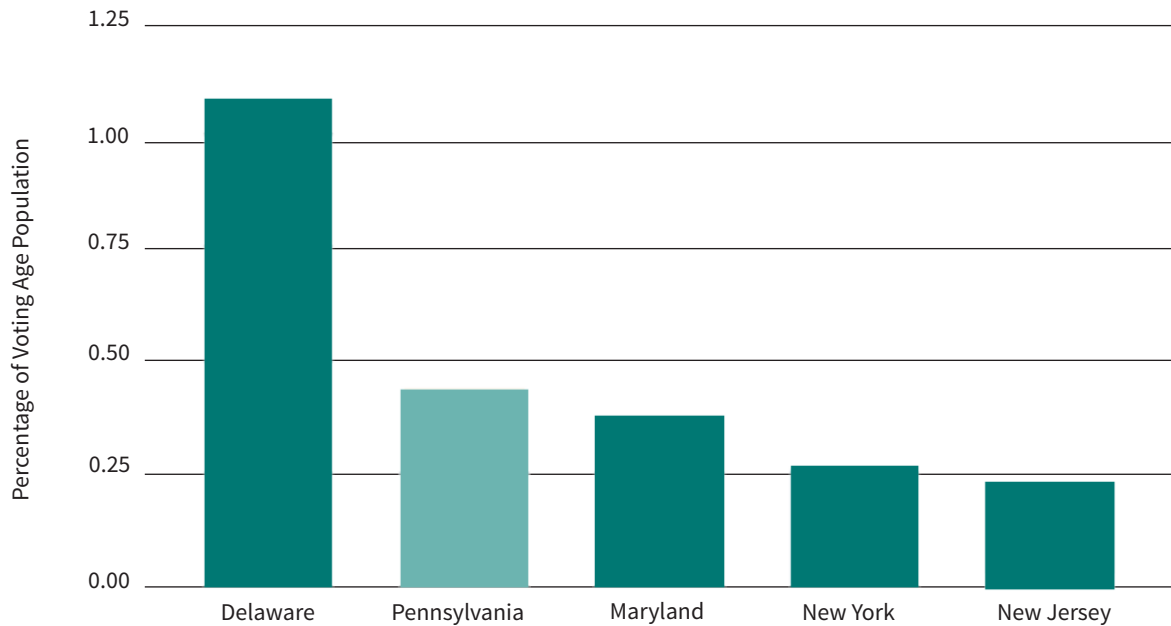


Pennsylvania Should Restore Voting Rights to Over 40,000 Citizens

Pennsylvania denies the right to vote to 42,976 citizens due to confinement in prison or jail for a felony conviction.¹ Pennsylvania restricts access to the ballot box at the second highest rate in the region, with only Delaware prohibiting a higher share of its citizens from voting.²

Felony Disenfranchisement Rates in Mid-Atlantic Region, 2022



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.

Pennsylvania’s felony disenfranchisement laws reinforce the racial disparities in the state’s criminal legal system. These disparities have been documented at various decision points throughout the criminal justice system, from law enforcement encounters to corrections. For instance, Black Pennsylvanians comprise just 12% of the state’s population but represent nearly half of all persons confined to prison.³ Black Pennsylvanians are consequently over four times as likely to be disenfranchised as all Pennsylvanians.⁴ Disparities also extend to Latinx Pennsylvanians, who

are disenfranchised at a rate that is 1.7 times the rate for all Pennsylvanians.

To ameliorate hardships faced by communities of color and protect its democratic values, Pennsylvania lawmakers should follow the lead of Maine, Vermont, Puerto Rico, and Washington, DC and extend voting rights to persons completing felony sentences in prisons and jails.

Racial Injustice in Criminal Legal System Drives Disparities in Disenfranchisement

Felony disenfranchisement bears unequal weight on communities of color in Pennsylvania because of disparities in the state's criminal legal system. Differences in incarceration rates go beyond differences in criminal offending and stem in part from bias throughout Pennsylvania's criminal legal system. For example:

- A joint investigation by the Pittsburgh City Controller and Citizen Police Review Board in 2022 found that Black residents comprised 85% of all marijuana-related charges while representing just 23% of the city's population.⁵ Marijuana usage has been decriminalized in Pittsburgh since 2016.
- Pennsylvania's sentencing guidelines recommend imprisonment at a significantly higher rate and for a much longer duration for people with a higher Prior Record Score (PRS)—“sometimes months or years more prison time.”⁶ The PRS has been shown to be a weak predictor of future recidivism. But its use in sentencing is known to increase the imprisonment of Black Pennsylvanians, who are more likely to live in neighborhoods that experience higher rates of police stops and searches.⁷

