RIGHT TO VOTE**

The Pima County Recorder's Office receives numerous inquiries concerning a convicted felon's right to vote. The following information is provided as a courtesy only.

Under Arizona law, a person who has been convicted of a felony offense has their civil rights suspended. Those rights include the right to vote or to seek and hold public office, the right to serve on a jury and the right to possess a gun or firearm, among other rights, A.R.S. § 13-904. The Recorder's Office is only providing the following information regarding voter registration. After a felony conviction, a person may have their right to vote restored. The procedures are as follows:

### **Single Felony Conviction**

If the person has been convicted of one single felony offense, regardless of the classification of the offense, the process is easy. Please note that this does not mean only one criminal case number. A person may be convicted of more than one felony offense in a single case number. If a person has only been convicted of a **single felony offense**, the right to vote is automatically restored as soon as the court-imposed sentence has been completed. The person must fully complete the sentence before the automatic restoration of the right to vote applies. For example, if a prison sentence was imposed, the person must also complete the parole or community supervision period before they are eligible. If a fine or restitution was imposed, that fine and/or restitution must be paid in full. When the individual has completed the sentence, in this situation, the only action they need to take to be eligible to vote is to complete and submit a new registration form. In this situation, the person does not have to apply to the court to have the right to vote restored; it is automatic, A.R.S. § 13-912.

### **Two or More Felony Convictions**

If the person was convicted of two or more felony offenses, either in a single criminal case or in separate cases, the individual (or their attorney) must petition the court that sentenced them for restoration of their civil rights, including the right to vote. For example, if a person was sentenced in Maricopa County, they must petition the court in Maricopa County; they may not petition the court in Pima County.

There are time limits depending on the type of conviction and the sentence imposed. If the sentence imposed was only a period of probation, the petition may be filed as soon as the individual has been discharged from probation, A.R.S. § 13-905. If the court imposed a prison sentence, the petition may not be filed until two years after the person has completed the prison sentence and any period of parole/community supervision, A.R.S. § 13-906.

It is up to the judge whether or not to grant the petition. People who were sentenced to lifetime probation for some types of offenses will never complete their sentence and therefore are not eligible to have their rights restored under the statute.

An information packet and form to file for restoration of civil rights is available from the **Criminal Section of the Pima County Clerk of Superior Court's office, at 110 West Congress**. For more information, please call the **Clerk of Superior Court at 740-3200**.

#### **Persons Adjudicated Delinquent as a Juvenile Offender**

A juvenile offender found to be delinquent by the juvenile court does not lose most of their civil rights, even if the offense would have been a felony offense had the juvenile been an adult. The juvenile does lose the right to possess a firearm or gun, but not the right to vote, A.R.S. § 13-912.01. If the juvenile was treated as an adult under the law, the conviction does suspend the right to vote and the procedures set forth above apply.

#### **Procedure to Re-register**

Once a person's civil rights have been restored, in order to be eligible to vote, that person must complete and submit a new voter registration form. The felony conviction resulted in the canceling of their registration and merely having civil rights restored does not "un-cancel" the registration. A new registration form is required.

The voter registration form in Arizona is an affidavit. When a person completes the form, they are stating that either they have not been convicted of a felony offense, or if they were, their right to vote has been restored. If a person signs and submits the form and they are not eligible to vote, they have committed a felony offense merely by registering to vote, A.R.S. § 16-182. Should that person also actually vote in any election, they have committed another felony offense, A.R.S. § 16-1016.

The Pima County Recorder's Office does not require proof of the restoration of civil rights prior to processing a voter registration form. Our acceptance of the form does not constitute a verification that we agree that a person's right to vote has been restored. A person with a felony conviction in their past is encouraged to consult with their attorney to resolve eligibility issues before they complete and submit a new voter registration form. The Pima County Recorder's Office refers all suspected cases of false registration to the appropriate law enforcement agency for investigation and prosecution.