

voting
rights



OUT OF STEP

U.S. Policy on Voting Rights in Global Perspective



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EXECUTIVE SUMMARY

The United States is an outlier nation in that it strips voting rights from millions of citizens¹ solely on the basis of a criminal conviction.² As of 2022, over 4.4 million people in the United States were disenfranchised due to a felony conviction.³ This is due in part to over 50 years of U.S. mass incarceration, wherein the U.S. incarcerated population increased from about 360,000 people in the early 1970s to nearly 2 million in 2022.⁴ While many U.S. states have scaled back their disenfranchisement provisions, a trend that has accelerated since 2017, the United States still lags behind most of the world in protecting the right to vote for people with criminal convictions.⁵

The right to vote is a cornerstone of democratic, representative government that reflects the will of the people. The international consensus on the importance of this right is demonstrated in part by the fact that it is protected in international human rights law. A majority of the world's nations either do not deny people the right to vote due to criminal convictions or deny the right only in relatively narrow and rare circumstances.

This report highlights key findings since 2006:

- The United States remains out of step with the rest of the world in disenfranchising large numbers of people based on criminal convictions. In part, this is due to a punitive criminal legal system resulting in one of the world's highest incarceration rates. As noted above, the country has disenfranchised, due to a felony conviction, over 4.4 million people who would otherwise be legally eligible to vote. This is also due to the laws in many US states that provide for broad disenfranchisement based on convictions. For this report we examined the laws of the 138 countries around the world with populations of 1.5 million and above, and found the majority—73 of the 138—never or rarely deny a person's right to vote because of a conviction. We also found that, even when it comes to the other 63 countries, where laws deny the right in broader sets of circumstances, the US is toward the restrictive

end of the spectrum and disenfranchises, largely through US state law, a wider swath of people on the whole.

- The United States continues to disenfranchise a wider swath of its citizens based on a felony conviction than most other countries, many U.S. jurisdictions have worked to expand voting rights to persons with criminal convictions since 2006.

Reforms in some jurisdictions within the United States and other countries have limited the loss of voting rights due to a criminal conviction. Among other types of reforms, most U.S. states no longer disenfranchise individuals permanently for life and many no longer disenfranchise individuals upon release from incarceration. These reforms have occurred through a combination of legislative change, amendments to state constitutions, court victories, and executive action. In some cases, however, as in Florida, expansion of rights restoration has been met with subsequent retrenchment.

- The trend toward greater enfranchisement of people with prior criminal legal justice system involvement is global: outside of the United States, countries have also expanded rights restoration efforts. For example, in 2014 Egypt repealed a sweeping law imposing a ban on voting, without

time limits, on every person convicted of an offense from voting without time limits. Tanzania's High Court found a law that disenfranchised persons sentenced to imprisonment exceeding six months to be unconstitutional because it was too general and inconsistent with the country's Constitution.

- Voters with criminal conviction histories in the United States experience practical obstacles to electoral participation. For example, changes in state law have resulted in voter confusion among people with criminal conviction histories and prosecution of individuals for good faith efforts at voting. And some states require criminal legal system-impacted citizens to provide documentation in order to register to vote, which may be burdensome to collect. But other localities within the United States and other countries have removed these barriers and improved justice-impacted voter participation.

- Officials within the United States and other countries have worked to address logistical barriers to the ballot. Within the United States, several localities - including Cook County (Chicago, Illinois), Harris County (Houston, Texas), and the District of Columbia - have established polling stations in local correctional facilities. Several nations have worked to address barriers to voting for persons in correctional facilities. For example, officials in several countries including Chile, Croatia, Greece, and the Netherlands allow or have plans to install polling stations in prisons to guarantee ballot access.

In sum: US laws denying the vote to persons with criminal convictions are extreme when compared with the laws of other countries.

Readers are encouraged to remain mindful of the overtly racist historical context for disenfranchisement laws in the United States, including chattel slavery and its legacies, as we imagine a path towards greater civic participation for all.

The United States lags behind most of the world in protecting the right to vote for people with criminal convictions.

INTRODUCTION: US POLICY AND GLOBAL LAW AND PRACTICE ON DISENFRANCHISEMENT

The United States is more extreme than other nations in its continued denial of voting rights to citizens due to criminal convictions, despite some reforms. The United States is a world leader in its scale of imprisonment and imposes restrictions on voting rights on a substantial number of citizens impacted by the criminal legal system. The United States currently bans over 4.4 million citizens from voting due to felony convictions – a staggering figure that outpaces the rest of the world.⁶ In many cases in the United States, disenfranchisement results automatically from a conviction.⁷ Worse yet, for many people in the United States, the loss of the right to vote is mandatory and permanent, which belies the claim that US democracy represents the “will of the people.”⁸

A felony conviction in the United States often involves a prison sentence ranging from one year to life, life without parole (a sentence to die in prison), or the death penalty. People on average serve about 12 years in prison for federal felonies⁹ and 5 years on average for state felonies.¹⁰ People convicted of misdemeanors are most often detained in jails alongside people who are accused, but not convicted, of crimes. In the US, felonies include several types of unlawful conduct, including most frequently: drugs or public order offenses (weapons, tax, immigration offenses) at the federal level;¹¹ and at the state level violent offenses (e.g. robbery, murder, rape), property offenses (e.g. burglary), or drug offenses.¹² There are both state and federal crimes in the United States as well as local, state and federal elections; voters are often prevented from participating in federal elections due to state level convictions and vice-versa.

Felony disenfranchisement policies can be traced back to the time of the founding of the United States, having been carried over from the colonial period.¹³ The widespread denial of voting rights and its link to mass incarceration is grounded in the use of felony disenfranchisement laws that helped animate the racial caste system in the United States.¹⁴ Two interconnected trends - expansion of criminal laws targeting Black residents¹⁵ and the disenfranchisement of citizens with felony convictions¹⁶ - emerged during this time to lay the foundation for the mass disenfranchisement that we see in the United States today.

Many felony disenfranchisement laws date back to the Post-Reconstruction era following the end of the Civil War. During this period, Black people witnessed both the expansion and the restriction of their rights as full citizens. State lawmakers, particularly in the South, implemented criminal laws designed to target Black male citizens and criminalize Black life through “Black Codes.” Many states simultaneously expanded the number of crimes classified as a felony and enacted disenfranchisement laws that revoked voting rights for any felony conviction.¹⁷ For example, in Mississippi, voting restrictions were adopted based on prevailing perceptions of crimes believed more likely to be committed by Black men, such as burglary, arson, and theft.¹⁸

Further policies were enacted to restrict Black citizenship; many states enacted literacy tests and poll taxes as a means to limit the access of Black men to the ballot.¹⁹ Although the federal government officially barred some Jim Crow-era tactics in the Voting Rights Act of 1965, felony disenfranchisement laws remain in 48 states.²⁰ Felony disenfranchisement laws remain a serious structural barrier to social, political, and economic justice for communities of color.²¹

Today, the impact of felony disenfranchisement laws on Black communities remains clear. In large part, this disparate impact of felony disenfranchisement results from disproportionate rates of felony arrests and convictions among Black Americans and other communities of color.²² Much of this effect reflects disparate law enforcement practices regarding drug offenses, with Black Americans being arrested for both drug possession and sale offenses at considerably higher rates than their proportion of drug use²³. While disenfranchisement policies disproportionately affect people of color, this is even more pronounced for incarcerated people.

The impact on the Black electorate is significant. One in 19 Black Americans of voting age is disenfranchised, a rate 3.5 times that of people who are not Black.²⁴ 5.3 percent of Black adults in the United States are disenfranchised, compared to 1.5 percent of the adult population that is not Black.²⁵ More than one in 10 Black adults is disenfranchised in seven states – Alabama, Arizona,

Florida, Kentucky, South Dakota, Tennessee, and Virginia according to estimates by The Sentencing Project.²⁶ Although data on ethnicity in correctional populations are unevenly reported and undercounted in some states, a conservative estimate is that at least 506,000 Latinx Americans or 1.7 percent of the voting-eligible population are disenfranchised.²⁷ In some states, like Florida, children (people below the age of 18) can be convicted of felonies under state law, and thereby deprived of the right to vote, in some cases permanently, before they even have had their first opportunity to legally vote.²⁸

The collateral impact of mass incarceration on people in the United States includes disenfranchisement along with barriers to housing, employment and other markers of full participation in U.S. civil society. Racial disparities within the criminal legal system severely burden Black Americans, as well as other voters of color – effectively depriving entire communities of their political and economic power by blocking their access to the ballot box.

OVERVIEW OF TRENDS IN UNITED STATES LEGAL REFORMS

Table I: Disenfranchisement Laws in the United States²⁹

Permanent Disenfranchisement for all or some people with felony convictions (11 states)	Disenfranchisement during prison sentence and for period of parole or felony probation (14 states)	Disenfranchisement During Incarceration (23 states)	Voting Rights for All in 2 States (and 2 US jurisdictions)
Alabama	Alaska	California	Maine
Arizona	Arkansas	Colorado	Vermont
Delaware	Georgia	Connecticut	(Washington, D.C.)
Florida	Idaho	Hawaii	(Puerto Rico)
Iowa	Kansas	Illinois	
Kentucky	Louisiana**	Indiana	
Mississippi	Nebraska	Maryland*	
Missouri*	North Carolina	Massachusetts	
Tennessee	Oklahoma	Michigan	
Virginia	South Carolina	Minnesota	
Wyoming	South Dakota	Montana	
	Texas	Nevada	
	West Virginia	New Hampshire	
	Wisconsin	New Jersey	
		New Mexico	
		New York	
		North Dakota	
		Ohio*	
		Oregon	
		Pennsylvania*	
		Rhode Island	
		Utah	
		Washington	

*At least four states - Maryland, Missouri, Ohio, and Pennsylvania - permit permanent disenfranchisement for corrupt elections practices.

