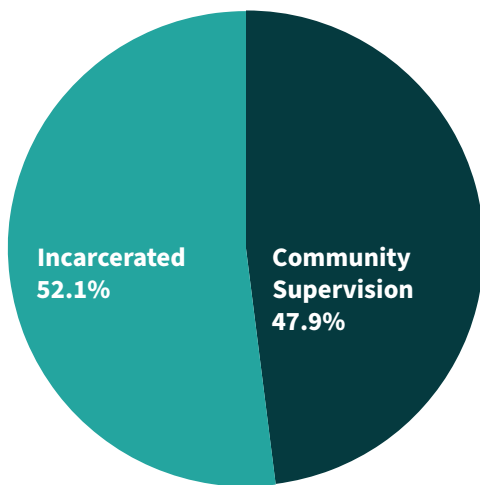


Nebraska Should Restore Voting Rights to Over 10,000 Citizens

Over 10,000 of Nebraska’s citizens are banned from voting because they are incarcerated for a felony, on felony probation, or released on parole.¹ Nearly half of these Nebraskans who have been stripped of their right to vote live in the community.² People of color are more likely to be prohibited from voting because of the stark racial disparities in Nebraska’s criminal legal system.

Nebraskans Denied Voting Rights due to a Felony Conviction



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.

Felony disenfranchisement, or the loss of one’s voting rights due to a felony conviction, disproportionately affects Black and Latino Nebraskans. Voting eligible³ Black Nebraskans are disenfranchised at a rate seven times that of white Nebraskans. Latino Nebraskans are disenfranchised at a rate over four times that of white Nebraskans. Due to Nebraska’s felony disenfranchise-

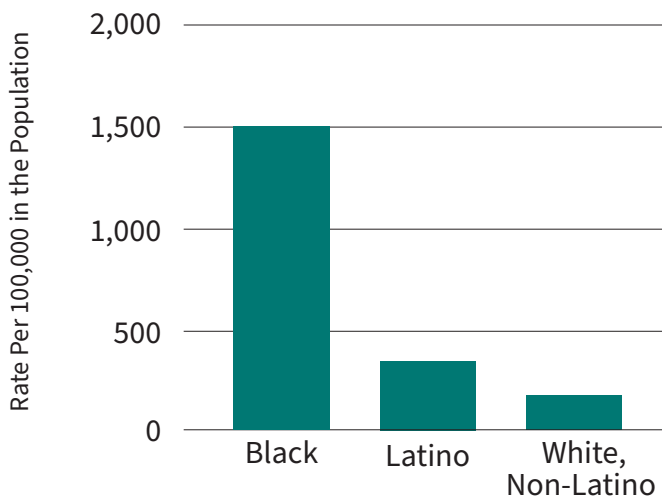
ment laws, one out of every 25 voting eligible Black citizens and roughly 1 out of every 55 voting eligible Latino citizens is banned from the ballot box.⁴

Nebraska’s disenfranchisement of its justice-impacted citizens undermines this state’s democracy and extends the racial injustice in its criminal legal system to its electoral system. To ameliorate this injustice and protect democratic values, Nebraska should follow the lead of Maine, Vermont, Puerto Rico, and Washington, DC, and extend voting rights to all citizens, regardless of criminal legal involvement.

Expanding Voting Rights in Nebraska is a Racial Justice Issue

Being denied the right to vote is particularly acute for Black and Latino Nebraskans due to their disproportionate incarceration. Less than 5% of the state’s population is Black, but 29% of the prison population are Black Nebraskans. Similarly, 12% of the state’s population is Latino, but Latino Nebraskans make up 16% of the prison population. This means that Black residents are imprisoned at nine times the rate of white residents and Latino residents at twice the rate of white residents.⁵

Imprisonment in Nebraska by Race and Ethnicity, 2023



Nebraska Department of Corrections Services. (2024). *NDCS Quarterly Population Summary*; U.S. Census Bureau. (2020). Hispanic or Latino, and not Hispanic or Latino by race. *Decennial Census, DEC 118th Congressional District Summary File, Table P9*.

While disparities alone are not sufficient evidence of racial bias in the criminal legal system, the following are examples of practices that have differential effects for racial and ethnic groups throughout Nebraska’s criminal legal system:

Jury Selection:

- Nebraska forbids any “persons who have been convicted of a felony” from serving on a jury and people of color are overrepresented amongst residents convicted of felonies in Nebraska.⁶ Additionally, an analysis by the Minority Justice Committee found that people of color have historically been underrepresented in jury pools in part due to underrepresentation on the juror source list. Multiple studies have found that unrepresentative juries, especially all-white juries, convict Black individuals at significantly higher rates than representative juries do.⁷

Policing:

- The Nebraska Crime Commission analyzed traffic stop data from five counties – Douglas, Lancaster, Sarpy, Hall, and Buffalo Counties – and

found a pattern of racially disparate interactions with people of color, especially Black residents. Across all five counties, police disproportionately interacted with Black residents and were more likely to search and arrest Black residents they interacted with compared to white residents.⁸

Sentencing:

- In an analysis of Douglas County District Courts, Black defendants convicted on a simple possession of a controlled substance charge were more likely than white defendants to be incarcerated rather than receive probation or a fine. Three-quarters of Black defendants were incarcerated compared to 61% of white defendants.⁹
- Black Nebraskans are less likely than white Nebraskans to be diverted from incarceration. Nebraska has three major community corrections programs, Community Based Intervention (CBI), Community Based Resources (CBR), and Problem-Solving Courts (PSC). Each of these is designed “to divert target offenders from incarceration and reduce recidivism” by offering treatment services and focusing on positive outcomes.¹⁰ While Black Nebraskans are arrested at a higher rate than white Nebraskans, they are significantly underrepresented in all three diversion programs.¹¹

Racial disparity in incarceration is diluting the political voice of people of color in Nebraska. Nebraska should safeguard democratic rights and not allow a racially disparate criminal legal system to restrict voting rights.

