

# Georgia Should Restore Voting Rights to 234,000 Citizens

Georgia denies the vote to its citizens with a felony conviction at a rate that exceeds the national average—3.1% of the state’s voting age population versus 2.0% nationally.<sup>1</sup> Georgia’s Black citizens are significantly more likely to be disenfranchised than non-Black citizens, with 5.2% of Georgia’s Black voting age population currently denied the vote.<sup>2</sup> Georgia denies the vote to all people in prison, on probation or parole and is thus more prohibitive than 24 states and Washington, DC.<sup>3</sup> In order to promote democracy and ensure all its people are represented, Georgia lawmakers should extend voting rights to all people affected by the criminal legal system in the state.

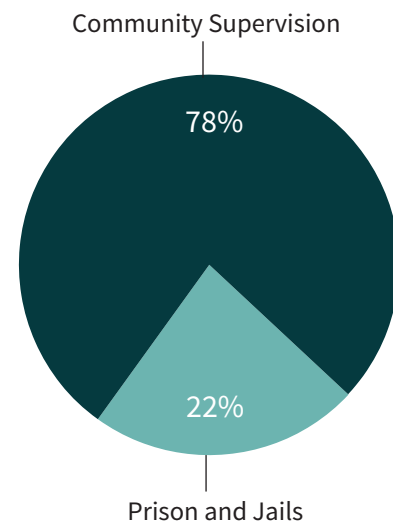
## Most Disenfranchised Georgians Reside in the Community

Despite recent clarity provided by Georgia’s Secretary of State regarding restoration of voting rights after the payment of assessed fines and fees, Georgia’s disenfranchisement rate remains high due to strict voting laws and the share of residents placed under correctional control.<sup>4</sup> Georgia’s community supervision population rate is the largest in the country.<sup>5</sup> Research by the Council of State Governments Justice Center shows that the average length of felony probation in Georgia is 6.3 years, nearly double the national average.<sup>6</sup> Currently, over 180,000 Georgians are ineligible to vote because they are under felony probation or parole.<sup>7</sup> Georgia’s high rate of community supervision occurs alongside its above average imprisonment rate (433 per 100,000 residents)—higher than that of all of its neighboring states.<sup>8</sup>

## Georgia’s Laws are Outdated and Confusing

Georgia’s felony disenfranchisement law dates back to 1877. During the state’s constitutional convention, officials added the wording, “no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”<sup>9</sup> The phrase ‘moral turpitude’ has never been defined by the state. In practice the phrase has included every crime classified as a felony.<sup>10</sup>

## Georgia’s Disenfranchisement of People with Felony Records, 2022



## Racial Disparities in Criminal Justice Drive Disparities in Political Representation

Felony disenfranchisement bears unequal weight on communities of color in Georgia, largely due to disparities in the state’s criminal legal system. While Georgia’s general population is 33% Black, nearly 60% of people in the state’s prisons are Black.<sup>11</sup> Racial disparities are also evident in community supervision. Half of Georgians on felony probation and parole are Black.<sup>12</sup>

## Supporting Voting Rights Improves Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one's perceived status as an "outsider."<sup>13</sup> The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.<sup>14</sup> Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota's Christopher Uggen and New York University's Jeff Manza find that among people with a prior arrest, there are "consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior."<sup>15</sup> Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.<sup>16</sup> Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including persons completing felony sentences in prisons and jails and under community supervision for a felony conviction, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, Georgia can improve public safety while also promoting reintegrative prosocial behaviors.

## Georgia Can Protect Democracy By Ending Disenfranchisement

State lawmakers can build on growing support for protecting voting rights and promoting democracy by pursuing universal re-enfranchisement.<sup>17</sup> Universal voting would increase fair and equal representation. Voting as an act of civic engagement ensures that political power reflects the communities of people in prison rather than the jurisdictions where they are incarcerated.

Everyone deserves the right to vote. U.S. District Attorney for the Southern District of Georgia, David H. Estes, states that "Every citizen must be able to vote without interference or discrimination and to have that vote counted in a fair and free election."<sup>18</sup> Georgia should join Maine, Vermont, Puerto Rico, and Washington, DC in ensuring all of its citizens can participate in the democratic process. Georgia should advance racial justice by re-enfranchising its entire voting age population.

## ENDNOTES

<sup>1</sup> Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.

<sup>2</sup> Uggen et al. (2022), see note 1.

<sup>3</sup> Uggen et al. (2022), see note 1.

<sup>4</sup> Niesse, M. (2020, September 17). Georgia election officials say ex-felons can vote while paying debts. *Atlanta Journal-Constitution*. <https://www.ajc.com/politics/georgia-election-officials-say-ex-felons-can-vote-while-paying-debts/3Y-HUKB5MHFGP7POBNZFDXIWBTE/>

<sup>5</sup> Schrader, E. (2022, May 13). *Shadow of Jim Crow: Georgia activists fight for voting rights for people with felony convictions*. Southern Poverty Law Center. <https://www.splcenter.org/news/2022/05/13/shadow-jim-crow-georgia-activists-fight-voting-rights-people-felony-convictions>

<sup>6</sup> Georgia Justice Project. (2021, February 25). Probation reform bill unanimously passes Georgia Senate chamber. *The Atlanta Voice*. <https://theatlantavoice.com/probation-reform-bill-unanimously-passes-georgia-senate-chamber/>

<sup>7</sup> Uggen et al. (2022), see note 1.; GA Const. art. II, § 1.

<sup>8</sup> Carson, A. (2021, December). *Prisoners in 2020: Statistical tables*. Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/p20st.pdf>

<sup>9</sup> ACLU Georgia. (2019) *Felony disenfranchisement in Georgia*. <http://www.senate.ga.gov/committees/Documents/SR-153StudyCommitteeFactSheetOctober1.pdf>

<sup>10</sup> *Holloway v. Holloway*, 126 Ga. 459, 460 (1906).

<sup>11</sup> U.S. Census Bureau. (2020). *Quickfacts: Georgia*. <https://www.census.gov/quickfacts/GA>; Georgia Department of Corrections. (2022). *Inmate statistical profile*. [https://gdc.ga.gov/sites/default/files/pdf/Profile\\_all\\_inmates\\_2022\\_10.pdf](https://gdc.ga.gov/sites/default/files/pdf/Profile_all_inmates_2022_10.pdf)

<sup>12</sup> Uggen et al. (2022), see note 1.

<sup>13</sup> Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

<sup>14</sup> Uggen et al. (2022), see note 1.

<sup>15</sup> Uggen & Manza (2004), see note 13.

<sup>16</sup> Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/Z38Z66F>

<sup>17</sup> Austin, D. (2020, November 2). These Georgians can't vote on Tuesday, But they're mobilizing by the thousands. *Facing South*. <https://www.facingsouth.org/2020/11/these-georgians-cant-vote-tuesday-theyre-mobilizing-thousands>

<sup>18</sup> Department of Justice, U.S. Attorney's Office Southern District of Georgia. (2022, October 29). *Election officers named for Southern District of Georgia's effort to ensure voting integrity*. <https://www.justice.gov/usao-sdga/pr/election-officers-named-southern-district-georgia-s-effort-ensure-voting-integrity>