**In Louisiana, voting rights restored after 5 years on supervision.

Voting bans are established by the constituent US states, each with its own determination of circumstances under which people with felony convictions are excluded from the ballot. As illustrated below in Table I, Maine and Vermont are the only US states that allow people in prison to vote (as well as the District of Columbia and the Commonwealth of Puerto Rico). It is noteworthy that Maine and Vermont are two of the least diverse states in the United States, with over 90 percent of the population identifying as white in 2023.

In contrast, the states with the most restrictive disenfranchisement laws are those with the highest percentages of Black and Latinx people. Eleven US states permanently disenfranchise at least some people with felony convictions for the rest of their lives. Fourteen US states disenfranchise people both for the duration of their pris-

on sentence and, upon their return to the community, during the time they are under parole or felony probation supervision. An additional state, Louisiana, restores voting rights to people on felony probation and parole once they have been out of prison for five years or more. Twenty-three states restore voting rights to people when they return to the community from prison, although at least four states that otherwise restore voting rights after a felony conviction permanently disenfranchise residents for certain election practices.³⁰

The following two sections look at developments in felony disenfranchisement laws in recent years—both improvements that have been made in many states, but also the setbacks and remaining obstacles that have left so many returning citizens unable to vote.

RECENT US TRENDS TO EXPAND AND PROTECT VOTING RIGHTS

The movement towards restoring voting rights has gathered significant momentum in the US in recent years. Public opinion shows that a majority - 56 percent of likely US voters - support voting rights for people completing their sentence inside and outside of prison.³¹ A growing number of states have changed their voting laws to allow more Americans with previous convictions to vote.³² At the same time, millions of Americans with previous felony or misdemeanor convictions continue to face burdensome practical and legal hurdles in reclaiming their right to vote — hurdles that disproportionately impact people of color and people in lower income brackets.

Over the past several years, many states have expanded voting rights restoration. States that previously permanently disenfranchised citizens have created paths to restoration. States that previously extended disenfranchisement through completion of probation or parole have moved toward restoration at release from incarceration. And several states have implemented automatic restoration regimes to make it easier, as a practical matter, for returning citizens to begin registering and voting.

States have taken different paths to get there. In some states, governors have issued executive orders. In others, legislatures have passed new laws, or citizens have successfully voted through constitutional amendments or referenda. And sometimes, litigation (or the threat of litigation) has moved things forward.

Similarly, advocates and officials in different states have relied on different rationales for liberalizing felony disenfranchisement laws. Some have argued that once individuals complete their sentence for a felony conviction, they have paid off their debt to society and should not be subject to further punishment. Others emphasize the injustice that some of these individuals still pay their taxes and contribute to society, and yet they have no say in who their representatives will be. And many have noted the importance of second chances and helping individuals fully re-enter society.

Whatever the method, whatever the reason, many states are making their rights restoration laws less draconian. This section briefly examines the progress in these states.

States that no longer disenfranchise all people with felony convictions for life

Up until recently, there were four holdout states that imposed lifetime disenfranchisement upon conviction of a single felony: Virginia, Iowa, Kentucky, and Florida.³³ Within the last decade, however, each of these states has expanded the availability of rights restoration either through executive order or a constitutional amendment. These reforms have faced contention and, at times, significant rollback through subsequent state or legislative action. Yet cumulatively, these voting rights expansions have resulted in re-enfranchising over 827,000 Americans in recent years according to The Sentencing Project estimates.³⁴

In **Virginia**, in May 2013, then-Governor Robert F. McDonnell announced that he would automatically restore rights to those previously convicted of non-violent felonies who were not under state supervision, did not have pending felony charges, and had paid off any court imposed fees or restitution.³⁵ An estimated 10,000 individuals became eligible for rights restoration based on this policy.³⁶ In 2016, Governor Terry McAuliffe broadened the re-enfranchisement initiative by signing an executive order that restored voting rights to all individuals with previous felony convictions who had served all prison, parole, or probation sentences.³⁷ More than 200,000 people would have regained the right to vote automatically pursuant to this executive order. However, the Virginia Supreme Court overturned the order, ruling that the governor lacked the authority under the state constitution to issue a blanket restoration order.³⁸ Still, the governor restored voting rights on a case-by-case basis to an estimated 173,000 people.³⁹ When Governor Ralph Northam took office in 2021, he began offering rights restoration to individuals who had completed their sentences for

felony convictions, including those still on active supervision, which enabled an additional 69,000 people to apply for rights restoration.⁴⁰ Current Governor Glenn Youngkin rescinded Governor Northam's policy in March 2023, and offers rights restoration only after an individualized evaluation without specific criteria for those evaluations and with restoration moving at a much slower pace.⁴¹

In **Florida**, until 2019, discretionary executive clemency provided the only avenue to restoration.⁴² In 2016, Florida's disenfranchised population was estimated to be over 1.6 million individuals,⁴³ including more than one in five of the state's Black voting-age population.⁴⁴ In 2018, Florida voters passed Amendment 4, the Voting Rights Restoration Amendment, which amended the state constitution by "restor[ing] the voting rights of Floridians with felony convictions [except for persons with murder or crimes of a sexual nature offenses] after they complete all terms of their sentence including parole or probation."⁴⁵ In May 2019, however, the Florida Legislature passed a bill which defined "completion of all terms of sentence," the operative language in Amendment 4, to include full payment of fines, fees, or restitution ordered by the court as part of the sentence.⁴⁶ The new law established a pay-to-vote system, re-disenfranchising returning citizens⁴⁷ with outstanding legal financial obligations and essentially removing the right to vote from those without financial means. Challenges to the law as an unconstitutional poll tax and violation of the Fourteenth Amendment were ultimately unsuccessful.⁴⁸ While Florida lawmakers scaled back the impact of Amendment 4, the number disenfranchised as of 2022 declined to about 1.1 million.⁴⁹

Kentucky's constitution denies people with felony convictions the right to vote, unless they successfully petition the Governor to restore that right. As of 2016, more than one in four Black citizens in the state were unable to vote under this law.⁵⁰ In 2019, Governor Andy Beshear signed an executive order automatically restoring the right to vote to individuals who have completed their sentences for nonviolent felonies.⁵¹ Those eligible for rights restoration under this law are not required to fully settle all court-ordered financial obligations.⁵² The order has restored the voting rights of an estimated 180,000

people, or five percent of Kentucky's adult population.⁵³ Currently, those convicted of a named class of violent crimes including homicide, sexual assault, treason, and election bribery are ineligible for voting rights restoration in Kentucky.

Until recently, **Iowa's** constitution permanently disenfranchised all individuals with felony or aggravated misdemeanor convictions, unless they successfully petitioned the governor to restore their rights. In 2005, then-Governor Tom Vilsack signed an executive order restoring voting rights to a class of individuals with felony convictions.⁵⁴ In 2011, Governor Vilsack's successor Terry Branstad rescinded that order and signed an executive order requiring individuals convicted of felonies to settle all court-ordered fees, fines, and restitution before they become eligible to have voting rights restored.⁵⁵ In 2014, the Iowa Supreme Court held that aggravated misdemeanors are not disqualifying, meaning that only felony convictions result in disenfranchisement.⁵⁶ In 2020, Governor Kim Reynolds signed an executive order restoring voting rights to individuals with non-homicide convictions who have completed their sentences, including all terms of confinement, parole, probation, or other supervised release, irrespective of whether these individuals have settled other court-ordered financial obligations.⁵⁷ The order restored voting rights to an estimated 20,000 people.⁵⁸

States that have moved to voting rights restoration at release from incarceration

Several states previously required that citizens returning to the community complete probation or parole before regaining voting rights. Now, many are moving forward restoring voting rights at the time of release from incarceration, allowing people to register and vote while on supervised release.⁵⁹ Connecticut, California, New York, New Jersey, Minnesota, Louisiana and Washington are some examples.

Before 2001, **Connecticut's** disenfranchisement law prevented citizens convicted of a felony from voting while incarcerated, on probation, or on parole.⁶⁰ In 2001, following a years-long grassroots campaign, then-Governor

John G. Rowland signed into law legislation that restored voting rights to people on probation.⁶¹ In June 2021, Governor Ned Lamont signed into law a bill which restored voting rights to people on parole.⁶² As such, those who have fully completed their sentence or who are on parole or probation are automatically eligible to register to vote in Connecticut.⁶³

In **California**, prior to 2020, individuals on parole for a felony conviction were ineligible to vote. In November 2020, California voters passed Proposition 17, a ballot measure that amended the state constitution to restore voting rights to those on parole.⁶⁴ The measure was estimated to restore voting rights to about 50,000 Californians on parole, allowing them to join people on probation, who were already eligible to vote in California.⁶⁵ Supporters of the ballot measure emphasized that these individuals should be able to shape the policies that affect their lives and that voting supports successful reentry by affirming that the voices of people on parole matter.⁶⁶ In 2023, another proposed ballot measure was introduced in the California legislature to fully end felony disenfranchisement. If passed, that measure, ACA 4, would allow people in prison to retain their voting rights, bringing California in line with Maine, Vermont, Washington, D.C., and Puerto Rico.⁶⁷

In **New York**, prior to 2021, individuals convicted of a felony were barred from voting or registering to vote while they were still under parole or any other post-release supervision.⁶⁸ As of 2018, voting rights could be restored to returning citizens on parole via partial executive pardons on a case-by case basis.⁶⁹ In 2021, New York passed a law allowing anyone who is not currently incarcerated and who is otherwise eligible to vote, including those on parole, to register to vote.⁷⁰ The bill was supported by a coalition of various local and national organizations and law enforcement officials.⁷¹ Supporters believed that restoring voting rights to those on parole would facilitate community reintegration and participation in the civic process.⁷² Since the law passed, voting rights are automatically restored to individuals upon release from prison for a felony conviction, meaning New Yorkers can vote while still on parole or felony probation.⁷³

