

# A GUIDE TO RESTORING VOTING RIGHTS IN SHELBY COUNTY TENNESSEE

**Written By Ashley Caldwell for Restore Your Vote**

Please note that this handbook is a local supplement to the Restore Your Vote Tennessee Rights Restoration Manual. For general information on voting rights restoration in Tennessee, please see the manual. We have also created local supplemental handbooks for Davidson County and Knox County. Visit <https://campaignlegal.org/cases-actions/felony-voting-rights-restoration-tennessee> to find all of our Tennessee materials.

## In-taking Information:

Ensuring you have valid information is crucial when doing your intakes the most important information to receive is:

Personal info: Name, Birthday, & **Contact Info (phone number, physical location)**

- Though it is important to have a valid way of contacting them to follow up and move them through the process, don't be discouraged to help people experiencing homelessness that may not have a phone.
- Most people experiencing homelessness may not have an address of phone but most of them have a location(s) in which they frequent. I have quite a few people that I contact by foot when I need their input or have an update.

Conviction Info: Type of conviction, year of the conviction, and **where the conviction took place**

- The place of conviction is SUPER important for ensuring you have valid information, because ALL convictions and records need to be verified and saved.
- In order to look up people's convictions and records you will have to obtain the information from the county in which the conviction took place.

## Looking up records:

**If the conviction occurred in Shelby County you can look up their record and case information using their name and birthdate on the online Criminal Justice Portal: <https://cjs.shelbycountyttn.gov>**

In order to look up records on the Criminal Justice Portal you will first have to set up an account on the site, which is free and available to anyone.

After setting up your account, you will go to the Smart Search option, then proceed by putting in “Last Name, First Name” then narrow down the correct person by looking for their birthday.

Once you identify the correct person, you should save and check their records and all their cases for disqualifying convictions (list found on page 9 of the Manual for Civil Rights Restoration) and for outstanding court costs.

Please note that you will meet plenty of people in Memphis who have convictions outside of the city or **state**. For convictions in Davidson or Knox County, consult our local handbooks for those counties. For other counties, contact the clerk of court in those counties. **Please contact Restore Your Vote for questions about out of state convictions.**

## Rights Restoration Local Procedures:

For general information, see pages 7 - 13 of the Manual for Civil Rights Restoration

### **Confirming COR Eligibility for Convictions in Shelby County**

See pages 7-9 in the Manual for Civil Rights Restoration

#### **A. Do they have a disqualifying conviction?**

See chart on page 9 of the Manual for Civil Rights Restoration

There are not many convictions that will disqualify a person, and the list of what convictions do disqualify a person also hinges upon what year their conviction took place due to that short list changing several times.

**B. Is their sentence complete? (This includes a completion of probation or parole)**

If the answer is no, then they are not eligible for restoration.

**C. Do they have outstanding child support?**

Child support must be up-to-date per requirement of TN law. If the answer is no, contact Department of Human Services to request either a payment plan -or- a reassessment of the person's financial status (this is the best route for folks experiencing extreme hardship).

**D. Has their restitution been paid in full?**

Most people have to pay their restitution in full in order to successfully complete their parole or probation requirements. There is no way to check for restitution on the online Criminal Justice Portal, but the Clerk's office work under an understanding that if probation or parole is complete then the restitution requirement must have been met.

**E. Have their court costs been completely paid?**

If someone has not paid off their court costs, they may be able to get a cost waiver to reduce the amount or a judicial declaration of indigence to excuse them from this requirement.

**Court Cost Waiver Request**

An attorney can make a motion to the court to waive the outstanding debt to the courts due to a person's current economic circumstances

- The individual **MUST** be present in court to answer questions about their current financial state.
- The best results are obtained when a person come prepared with their income statements, verification of a current hardship (i.e. hospital bill, welfare benefits, etc)
- This can result in 4 different outcomes, the judge can either:
  1. Declare them indigent and completely waive their court costs.
  2. Declare them indigent and set them up on a payment plan.
  3. Reduce the amount of the costs to a figure deemed more reasonable for the person to pay.
  4. Deny the motion all together and require them to pay in full.

**Removal of Court Costs Requirement**

Instead of requesting that their costs be waived, an individual can ask a court to remove the *requirement* of court costs for voting rights restoration. In other words,

they owe their outstanding balance, but they Can move forward with getting their voting rights restored. This request must be made through a motion to the court.

#### **Getting on a payment plan**

The Clerk's office will also set people up on a payment plan within their means to pay, but when going this route if their debt is high it may take time before it is paid in full.

#### **Obtaining a Certificate of Restoration (COR) in Shelby County**

The simplest method of rights restoration is a Certificate of Restoration. However, not everyone qualifies to receive a COR. Consult the Manual for Voting Rights Restoration to first determine if the person you are assisting qualifies.

Though the law states that this form can be filled out by someone at the office of Probation & Parole or the Clerk's office, the Shelby County Office of Probation & Parole does NOT fill them out. You must have the Shelby County Clerk fill them out.

The Criminal Clerk's office is the only location currently filling them out (located on the 4th Floor in the 201 Poplar building).

The first step of the process is getting the Escrow department to pull and print a copy of the person's financial history, this only takes a few minutes. However, for anyone with a case prior to the 2000s you will have to request their jacket from the archives (this is a 3 - 5 day process), they will both mail the individual who's records you request and call you to pick up physical copies.

Online financial records can be found in the individual case documents on the Criminal Justice Portal but the financial history on cases prior to the 2000s are unreliable on the site, so you will want to request jackets for all of them at the Clerk's office. To request this information you also need the person's full name and birthday.

Once the clerks have located the relevant information, they will fill out the COR. It must then be transferred to the County Elections Division. It will be sent to Nashville for processing and once it is accepted, the individual will need to register to vote.

## **Memphis Resources**

### **Legal Referrals:**

Memphis Area Legal Services

Contact: Danielle Woods

Email: [dwoods@malsi.org](mailto:dwoods@malsi.org)

Direct Phone Line: (901) 255-3421

Office Location: 22 N. Front Street, Suite 1100

**Shelby County Criminal Clerk's Office**

COR Contact: Cassandra Horton

Direct Phone Line: (901) 222-3375

Office Location: 4th Floor of 201 Poplar

Escrow (Accounting Department)

Phone Line: (901) 222-3258

Office Location: 4th Floor of 201 Poplar

Dir. of Admin Services Anna Whalley

Direct Phone Line: (901) 222-3318

Office Location: 4th floor of 201 Poplar

Sandra Sandridge

Direct Line: (901) 222-3268

Office Location: 4th floor of 201 Poplar

**Federal Restoration Office:**

Office Location: 167 N Main Street, Room 234

Phone: 901-495-1400

**Shelby County Election Commission**

Locations:

157 Poplar Ave Suite 137, Memphis, TN 38103

980 Nixon Dr, Memphis, TN 38134 (mailed applications go here)

Phone number for both: (901) 222-1200