Leigh Owens, executive director of the PENNfranchise Project, has said: “Nearly 43,000 individuals, many of them people of color, could be the voting block that finally tips the scales of power in Pennsylvania toward the people. If our elected officials knew that their incarcerated constituents could cast a ballot, perhaps they would care more about the conditions inside these facilities and the conditions and laws that lead to mass incarceration.”⁸

Pennsylvania Should Safeguard Democratic Rights to Expand Access to the Ballot

Research shows that an opportunity to participate in democracy has the potential to reduce one's perceived status as an “outsider.”⁹ 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.¹⁰ 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.”¹¹ 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.¹² 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 prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, Pennsylvania can improve public safety while also promoting reintegrative prosocial behaviors.

Pennsylvania Can Strengthen its Democracy by Restoring the Right to Vote

Policy proposals and legislation have been introduced in Pennsylvania to begin to dismantle felony disenfranchisement.¹³ The proposed pieces of legislation would allow incarcerated people to be eligible to vote by absentee ballot, instruct state and county correctional facilities to have a uniform policy related to civic engagement, and designate an individual in correctional facilities to oversee processes related to voter registration and absentee ballots.¹⁴ State Representative Chris Rabb has said, “We know that racism and felony disenfranchisement have an

intertwined history. The only way to create equitable political power across all our communities is to adopt strong legislative actions to reduce inequity and entrenched racial disparities in the system.”¹⁵

Pennsylvania should join Maine, Vermont, Puerto Rico, and Washington, DC in ensuring all of their citizens can participate in our democratic process. Pennsylvania must advance racial justice by re-enfranchising its entire voting age population.

ENDNOTES

¹ 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.

² Uggen et al. (2022), see note 1.

³ U.S. Census Bureau (2020). *QuickFacts: Pennsylvania*. <https://www.census.gov/quickfacts/fact/table/PA/RHI325221#RHI325221>; Pennsylvania Department of Corrections. (2022). *Year End Inmate Statistics*. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Budget%20Documents/2021-Inmate-Statistics.pdf>

⁴ Uggen et al. (2022), see note 1.

⁵ Dabkowski, J. (2022, May 31). Joint audit of Pittsburgh police finds racial disparities in marijuana charges. *Pennsylvania Capital-Star*. <https://www.penncapital-star.com/civil-rights-social-justice/joint-audit-of-pittsburgh-police-finds-racial-disparities-in-marijuana-charges/>

⁶ Hester, R. (2018). Prior record and recidivism risk. *American Journal of Criminal Justice*, 44, 353-375, p. 369. <https://doi.org/10.1007/s12103-018-9460-8>

⁷ Melamed, S. (2019, October 19). As Philadelphia aims to curb racial disparities, why are police stops of black drivers skyrocketing? *The Philadelphia Inquirer*. https://www.inquirer.com/news/philadelphia-police-racial-profiling-stop-and-frisk-vehicle-stops-david-rudovsky-mayor-jim-kenney-20191014.html?outputType=amp&__vfz=medium%3Dshare-bar&__twitter_impression=true&eType=EmailBlast-Content&eld=33f7a2e2-0c85-425d-a97d-2793ad1405f8

⁸ The Office of Representative Rick Krajewski. (2022, November 1). *State officials, civil rights groups react to report denying thousands in Pa. their voting rights due to felony convictions*. 188th District, Philadelphia County. <https://www.pahouse.com/krajewski/InTheNews/NewsRelease/?id=126676>

⁹ 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>

¹⁰ Uggen et al. (2022), see note 1.

¹¹ Uggen & Manza (2004), see note 9.

¹² 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>

¹³ See: HB 2718, 2021 Reg. Sess. (Penn. 2021). <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sy-year=2021&ind=0&body=H&type=B&bn=2718>; HB 2719, Reg. Sess. (Penn. 2021).; HM, Reg. Sess. (Penn. 2021) <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sy-year=2021&ind=0&body=H&type=B&bn=2719>

¹⁴ HB 2718 & HB 2719, see note 13.

¹⁵ The Office of Representative Rick Krajewski (2022), see note 8.