Previously, **New Jersey** citizens who were serving a prison, parole, or probation sentence as a result of a felony conviction were ineligible to register to vote.⁷⁴ In 2019, Governor Phil Murphy signed into law a bill that restored voting rights to people on parole or on probation for a felony conviction.⁷⁵ It is estimated that about 83,000 people recovered their voting rights when the law went into effect.⁷⁶

In **New Mexico**, state lawmakers repealed the lifetime felony disenfranchisement ban from 2001 by restoring the right to vote to all citizens convicted of a felony upon completion of their sentence. The reform expanded voting rights to nearly 69,000 residents. Officials streamlined the rights restoration process in 2005 through implementation of a notification process requiring the Department of Corrections to issue a certificate of completion of sentence to individuals who satisfactorily met obligations and to notify the Secretary of State when such persons become eligible to vote.⁷⁷ During 2023, lawmakers enacted the New Mexico Voting Rights Act, House Bill 4, which included a provision automatically restoring voting rights to previously incarcerated residents following incarceration. The provision restored voting rights to more than 11,000 residents in New Mexico.⁷⁸

Under the **Minnesota** Constitution, any citizen convicted of a felony is automatically disenfranchised until their civil rights have been restored. By 1963, the means for restoring voting rights occurred in only three ways: by a gubernatorial pardon, a court order, or automatically upon expiration of a sentence, which included any period of supervised release following release from prison.⁷⁹ In 2023, the Minnesota Supreme Court upheld this disenfranchisement scheme as constitutional despite the disparate impact that it had on voters of color, suggesting that the Minnesota Legislature was the proper forum to expand rights restoration.⁸⁰ Shortly thereafter, the Minnesota Senate passed a bill to restore voting rights to all individuals with felony convictions who are not currently incarcerated.⁸¹ Governor Tim Walz signed the bill into law in March 2023, and the law went into effect on July 1, 2023.⁸² Minnesota citizens are now eligible to vote upon release from prison and even during any court-ordered supervisory periods.

In **Louisiana**, the state constitution prohibits people “under an order of imprisonment” for a felony conviction from voting.⁸³ Under this provision, Louisiana citizens who are serving a term of imprisonment for a felony conviction, or any election-related offense, are ineligible to vote.⁸⁴ A 1976 law expanded that population to also include those on parole or probation for a felony conviction.⁸⁵ However, the legislature passed a law in 2019 to restore voting rights to individuals convicted of felonies who have completed their sentence of parole or probation or, for those still on parole or probation, have not been incarcerated within the last five years.⁸⁶ An author of the bill cited that because returning citizens pay their taxes, they should have a chance to vote for their representatives.⁸⁷

The **Washington** state constitution provides that “all persons convicted of infamous crime unless restored to their civil rights . . . are excluded from the elective franchise.”⁸⁸ Prior to 2021, in order to vote, individuals with felony convictions had to complete any sentence of community custody—supervised release—which could range from months to the rest of their lives.⁸⁹ Further, those who were unable to pay court-ordered fees or restitution could have their voting rights revoked.⁹⁰ In 2021, Washington state legislators passed House Bill 1078 to automatically restore voting rights to any individual with a felony conviction who is not currently in total confinement.⁹¹ Since the law took effect in 2022, individuals now automatically regain their voting rights as soon as they are released from incarceration, though they must re-register in order to vote.⁹²

States that have made other recent moves to restore voting rights

Other states have made different types of improvements to their rights restoration regimes: for instance, allowing incarcerated individuals to vote; reducing the types of felonies that trigger disqualification; removing requirements to pay legal financial obligations; and removing waiting periods before an individual can be re-enfranchised. As some examples:

In 2020, **Washington, D.C.**, joined Vermont, Maine, and Puerto Rico as the only U.S. jurisdictions that allow individuals to vote while they are still incarcerated for a felony conviction.⁹³ The D.C. Council amended the election law to require the Board of Elections to “provide to every unregistered qualified elector in the Department of Corrections’ care or custody, and endeavor to provide to every unregistered qualified elector in the Bureau of Prisons’ care or custody, a voter registration form and postage-paid return envelope . . . a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope.”⁹⁴ Those incarcerated for a felony offense, under court supervision, such as parole or probation sentences, or residing at a halfway house after release, are now eligible to vote.⁹⁵

The **Alabama** state constitution provides that “no person convicted of a felony of moral turpitude” may vote.⁹⁶ For years, Alabama interpreted this provision to cover every felony conviction except a list of five, meaning that most people with felony convictions in the state were permanently barred from voting and ineligible for a pardon.⁹⁷ Nearly a third of the disenfranchised individuals were Black men.⁹⁸ In 2017, Alabama residents with felony convictions challenged the state constitution’s “moral turpitude” language on constitutional grounds.⁹⁹ Before the district court decided the case, the Alabama legislature passed a bill, titled the “Definition of Moral Turpitude Act,” establishing a comprehensive list of felonies that involve moral turpitude.¹⁰⁰ Advocates for this bill emphasized that those wanting to rebuild their lives deserve a fairer chance at regaining voting rights, a basic right of U.S. citizenship.¹⁰¹ When Alabama Governor, Kay Ivey, signed the bill into law, individuals whose felony convictions were not included in the enumerated offenses regained their right to vote. These individuals can now register to vote without full payment of court-ordered fees, fines, or restitution, and even if still incarcerated, vote via an absentee ballot.¹⁰² Those convicted of a crime of “moral turpitude” may regain the ability to vote only by applying for a pardon or a Certificate of Eligibility to Register to Vote with the Board of Pardons and Paroles.¹⁰³ After the law went into effect, Alabama refused to spend resources informing people newly enfranchised by the law that they had regained their rights to vote.¹⁰⁴

Arizona's rights restoration regime depends on one's sentence and how many felony convictions a person has. If an individual has been convicted of a *single* state felony offense, their right to vote is automatically restored as soon as the court-imposed sentence, including any supervised release period, is completed.¹⁰⁵ A law passed in 2019 removed the requirement for these individuals to settle all court-ordered fines before their rights are restored.¹⁰⁶ If the individual has been convicted of *two or more* felony offenses, either in a single criminal case or in separate cases, the individual may petition the court that sentenced them to have their voting rights restored upon completion of probation or absolute discharge.¹⁰⁷ (A law passed in 2022 removed a previous two-year waiting period for individuals with multiple convictions to petition for voting rights restoration.¹⁰⁸ The court has discretion on whether or not to grant a petition for voting rights restoration.¹⁰⁹

In 2013, the **Delaware** state legislature passed a constitutional amendment to eliminate a five-year waiting period for individuals who have completed their sentences for felony convictions to regain their voting

rights.¹¹⁰ Those whose convictions make them eligible for automatic rights restoration under the law must first complete any sentence of imprisonment, parole, work release, early release, supervised custody, probation, or community supervision.¹¹¹ As of 2016, applicants are not required to pay legal financial obligations associated with their conviction for their sentence to be considered completed for eligibility purposes.¹¹² The law does not apply to those whose convictions are deemed to be a "disqualifying felony"; those individuals can only vote after a pardon from the Governor.¹¹³ Disqualifying felonies include murder, manslaughter, sexual offenses, and felony offenses against public administration such as bribery.¹¹⁴

In recent years, many states have expanded access to voting rights after criminal conviction, as these examples illustrate. Other states including Nevada, Colorado, Oklahoma, and Wyoming have also liberalized their rights restoration laws in the same period.¹¹⁵ Around the country, the overall trend is toward re-enfranchisement. That said, practical obstacles to exercising those rights remain in many states.

REMAINING OBSTACLES TO RIGHTS RESTORATION IN THE UNITED STATES

Despite advances in legal eligibility to vote, substantial practical obstacles remain to voting access for returning citizens.

Voter confusion

Changes in state law regarding rights restoration has resulted in some voter confusion among returning citizens. Legal changes or advancements are not always stable over time. Gubernatorial executive orders have proven unstable; for example, Virginia, Iowa, and Kentucky have had governors issue conflicting executive orders over time, expanding rights and then rolling them back.¹¹⁶ Litigation victories can also prove illusory or volatile; advocates for rights restoration in Mississippi and North Carolina won court victories re-enfranchising some returning citizens for a time, but both victories were subsequently overturned or vacated on appeal.¹¹⁷ Even states that passed legislation or constitutional amendments—arguably the most stable form of legal change—have seen some retrenchment. In Florida, for instance, voters amended the state constitution to expand rights restoration, only to see the legislature significantly curtail those rights through subsequent legislation. These legal see-saws result not just in fewer rights for returning citizens, but confusion for voters trying to keep track of the fluctuating state of the law.