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.” 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.¹² Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Nebraska Can Strengthen its Democracy by Restoring the Right to Vote

Since 1997, 26 states and the District of Columbia have expanded voting rights to people with felony convictions.¹⁵ As a result, over two million Americans have regained the right to vote.¹⁶ As part of this movement, the Nebraska Legislature expanded voting rights to more than 57,000 people with felony convictions.¹⁷

In 2005, the Nebraska Legislature overrode Governor Dave Heineman's veto on Legislative Bill 53 to restore voting rights to all individuals with felony convictions who had lived in the community for two years after completing their sentences, including any felony probation or parole term.¹⁸ In July 2024, Legislative Bill 20 was enacted, eliminating the waiting period and restoring voting rights to another 7,000 people who have already completed their full sentences.¹⁹ Nebraska should carry forward this momentum and ensure that all Nebraskans have access to the ballot regardless of criminal legal involvement.

Excluding an entire population of people from exercising their right to vote erodes democracy and is not in accordance with Nebraska's bill of rights that states "governments are instituted among people, deriving their just powers from the consent of the governed."²⁰ When the state of Nebraska takes away its citizens' ability to vote, it also removes an important avenue for them, especially for people of color, to advocate for their own needs and the needs of their communities.

Nebraska should strengthen its democracy and advance racial justice by re-enfranchising its entire voting eligible population.

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."¹³ Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states that 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.¹⁴ 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 incarcerated with a felony conviction or under community supervision, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of felony conviction, Nebraska can improve public safety while also promoting reintegrative prosocial behaviors.

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.; These figures have been adjusted to reflect the impact of Legislative Bill 20, which eliminated the post-sentence two-year waiting period and re-enfranchised approximately 7,000 Nebraskans convicted of a felony who had completed their full sentence. See, *Groups applaud Nebraska lawmakers' elimination of post-sentence voting rights ban*. (2024). The Sentencing Project.

² Uggen et al. (2022), see note 1.

³ Voting eligible adults are defined as individuals who are at least 18 years old and a U.S. citizen. The felony disenfranchisement estimates exclude individuals who are not U.S. citizens.

⁴ Uggen et al. (2022), see note 1.

⁵ Nebraska Department of Corrections Services. (2024). *NDCS quarterly population summary*; U.S. Census Bureau. (2020). Hispanic or Latino, and not Hispanic or Latino by race. *Decennial Census, DEC 118th Congressional District Summary File, Table P9*.

⁶ NE Code § 25-1650 (2022).

⁷ Neeley, E. M. (2011). *Representative juries: Examining the initial and eligible pools of juries*. Nebraska Public Policy Center. Publications of Affiliated Faculty: Nebraska Public Policy Center.; Anwar, S., Bayer, P., & Hjalmarsson, R. (2012). The impact of jury race in criminal trials. *The Quarterly Journal of Economics*, 127(2), 1017–1055. <https://doi.org/10.1093/qje/qjs014>; Bradbury, M. D., & Williams, M. R. (2013). Diversity and citizen participation: The effect of race on juror decision making. *Administration & Society*, 45(5), 563-582.

⁸ The State of Nebraska's Statistical Analysis Center. (2023). *2022 traffic stops in Nebraska: A report to the governor and the legislature on data submitted by law enforcement*. Nebraska Crime Commission.

⁹ Nebraska Minority and Justice Task Force. (2011). *The Nebraska Minority and Justice Task Force final report*. University of Nebraska Public Policy Center.

¹⁰ Fisher, D., & Holman, L. (2017). *Community corrections division annual report*. Nebraska Commission on Law Enforcement and Criminal Justice.

¹¹ Butler, L., Spohn, R., Schafer, J., Kiper, M., & Grell, T. (2020). *Racial and ethnic disparities in the criminal justice system in Nebraska*. University of Nebraska at Omaha.

¹² Budd, K. M., & Monazzam, N. (2023). *Increasing public safety by restoring voting rights*. The Sentencing Project.; 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>

¹³ 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.

¹⁴ Budd & Monazzam (2023), see note 12.

¹⁵ Porter, N. & McLeod, M. (2023). *Expanding the vote: State felony disenfranchisement reform, 1997-2023*. The Sentencing Project.

¹⁶ Porter & McLeod (2023), see note 15.

¹⁷ Porter & McLeod (2023), see note 15.

¹⁸ L.B. 53. (Neb. 2005).; Yohannes, M. (2017). *Voting rights restoration efforts in Nebraska*. Brennan Center for Justice.

¹⁹ L.B. 20. (Neb. 2024).

²⁰ N.E. Const. art. I, § 1.



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The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.