Due to this legal instability, and the fact that different states have vastly different laws for voting rights restoration, even election officials tend to be confused as to eligibility rules, which itself can exacerbate voter confusion. Frequently, corrections officers do not provide any information to returning citizens as to their voting rights upon release.¹¹⁸ Even election officials responsible for a state's voting rights restoration process express confusion as to the mechanics of those processes.¹¹⁹ Post-release procedures for restoring one's rights to vote can be complex and burdensome—and even in states that

automatically restore voting rights, many are unaware of their eligibility after release.¹²⁰ As one example, in Florida, it is often virtually impossible to know one's voting eligibility,¹²¹ as the state doesn't have a centralized system to look up what one owes in legal financial obligations¹²² and only extremely rarely issues individualized guidance to voters about their eligibility.¹²³ Likewise, the lack of communication, information, and clarity on voting eligibility for returning citizens in Alabama has dampened the practical import of the policy improvements discussed previously in Section I.¹²⁴

Paperwork & documentation requirements

Some states that have expanded rights restoration still require that returning citizens provide various forms of documentation in order to register to vote. For example, in Louisiana, these individuals must request a "Voter Rights Certificate" from the Division of Probation and Parole and present it in person, together with a paper Voter Registration Application, to the Registrar of Voters in order to register to vote.¹²⁵ The Voter Rights Certificate attests that the individual has completed their parole or probation and has not been incarcerated within the last five years. Several formerly incarcerated people testified at a legislative hearing in 2023 about the confusion and barriers they have run into when trying to regain their voting rights, including this burdensome requirement.¹²⁶ Louisiana could instead provide this information directly to the Registrar or allow citizens to present the certificate online or via mail.¹²⁷

Compounding collateral consequences and depressed voter turnout

Criminal convictions often carry severe collateral consequences. While those consequences vary across jurisdictions, prior criminal convictions frequently saddle individuals with barriers to accessing employment, professional licensing, public assistance, housing, educa-

tion, and financial aid.¹²⁸ Those collateral consequences lower an individual's income prospects and place returning citizens at especially high risk of entering or staying in poverty.¹²⁹ Lower income and poverty are strongly associated with reduced political participation.¹³⁰ In some jurisdictions, returning citizens are prevented from getting a driver's license,¹³¹ another practical barrier to voting when presenting identification is required. Some states also bar returning citizens from other forms of civic participation—like serving on a jury or holding public office.¹³²

These collateral consequences often dramatically increase returning citizens' voting costs – the burdens these voters face as they attempt to exercise their right to vote – and thereby decrease their likelihood of casting a ballot.¹³³

“Pay-to-vote” rights restoration systems

In many states, returning citizens become eligible to vote only upon payment of various legal financial obligations—fees, costs, fines, and/or restitution that courts have imposed on them.¹³⁴ Those requirements keep returning citizens from voting when they can't fully pay off those debts. This is common, particularly given that returning citizens are disproportionately likely to be indigent and suffer from aforementioned collateral consequences that make it harder for them to escape poverty. In Alabama, for example, about one-third of applications for rights restoration are denied due to court debts.¹³⁵ Because of the racial wealth gap, and the racial disparities in criminal legal system impacts discussed in the introduction, these “pay-to-vote” schemes leave Black citizens especially likely to be disenfranchised.¹³⁶

Fear of voting due to threat of criminal prosecution

States regularly prosecute voters for trying to vote when they don't realize they aren't eligible to do so due to a felony conviction. Alarming, this is happening with increasing frequency in many states such as Florida,¹³⁷ Texas,¹³⁸ Tennessee,¹³⁹ North Carolina,¹⁴⁰ Minnesota,¹⁴¹ and Georgia,¹⁴² among others. Typical-

ly, news reports show that these returning citizens made good-faith mistakes as to their voting eligibility—often due to the aforementioned, widespread voter confusion around rights restoration under state law—and were surprised to later face arrest for voting.¹⁴³ Evidence also shows that these prosecutions for voting while ineligible tend to have a chilling effect on political participation, as even eligible voters in communities impacted become fearful of voting.¹⁴⁴

Obstacles to voting in jails

Most individuals incarcerated in jails have not been convicted of crimes and remain eligible to vote.¹⁴⁵ Some also face misdemeanor charges and are disenfranchised in certain states while completing their sentence.¹⁴⁶ But practical barriers prevent these eligible voters from registering to vote or casting a ballot from jail. People in jails often do not know they retain their voting eligibility and aren't given accurate information about their voting rights from either state officials or facility staff.¹⁴⁷ And even where individuals realize they are eligible, they often have to overcome a myriad of logistical hurdles to register and cast a ballot: the lack of in-person voting opportunities in jails, learning and meeting the deadlines for registering and voting, requesting and submitting both a registration form and a ballot (often with mail delays and without phone or internet access), keeping their registration address current, and getting an ID where states require one to vote. Voters in jails also may have privacy concerns about staff handling and reviewing their mail.¹⁴⁸ Some states have laws that make ballot return by most non-family members illegal, which would likely prevent jail staff from returning ballots on their behalf.¹⁴⁹

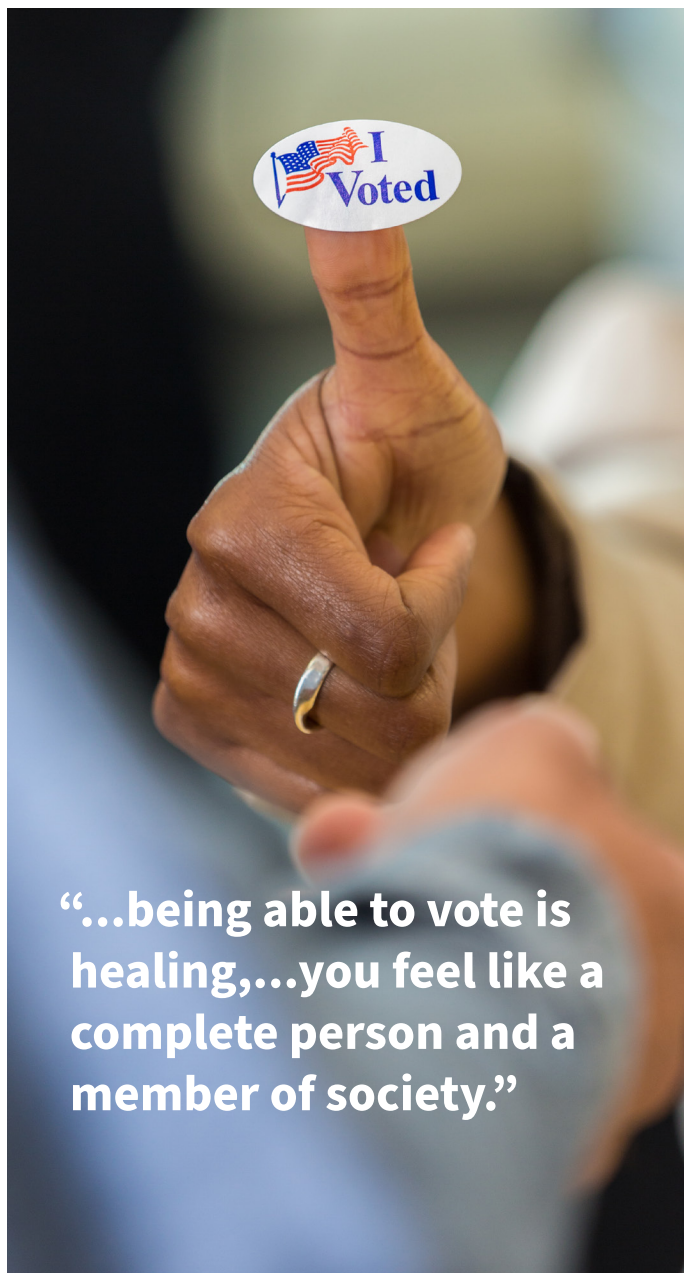
As one example, in Delaware, evidence shows that *not one single voter* living in a jail voted in the November 2020 election.¹⁵⁰ That happened in part because inaccurate information was posted around jails, staff weren't trained on how to handle ballots, and individuals incarcerated in solitary confinement weren't allowed to register.¹⁵¹ Similarly, in Connecticut, thousands of voters were disenfranchised in 2020 because they had no way to get and return their ballots. The absentee voting pro-

cess required sending and receiving multiple mailings, which was difficult or impossible for many.¹⁵² Workable models exist for removing obstacles for eligible voters who are pretrial or completing misdemeanor sentences in local jails; for example, operating polling sites at jails or waiving absentee voting requirements specifically for incarcerated voters.¹⁵³ Practitioners and advocates are working to implement ballot access practices in jurisdictions where eligible voters completing felony sentences in prison can participate in the franchise. In the District of Columbia, officials with the Board of Elections implemented practices as required by the DC Restore the Vote Act to guarantee ballot access for eligible voters completing felony sentences in prison or jail.¹⁵⁴ In Puerto Rico, polling stations in prison facilities throughout the jurisdiction contributed to more than 6,100 persons voting in the 2016 presidential primary.¹⁵⁵

A SPOTLIGHT ON IMPACTED INDIVIDUALS IN THE UNITED STATES

It is pivotal to remember that at the heart of this conversation—about the legislative campaigns, the legal victories and defeats, the advances and retrenchments—are fellow citizens, neighbors, friends, and family. Below are stories of a few returning citizens who have been affected by recent changes in felony disenfranchisement policy.

Debbie Graner, Kentucky



Before 2019, some 300,000 Kentuckians could not vote due to a prior felony conviction. One of them was Debbie Graner. Though she completed probation in 2017, Debbie was still disenfranchised due to her felony conviction. Kentucky’s draconian law ensured that the state had the third highest disenfranchisement rate and the highest Black disenfranchisement rate in the nation.¹⁵⁶ Governor Andy Beshear’s 2019 Executive Order, however, restored the right to vote for Debbie and an estimated 180,000 Kentuckians.¹⁵⁷ When she voted for the first time in years in 2020, at the age of 69, Debbie felt a renewed sense of appreciation for the ballot box.¹⁵⁸

Still, there was a problem. Although the 2019 order expanded voting rights, Kentucky did not have a formal mechanism for notifying people or helping them to get registered, leaving many unable to take advantage of their newfound eligibility. Noticing this gap, Debbie and the Kentuckians for the Commonwealth (KFTC) launched the Kentucky Democracy Project to help register voters who are unaware that their right to vote has been restored and to advocate for Kentuckians who are still being deprived of their right to vote.¹⁵⁹ Debbie notes this mission is so important because “being able to vote is healing,” as it “[makes] you feel like a complete person and a member of society.”¹⁶⁰ Debbie and her KFTC colleagues are also working to advocate for further progress for returning citizens in Kentucky: “most of us [with criminal histories], even though we have become law-abiding and productive citizens who pay taxes, still have difficulty finding suitable employment and adequate housing. Even though we often work to assist others, stay out of legal trouble or recover from addictions, [some of us] will never have our voting rights reinstated unless a state constitutional amendment is passed.”¹⁶¹

Checo Yancy, Louisiana

Checo Yancy voted for the first time on September 29, 2019, at the age of 73 years old, nearly 40 years after he was disenfranchised when he was convicted and sentenced to life imprisonment in 1983.¹⁶² In 1995, the Governor of Louisiana commuted his sentence to 75 years, and he was released on parole eight years later. During his 20 years of incarceration, Checo joined a prison ministry, volunteered for a hospice program, and taught fellow incarcerated persons how to read, among countless other undertakings.¹⁶³ Borne out of the conditions he experienced during the 20 years he spent in the Louisiana State Penitentiary at Angola, Checo developed a passion for advocacy and an interest in civic engagement. Checo and longtime friend Norris Henderson, who were both released from Angola in 2003, are founding members of Voice of the Experienced, a nonprofit organization that advocates for full civil rights restoration for formerly incarcerated people. “We actually started this organization inside of Angola almost 40 years ago,” Checo said, “and we wanted to get our family members and everybody involved in understanding that voting...is the way that you [change the law].”¹⁶⁴

“I vote because my vote is my power. My vote is my voice. When I vote, I’m voting for my children. I’m voting for my granddaughter. I vote because my voice matters.”

Checo is also the policy director of Voters Organized to Educate, a non-profit specifically focused on building electoral power and mobilizing voters to effect change within Louisiana’s criminal legal system.¹⁶⁵ Through this work, Checo played an active and pivotal role in getting the Louisiana State Legislature to pass a new rights restoration law in 2018,

which granted voter eligibility to thousands of citizens.¹⁶⁶ The law finally made Checo, who is still on parole for his 1983 conviction, eligible to vote. With his own rights now restored, Checo spends his days educating, mentoring, and advocating for the 1,000 people who are released from incarceration every month in Louisiana. After so many years, voting can now be a source of pride and a statement of self-determination for Checo: “I vote because my vote is my power. My vote is my voice. When I vote, I’m voting for my children. I’m voting for my granddaughter. I vote because my voice matters.”¹⁶⁷



Jennifer Schroeder, Minnesota

Jennifer Schroeder was a 30-year-old new mother when she was sentenced to one year in prison and 40 years of probation for felony drug possession charges in 2014. Jennifer's bloated probationary sentence guaranteed that she would be ineligible to vote until 2053, at the age of 71.¹⁶⁸ Feeling alienated from society and unsure of her future, Jennifer fought hard to reestablish her career after her conviction. She underwent substance use treatment, went back to school, and earned a degree from Minneapolis Community and Technical College, using her education and personal experience to become a counselor.¹⁶⁹ In 2019, she became the lead plaintiff in a lawsuit brought by the ACLU and ACLU of Minnesota challenging the state's felony disenfranchisement policies.

By sharing her story in courtrooms, to legislators, and in the media, Jennifer set out to “represent [formerly incarcerated people] in a positive light, and to take down that stigma that keeps [them] feeling apart when [they] return to [their] communities.”¹⁷⁰ As noted earlier in this report, Minnesota passed a new law in 2023 restoring voting rights upon release from confinement, and Jennifer was there to witness it. “Thanks to this law that changes today, the voices of those who have struggled will no longer be silenced,” Jennifer said at the bill-signing ceremony.¹⁷¹ “The moment we cast our ballot, we are taking part in something much bigger than ourselves ... It's especially important for people who have been incarcerated ... Voting makes us feel like we belong, like we can actually reintegrate into society and have the power to shape our futures.”¹⁷² Now that Jennifer and an estimated 50,000 of her peers are eligible to vote, she has found a new avenue for her advocacy efforts: fighting for reforms that would cap probation sentences at five years, so that formerly incarcerated people like her can get their voting rights restored even in states that maintain disenfranchisement for those on supervised release. Empowered by her experience as a plaintiff and civil rights advocate, Jennifer is even considering going back to school to get her degree in political science so that she “can fight for change at the macro level.”¹⁷³

The moment we cast our ballot, we are taking part in something much bigger than ourselves ... It's especially important for people who have been incarcerated ... Voting makes us feel like we belong, like we can actually reintegrate into society and have the power to shape our futures.”



HOW THE UNITED STATES COMPARES TO THE REST OF THE WORLD

The sweeping nature of disenfranchisement in the United States is out of step with the rest of the world. For this report, we examined the laws and practices of 152 countries around the world with populations of 1.5 million and above.¹⁷⁴ We determined that 14 of these countries have not commenced holding or do not ever hold national elections, are under military rule, or have no legal system allowing for voting rights in national elections.¹⁷⁵ The remaining 138 countries vary widely in the health of their democratic systems and protections for related rights. For the purposes of this report, we did not analyze the political systems in these 138 countries beyond determining whether elections were conducted; we focused solely on legislative and constitutional provisions governing voting rights in connection with criminal convictions.¹⁷⁶

Countries with few legal restrictions on voting for people with criminal convictions

As Table II below shows, the majority of the countries we examined—73 of the 138, or 53 percent—have laws that are far more protective than the United States of the voting rights of people with criminal convictions: 35 countries do not ever restrict voting rights based on criminal convictions, 21 very rarely limit the right to vote, and 17 restrict voting rights for a narrow set of crimes or for limited periods of time. A majority of the world’s countries do not disenfranchise their citizens nearly as often as most U.S. states.

Table II. Seventy-Three Countries that Do Not or Rarely Deny Voting Rights Due to Criminal Convictions

No Denial of Voting Rights Based on Criminal Convictions (35 countries)	Very Rare Restriction on Voting Rights (21 countries)	Explanation of Rarity	Voting Rights Restricted for Narrow Set of Crimes and/or for Short Period of Time (17 Countries)	Voting Rights Restricted for Limited Set of Crimes and / or for Period of Time Not Exceeding Term of Incarceration
Azerbaijan ¹⁷⁷	Belgium ¹⁷⁸	A judge must individually, on a case-by-case basis, balance the possibility of denying “unworthy” citizens their right to vote with the requirement not to deprive them unfairly of a fundamental right. According to media reports, denial of voting rights happens rarely in Belgium.	Albania ¹⁷⁹	The 2015 Law on Decriminalization strips voting rights for elections for relatively rare, serious offenses (e.g., murder, robbery). Approximately half of incarcerated people retain their right to vote.

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Bangladesh ¹⁸⁰	Bolivia ¹⁸¹	Voting rights are suspended during execution of a criminal judgment if the individual has been convicted i) for taking up arms and serving in the armed forces of the enemy in times of war; (ii) for embezzlement of public funds; or (iii) for acts of treason against the country.	Armenia ¹⁸²	Voting rights are suspended (according to the Constitution and Electoral Code) for people serving a criminal sentence that was imposed for “grave” and “particularly grave” offenses committed intentionally.
Canada ¹⁸³	Bosnia & Herzegovina ¹⁸⁴	Judges must sentence an individual to disenfranchisement, and they can only do so in connection with a conviction for human rights violations committed during the Yugoslav Wars.	Australia ¹⁸⁵	Australia’s federal government, and the governments of the Northern Territory, Queensland, and Tasmania allow those serving a sentence of less than three years to vote. Victoria prevents only those serving a sentence of five years or more from voting. South Australia and the ACT have no voter restrictions at all. New South Wales and Western Australia have the most restrictive rules, which suspend voting rights of all prisoners serving sentences of 12 months or more. If suspended, voting rights are restored after imprisonment in all territories.

No Denial of Voting Rights Based on Criminal Convictions (35 countries)	Very Rare Restriction on Voting Rights (21 countries)	Explanation of Rarity	Voting Rights Restricted for Narrow Set of Crimes and/or for Short Period of Time (17 Countries)	Voting Rights Restricted for Limited Set of Crimes and / or for Period of Time Not Exceeding Term of Incarceration
Croatia ¹⁸⁶	Democratic Republic of Congo ¹⁸⁷	Judges may sentence limits on voting rights but must do so on a case-by-case basis.	Austria ¹⁸⁸	Judges may sentence disenfranchisement upon an individual who is serving a sentence of at least one year for a range of convictions, including: 1) insult, violation of the realm of personal privacy and confidentiality, 2) crimes against life, 3) crimes against bodily integrity, 4) crimes against personal freedom, organized crime and terrorism, 5) violating the National Socialism Prohibition Act 1947, and 6) fraud and breach of trust pertaining to an election.
Czech Republic ¹⁸⁹	Costa Rica ¹⁹⁰	<p>Article 282 of the Costa Rican Electoral Act provides that perpetrators of “electoral crimes” sentenced to terms of imprisonment greater than three years lose their voting rights during their sentence.</p> <p>The Electoral Act provides that individuals can be deprived of their right to vote by a judge. However, one expert study has found “there have been no cases of disenfranchisement of . . . prisoners [in Costa Rica], even those who have committed severe crimes.”¹⁹¹</p>		For a misdemeanor, voting rights are restored 1-3 years after conviction. For serious crimes voting rights are restored 3-15 years after conviction.
Denmark ¹⁹²			Benin ¹⁹³	Limits on voting rights may be imposed for serious and minor offenses if ordered by the court. Certain other offenses are punishable by automatic loss of voting rights, including attempts to influence elections (vote sales/ voter intimidation) and illegal gambling.

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Finland ¹⁹⁴	Germany ¹⁹⁵	Judges may disenfranchise a person convicted for election law crimes, and crimes against the state, such as high treason, spying, and attacks on foreign heads of state.	Burundi ¹⁹⁶	Disenfranchisement may be imposed for common crimes for which the penalty exceeds 10 years of penal servitude; for repeat electoral offenders; for convictions of hit-and-run; and for convictions of driving without a license, in a state of intoxication, or with lack of insurance.
Ghana ¹⁹⁷	Greece ¹⁹⁸	Voting rights may be suspended by a judge in individual cases as part of a final conviction for crimes in Chapters 1 - 6 of the Penal Code, such as “insults against the regime, treason of the country, falsification of the electoral process, [or] violence against voters,” or for crimes punishable by life imprisonment.	Central African Republic ¹⁹⁹	Disenfranchisement may be imposed for “Crimes punishable by ‘afflictive or infamous penalties,’ including but not limited to theft, fraud, breach of trust, misappropriation of public funds, forgery, corruption and influence peddling, offences against the laws of morality and narcotics, economic, financial, [and] tax and customs offences.”
Iceland ²⁰⁰	Indonesia ²⁰¹	Judges may sentence someone to disenfranchisement for crimes of abusing authority or office.	Chile ²⁰²	Voting rights are suspended for individuals serving prison sentences over three years and one day and for drug trafficking and terrorism offenses. Voting rights may be restored upon request to the Chilean Senate.
Iran ²⁰³	Kenya ²⁰⁴	Judges may sentence someone to disenfranchisement for elections crimes only.	Egypt ²⁰⁵	Voting rights are lost for a set period of 5 years for a range of criminal convictions, including but not limited to serious offenses, crimes of “moral turpitude,” and crimes of “corruption of political life.”

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Ireland ²⁰⁶	Kosovo ²⁰⁷	Disenfranchisement is rarely imposed and only on (1) any person “serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia” (the “Tribunal”) and (2) any person “under indictment by the Tribunal [who] has failed to comply with an order to appear before the Tribunal.”	France ²⁰⁸	Judges may impose a maximum 5-year limit on suspension of the right to vote for “délit” – (minor offense) convictions, while “crime” (serious offense) convictions may result in a maximum ten-year suspension.
Israel ^{209,210}	Lesotho ²¹¹	Voting rights are suspended only in capital (death penalty) convictions, which are rare, or for elections crimes.	Georgia ²¹²	Following a court judgment, a citizen must be serving a sentence for a particularly serious crime in order to be disenfranchised. A crime is considered particularly serious if it is intentional and its punishment exceeds 10 years of imprisonment.
Jordan ²¹³	Malawi ²¹⁴	Voting rights are suspended only in capital (death penalty) convictions, which are rare, or for elections crimes.		

No Denial of Voting Rights Based on Criminal Convictions (35 countries)	Very Rare Restriction on Voting Rights (21 countries)	Explanation of Rarity	Voting Rights Restricted for Narrow Set of Crimes and/or for Short Period of Time (17 Countries)	Voting Rights Restricted for Limited Set of Crimes and / or for Period of Time Not Exceeding Term of Incarceration
Latvia ²¹⁵	Moldova ²¹⁶	Judges must sentence individuals to disenfranchisement, thereby limiting its imposition.	Honduras ²¹⁷	Disenfranchisement is imposed for serious crimes (those punishable by a prison sentence of five years or more or a fine of 30,000 lempiras). Voting rights are restored after ten years or when the sentence ends (whichever is earlier).
Lithuania ²¹⁸	Netherlands ²¹⁹	Judges, on an individual, case-by-case basis, may decide whether to sentence someone to disenfranchisement, but in practice disenfranchisement occurs only for rare elections crimes.	Iraq ²²⁰	Disenfranchisement is imposed for sentences of life imprisonment or a term of “multiple years” until release from prison.
Montenegro ²²¹	Norway ²²²	Disenfranchisement occurs only for rare offenses against the state’s independence or security.	Liberia ²²³	Disenfranchisement occurs for “infamous crimes,” (defined in the Constitution as “treason, bribery, or other infamous crimes”). Voting rights are restored after imprisonment ends.
Mozambique ²²⁴	Panama ²²⁵	Voting rights are suspended if the individual is disqualified from exercising public functions (including voting rights) through an enforceable sentence.	Malaysia ²²⁶	Individuals currently serving prison sentences or sentences that include a period of imprisonment of greater than 12 months lose voting rights during incarceration unless the individual registered to vote prior to conviction.
Namibia ²²⁷	Poland ²²⁸	For crimes punishable by deprivation of liberty for more than three years, the court may decide on a case-by-case basis to impose loss of voting rights, which resume after imprisonment ends. In practice, disenfranchisement is rarely imposed.	New Zealand ²²⁹	Voting rights are denied for life imprisonment sentences, imprisonment sentences of three or more years, and “preventive detention” sentences until the person is released from prison.

No Denial of Voting Rights Based on Criminal Convictions (35 countries)	Very Rare Restriction on Voting Rights (21 countries)	Explanation of Rarity	Voting Rights Restricted for Narrow Set of Crimes and/or for Short Period of Time (17 Countries)	Voting Rights Restricted for Limited Set of Crimes and / or for Period of Time Not Exceeding Term of Incarceration
Nepal ²³⁰	Portugal ²³¹	Voting rights may be suspended for crimes against state security, for which convictions rarely occur.	Ethiopia ²³²	A person is ineligible to vote if restricted by a court or by another law. The criminal code also suspends all civil rights for persons facing a death sentence or rigorous punishment, unless they are subject to pardon, amnesty, or reinstatement.
Nigeria ²³³	Romania ²³⁴	Judges must sentence individuals to disenfranchisement.		
North Macedonia ²³⁵	Tunisia ²³⁶	Judges, on an individual, case-by-case basis, must decide whether to sentence someone to disenfranchisement.		

No Denial of Voting Rights Based on Criminal Convictions (35 countries)	Very Rare Restriction on Voting Rights (21 countries)	Explanation of Rarity	Voting Rights Restricted for Narrow Set of Crimes and/or for Short Period of Time (17 Countries)	Voting Rights Restricted for Limited Set of Crimes and / or for Period of Time Not Exceeding Term of Incarceration
Pakistan ²³⁷	Uzbekistan ²³⁸	Voting rights may be suspended upon conviction for particularly grave crimes, but disenfranchisement is rarely imposed.		
Serbia ²³⁹				
Slovenia ²⁴⁰				
Slovakia ²⁴¹				
South Africa ²⁴²				
Spain ²⁴³				
Sudan ²⁴⁴				
Sweden ²⁴⁵				
Switzerland ²⁴⁶				
Taiwan ²⁴⁷				
Tanzania ²⁴⁸				
Uganda ²⁴⁹				
Ukraine ²⁵⁰				
Zambia ²⁵¹				

Source: Legal research and analysis performed by Cleary, Gottlieb, Steen & Hamilton for Human Rights Watch, 2023-2024 and by researchers in the five regional divisions of Human Rights Watch.

Countries that restrict the right to vote only while a person is in prison

The 46 countries in Table III disenfranchise people for a wider set of offenses than those in Table II but during incarceration only, which is similar to the disenfranchisement laws in 23 U.S. states.²⁵²

Table III. Forty-six Countries Deny Voting Rights Only During Term of Imprisonment

Country	Prison population rate per 100,000 of national population. (U.S. rate is 531 per 100,000) ²⁵³	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Algeria ²⁵⁴	217	Serious offense convictions.	After “rehabilitation”/ pardon, which is generally upon release from prison.
Angola ²⁵⁵	79	People “interdicted as a result of a final judgment of criminal conviction,” and those serving a prison sentence are disenfranchised. Political rights may be suspended for 1 to 5 years in cases in which a prison sentence is imposed for an intentional electoral infraction.	Upon release from prison.
Argentina ²⁵⁶	254	People imprisoned for “intentional offenses” are disenfranchised for the duration of the imprisonment; those convicted for offenses under “national and provincial legislation on illicit gambling,” are disenfranchised for a period of three years or for six years if they are repeat offenders.	Upon release from prison, except in rare cases of desertion, which result in the individual losing the right to vote for twice the time sentenced.
Bahrain ²⁵⁷	234	Any crime resulting in a prison sentence.	Upon completion of prison sentence.
Belarus ²⁵⁸	345	Any crime resulting in a prison sentence.	Upon completion of prison sentence.
Botswana ²⁵⁹	161	Crimes resulting in a sentence of six or more months in prison or the death penalty.	Upon completion of prison sentence.
Brazil ²⁶⁰	390	All criminal convictions.	Upon completion of prison sentence.
Bulgaria ²⁶¹	100	Any crime resulting in a prison sentence.	Upon completion of prison sentence.
Cambodia ²⁶²	219	Any crime resulting in a prison sentence.	Upon completion of prison sentence.
Colombia ²⁶³	198	Any crime resulting in prison sentence or house arrest.	Upon completion of prison sentence or house arrest.
Cuba ²⁶⁴	794	Any crime resulting in a prison sentence.	Upon completion of prison sentence.
Dominican Republic ²⁶⁵	223	All criminal offenses.	Upon completion of prison sentence.

Country	Prison population rate per 100,000 of national population. (U.S. rate is 531 per 100,000) ²⁵³	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Ecuador ²⁶⁶	168	Voting rights are suspended for those who have been “convicted <i>and</i> incarcerated following a final court judgment.”	When the final court judgment convicting a person and sentencing that person to incarceration is no longer in force.
Equatorial Guinea ²⁶⁷	63	Any crime above a misdemeanor or resulting in a prison sentence. The Penal Code of Equatorial Guinea, Chapter III, Section 2 and 3 states that the penalties for imprisonment and “major arrest” shall deprive the perpetrator of the “right to vote” for the duration of the sentence/detainment.	Upon completion of prison sentence.
The Gambia ²⁶⁸	22	Any conviction involving a prison sentence.	Upon completion of prison sentence.
Guatemala ²⁶⁹	123	All criminal convictions.	Upon completion of the sentence, amnesty, or pardon.
Guinea-Bissau ²⁷⁰	31	“Intentional crimes” for which a prison sentence is imposed.	Upon completion of prison sentence.
Haiti ²⁷¹	99	All convictions resulting in a prison sentence.	Upon completion of prison sentence.
Hungary ²⁷²	203	All. Based on language of Fundamental law, a court could disenfranchise a voter based on commission of any criminal offense.	Once a prison sentence has ended. Under Article 49 of the Election Procedure Act of 2013, the National Election Office must maintain a list of citizens without suffrage, which includes citizens “serving a term of imprisonment.”
India ²⁷³	41	All criminal convictions.	After completion of term of incarceration, and/ or upon grant of bail, parole or probation.
Jamaica ²⁷⁴	125	Crimes punishable by the death penalty, crimes that result in an individual serving a sentence of at least six months, and crimes connected with the election of members of parliament or members of any local authority.	Upon completion of prison sentence.
Japan ²⁷⁵	36	All crimes resulting in prison sentence and election crimes (regardless of whether the crime carries a prison sentence).	Upon completion of prison sentence.
Kazakhstan ²⁷⁶	184	All crimes resulting in a prison sentence.	Upon completion of prison sentence.
Kyrgyzstan ²⁷⁷	117	All crimes resulting in a prison sentence for which the sentence is final (i.e. there are no further appeals possible).	Upon completion of prison sentence.

Country	Prison population rate per 100,000 of national population. (U.S. rate is 531 per 100,000) ²⁵³	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Mali ²⁷⁸	40	Felonies, misdemeanors as provided by the court, theft, fraud, breach of trust, embezzlement of public funds, forgery and use of forgery, corruption, indecent assault, crimes exceeding three-month sentence, and crimes with fines exceeding 200,000 francs.	Some offenses result in disenfranchisement for the duration of the prison sentence, while other offenses result in disenfranchisement for five years following the conviction.
Mauritania ²⁷⁹	57	All crimes.	Some crimes prescribe a prohibition on the right to vote for a set number of years. Other crimes that result in the loss of civil or political rights leave this undefined. Some sources suggest that disenfranchisement for crimes, if not defined by law, lasts for the term of imprisonment, because the loss of voting rights is discussed in relation to imprisonment.
Mexico ²⁸⁰	176	Any crime that results in incarceration.	Upon completion of prison sentence.
Mongolia ²⁸¹	183	All crimes resulting in a prison sentence.	Upon completion of prison sentence.
Nicaragua ²⁸²	332	May be imposed for crimes at the discretion of the judge.	Suspension of voting rights cannot last longer than the main punishment imposed.
Niger ²⁸³	40	Complex categorization	After a term of five years.
Papua New Guinea ²⁸⁴	54	Any crimes resulting in a prison sentence of more than nine months and any crimes resulting in a conviction for election-related offense.	At the end of prison sentence or (in the case of election offenses) at the end of the three-year disenfranchisement period.
Paraguay ²⁸⁵	233	Any crimes resulting in a sentence to imprisonment.	Upon completion of prison sentence.

Country	Prison population rate per 100,000 of national population. (U.S. rate is 531 per 100,000) ²⁵³	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Peru ²⁸⁶	272	Any crimes resulting in a sentence involving imprisonment and/or a disqualification of political rights.	Article 33 of Peru's Constitution (permitting disenfranchisement through a "sentence of disqualification from political rights" regardless of a prison sentence) suggests that it is possible for the Peruvian legislature to decide to allow for lengthier periods of disenfranchisement.
Russia ²⁸⁷	300	All crimes resulting in a prison sentence.	Upon completion of prison sentence.
Sierra Leone ²⁸⁸	57	Election-related offenses and any crimes resulting in serving a term of imprisonment.	Upon completion of a term of incarceration, unless the person is convicted of an election-related offense.
Singapore ²⁸⁹	185	All crimes.	Upon completion of prison sentence.
South Korea ²⁹⁰	103	Election offenses and offenses resulting in sentences exceeding one year.	Upon completion of prison sentence.

Country	Prison population rate per 100,000 of national population. (U.S. rate is 531 per 100,000) ²⁵³	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Tajikistan ²⁹¹	141	All convictions.	Upon completion of prison sentence.
Thailand ²⁹²	377	Any detention by warrant or court order.	Upon completion of prison sentence.
Turkey ²⁹³	400	Intentional crimes and any crimes resulting in incarceration in a penal institution.	Upon completion of prison sentence.
Turkmenistan ²⁹⁴	576	All offenses that result in imprisonment.	Article 119 of the Turkmen constitution prevents any individual serving sentences in prison from voting.
United Kingdom ²⁹⁵	145	Crimes resulting in any amount of prison time, with the exception of Scotland, where criminal justice reform allows people serving sentences of less than 12 months to vote from prison.	Upon completion of sentence for all incarcerated people. In addition, the following incarcerated people can vote: those held on remand awaiting trial/sentencing, civil prisoners (normally those in prison for willful refusal to comply with court order to pay fines or contempt), and offenders on home detention curfew or released on temporary license.
Uruguay ²⁹⁶	424	All offenses resulting in imprisonment.	Upon completion of prison sentence.
Venezuela ²⁹⁷	199	Any crime for which loss of voting rights or “political disqualification” is imposed.	Upon completion of prison sentence.
Vietnam ²⁹⁸	135	All crimes resulting in a prison sentence.	Upon completion of prison sentence.
Zimbabwe ²⁹⁹	138	All crimes resulting in imprisonment of more than 18 months and for electoral crimes, as sentenced by the court.	For electoral crimes, after the period of disenfranchisement as set by the court has ended (not to exceed five years). For other crimes, upon completion of prison sentence.

Source: Legal research and analysis performed by Cleary, Gottlieb, Steen & Hamilton for Human Rights Watch, 2023-2024 and by researchers in the five regional divisions of Human Rights Watch. All country incarceration rates come from The World Prison Brief hosted by the Institute for Crime & Justice Policy Research (ICPR), at Birkbeck, University of London, <https://www.prisonstudies.org/world-prison-brief-data>.

Countries that impose more far-reaching restrictions on voting rights

The 14 countries in Table IV disenfranchise people for a wider set of offenses than those in Table III, and the loss of voting rights continues for some period after incarceration – much like the disenfranchisement laws in 14 U.S. states.³⁰⁰

Table IV. Fourteen Countries Deny Voting Rights During Term of Imprisonment and Some Period Thereafter

Country	Prison population rate per 100,000 of national population. (US rate is 531 per 100,000). ³⁰¹	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Cameroon ³⁰²	116	Felonies, sentences of imprisonment term without suspension of more than three months, sentences of imprisonment with a suspended sentence or probation of more than six months, and offenses against State security.	Persons convicted of a felony may not be registered to vote, though it is unclear whether they may register upon release from prison. For persons convicted of a crime against the state, voter registration is not allowed for 10 years after completion of sentence.
Central African Republic ³⁰³		All criminal convictions.	Upon rehabilitation.
El Salvador ³⁰⁴	130	All criminal convictions.	Upon a clear declaration of “rehabilitation” by a “competent authority.”
Guinea ³⁰⁵	34	Serious offenses, any conviction resulting in a sentence of more than five years, and certain other offenses/sentences.	Voting rights are only restored if the individual receives amnesty or a pardon.
Kuwait ³⁰⁶	103	Serious offenses and crimes against honor.	After successful “rehabilitation” that requires court approval. ³⁰⁷
Italy ³⁰⁸	103	There is a temporary ban on voting for those sentenced for three years or more and a permanent ban for those sentenced for five years or more.	People must undergo a lengthy process to restore voting rights, including gaining court approval.
Lebanon ³⁰⁹	143	Convictions for felony and other “major” offenses.	After “rehabilitation,” which means “any person convicted of a felony or a misdemeanor may be rehabilitated by a judicial decision if conditions are met, among these: “Seven years must have elapsed in the case of a felony and three years in the case of a misdemeanor since he served the sentence and any associated precautionary custodial measure.”
Oman ³¹⁰	46	All crimes resulting in a prison sentence, all felonies, and some misdemeanors (if the court orders disenfranchisement as a punishment).	For felonies, one year after the completion of the term of punishment.

Country	Prison population rate per 100,000 of national population. (US rate is 531 per 100,000). ³⁰¹	Crimes Resulting in Denial of Voting Rights	When Voting Rights Are Restored
Philippines ³¹¹	162	Crimes resulting in imprisonment of one year or more and crimes of disloyalty (e.g., rebellion, sedition, etc.).	Five years after completion of the sentence.
Qatar ³¹²	58	Likely all crimes.	Three years after the date of completion or early termination of the criminal penalty but potentially longer for crimes of “moral turpitude or dishonesty.”
Rwanda ³¹³	545	A person may not register to vote if they are convicted of manslaughter, murder, genocide, crimes against humanity, defilement or rape. They also may not register to vote if they are a prisoner or a refugee.	A person deprived of the right to vote by a court may have their rights restored if deemed rehabilitated or granted amnesty in accordance with the law.
Senegal ³¹⁴	69	(1) Conviction of a crime (other than misdemeanors generally but including hit and runs); (2) prison sentence or suspended sentence of more than one month for theft, fraud, breach of trust, drug trafficking, embezzlement and misappropriation by public officials, bribery and corruption, counterfeiting and, in general, for any of the offenses punishable by more than five years imprisonment; (3) sentenced to more than three months unsuspended imprisonment or more than six months suspended imprisonment; (4) contempt of court (5) those disqualified by order of a criminal court.	If the sentence is for more than five years in prison, voting rights can be limited for up to 10 additional years.
Sri Lanka ³¹⁵	142	Any crime resulting in a prison term of at least 6 months imposed for conviction of a crime punishable by a prison sentence of two or more years.	Seven years after completion of the sentence.
Syria ³¹⁶	60	Convictions of “outrageous felony or misdemeanor.”	Under a strict reading of Article 5 of the Election Law, the right to vote may be permanently lost only for crimes deemed to be “outrageous” and/or found by the Minister of Justice to have undermined the public trust.

Source: Legal research and analysis performed by Cleary, Gottlieb for Human Rights Watch, 2023-2024. All country incarceration rates come from The World Prison Brief hosted by the Institute for Crime & Justice Policy Research (ICPR), at Birkbeck, University of London, <https://www.prisonstudies.org/world-prison-brief-data>.

Five countries impose permanent disenfranchisement

In five countries—the Republic of the Congo,³¹⁷ Côte d’Ivoire,³¹⁸ Madagascar,³¹⁹ Morocco,³²⁰ and Togo³²¹—people whose convictions fall in certain categories are disenfranchised permanently. These five countries are in the same category with the 11 U.S. states that permanently disenfranchise at least some people convicted of felonies.

RECENT GLOBAL TRENDS TO EXPAND AND PROTECT VOTING RIGHTS

Several US states have enacted important reforms to protect voting rights, yet too many state legal systems still retain draconian disenfranchisement provisions that leave millions of people unable to vote. They are also lagging behind global trends. As reflected in the tables in the previous chapter of this report, many countries have taken significant steps in recent years to restore voting rights for people with criminal convictions. Even countries with legal systems that share an English common law heritage with the United States (such as Australia, Kenya, New Zealand, Uganda, and South Africa) have more comprehensively reformed their disenfranchisement laws than have the 50 US states when viewed as a whole. Although governments of some of the countries named below violate political rights in other ways or undermine free and fair elections—issues we are not addressing here—the countries are part of a discernible trend toward increased availability of voting rights for individuals with convictions in particular.

Ending criminal disenfranchisement

The **Ugandan** High Court in 2020 affirmed the constitutional right of all Ugandan citizens aged 18 and above, including incarcerated people, to vote. In reaching this conclusion, the Ugandan High Court cited reasoning expressed in a 1999 **South African** constitutional court ruling upholding the right to vote for all incarcerated people:

Universal adult suffrage on a common voter roll is one of the foundational values of our entire constitutional order...The universality of the franchise is important not only for nationhood and democracy. The vote of each and every citizen is a badge of dignity and personhood. Quite literally, it says that everybody counts. In a country of great disparities of wealth and power it declares that

whoever we are, whether rich or poor, exalted or disgraced, we all belong to the same democratic South African nation; that our destinies are intertwined in a single interactive polity. Rights may not be limited without justification and legislation dealing with the franchise must be interpreted in favour of enfranchisement rather than disenfranchisement.³²²

In reliance in part on this reasoning, the Ugandan High Court ruled that all Ugandans can vote, regardless of conviction status.³²³ Uganda has not, however, consistently or fully implemented this directive.³²⁴

The pre-2016 constitution of **Zambia** had allowed its parliament to pass legislation that disqualified incarcerated people from voting. A landmark case (*Godfrey Malembeka v. The Attorney-General and the Electoral of Zambia*) in 2017 clarified that “the voting franchise is only restricted to age and not to the fact that a person is in lawful custody or has their freedom of movement restricted.”³²⁵ Though there are logistical impediments to voting in prison, many incarcerated people do exercise their right to vote in Zambia.³²⁶

Limiting the amount of time individuals are deprived of the right to vote

Some countries have changed their laws to limit the amount of time any individual is deprived of the right to vote.

For example, in 2014 **Egypt** repealed a sweeping law banning every person convicted of an offense from voting without time restrictions. The new law enacted in its place still enumerates a wide range of criminal convictions, among them: serious offenses, crimes of “moral turpitude,” and crimes of “corruption of political life,” that entail loss of voting rights for a set period of five

years, irrespective of the sentence imposed. Nevertheless, the reform is in alignment with the view articulated by Egyptian human rights defender Negad El-Borai that the blanket denial of voting rights for every person was extreme: “I think prison [in terms of punishment] is enough.”³²⁷

The **Philippines** used to permanently disenfranchise individuals sentenced to a prison sentence of one year or longer, but in a series of amendments since the early-2000s has amended the law to allow for the reinstatement of voting rights five years following the completion of an individual’s sentence.

Since 1994, judges in **France** may impose a maximum 5-year limit on the right to vote for “délit” (roughly equivalent to misdemeanors in US law) convictions, while “crime” (roughly equivalent to felonies in US law) convictions may result in a maximum ten-year ban. According to France’s justice ministry, in the 2022 presidential election, more than 10,000 incarcerated people voted under new rules allowing incarcerated people in France to vote by mail.³²⁸

Narrowing the types of convictions that can lead to disenfranchisement

Still other countries have narrowed the categories of criminal convictions or sentences that can trigger disenfranchisement. For example, in the **Netherlands**, voting rights for people with criminal system contacts have been expansive for some time. A legal change in 1983 narrowed the ability of judges to sentence individuals to loss of voting rights only when they are convicted of crimes against the state and election-related crimes. As of 2017, according to media reports, only fifty-six individuals lost their right to vote due to criminal convictions.³²⁹

A penal code adopted in **Greece** in 2019 abolished disenfranchisement as an ancillary penalty for a term of imprisonment.³³⁰ However, disenfranchisement may still be imposed by a judge in individual cases as part of a final conviction for crimes in Article 92 of law 4804/2021 such as “insults against the regime, treason of the country, falsification of the electoral process, violence against voters,” or for crimes punishable by life imprisonment.³³¹

The Constitution of **Tanzania** provides that every citizen over 18 years old is entitled to vote.³³² There had been legislation in 2015 which disenfranchised people “under sentence of death imposed by any court in Tanzania” or “under a sentence of imprisonment exceeding six months imposed by a court.”³³³ However, this law was struck down by Tanzania’s High Court as unconstitutional in December 2022.³³⁴ In reaching its decision, the High Court stated that restriction on voting for “any person serving imprisonment exceeding six months, is too general, irrational and is inconsistent with the Constitution.”

³³⁵

In 2019, **New Zealand’s** Electoral Act was amended so that only persons serving a sentence of imprisonment for a term of three years or more are disenfranchised.³³⁶ When New Zealand took this action, in part due to a ruling by a Waitangi Tribunal, new Zealand’s Justice Minister Andrew Little said the government has an interest in ensuring that formerly incarcerated people are productive citizens upon their release, and that “taking away their rights to vote doesn’t do that and so this hopefully will restore a sense of citizenship and remind them that they are a part of a community that they have responsibilities to.”³³⁷ In her testimony to the Tribunal, Māori Climate Commissioner Donna Awatere Huata explained that New Zealand’s previous disenfranchisement law was underpinned by racism:

The prisoner ban was one of many racist pieces of legislation in this country that denies Māori the right to participate in making decisions about their future.... that is what the removal of the voting is about, it is designed to humiliate, it is designed to make you feel like you are nothing...no, we assert our humanity, we are important, our vote is important.³³⁸

In the **United Kingdom**, Scotland allows all incarcerated people serving sentences of less than one year to vote. Elsewhere in the UK, voting rights were expanded for people with criminal system contact when legal reforms in 2017 and 2018 allowed formerly incarcerated people living in the community on “temporary license” (a form

of temporary parole) to vote.³³⁹ The UK government's move was in response to a European Court of Human Rights judgment in *Hirst v. UK* that found the UK's blanket ban on voting for incarcerated people until that point to be noncompliant with human rights law.³⁴⁰ It also explained the move as an effort to ensure those on temporary license are treated the same as those sentenced with home detention, curfew, and remand.³⁴¹

In **Uzbekistan**, Article 5 of the Electoral Code prohibits voting by individuals imprisoned pursuant to a court order for “committing grave and particularly grave crimes.”³⁴² This applies to a narrow group of incarcerated people, and over 34,000 incarcerated people exercised their right to vote in the 2023 presidential election.³⁴³ In addition, Uzbekistan's 2019 electoral code amendments removed restrictions on the right to vote for individuals with past criminal convictions.³⁴⁴

Removing logistical barriers to voting in prison

Countries have also worked to remove logistical impediments to voting in prison. On April 19, 2022, the **Chilean** government amended Law No. 21,385, to eliminate certain obstacles that deter detained individuals from voting.³⁴⁵ Since then, Chile's Electoral Service has reported plans to install polling stations at fourteen prisons.³⁴⁶

Article 31 of the “Act on Amendments to the Act on the Election of Representatives to the **Croatian** Parliament,” passed by the Croatian Parliament in 2015, made voting rights for incarcerated people more concrete by providing that “voters under incarceration shall vote at polling stations to be determined by the minister competent for the prison system.”³⁴⁷

In a 2013 decision,³⁴⁸ **Kenya's** High Court held that Kenya's Constitution grants the right to vote to incarcerated people – both those detained and those convicted, excluding individuals disqualified from voting because they were convicted of election offenses.³⁴⁹ The High Court directed the Independent Electoral and Boundaries Commission to establish procedures to allow incarcerated people to vote in the 2017 general election.

On June 27, 2022, the Supreme Court of **Nepal** issued an interim order requiring that incarcerated people, both those detained pre-trial and those serving sentences, be allowed to vote in the November 2022 federal parliamentary and provincial elections.³⁵⁰ In its decision, the court stated “It's not that all the fundamental rights of the prisoners are automatically curtailed or suspended....Prisoners cannot be deprived of their freedom—except the freedom of movement.”³⁵¹ Media reports indicate that some incarcerated individuals in Nepal were unable to register thereby precluding them from voting, but other incarcerated people were able to vote in the November 2022 parliamentary elections.³⁵²

In-prison polling stations, rarer before in the **Netherlands**, are now found more frequently in Dutch prisons.³⁵³ **Taiwan** does not restrict voting rights of people based on their criminal convictions, though it has been logistically difficult for incarcerated people to vote. However, this is changing. In 2023, a Taipei court ruled in favor of an incarcerated person's right to vote and ordered the state to ensure that incarcerated people can participate in elections.³⁵⁴

In 2014, a High Court in **Nigeria** ruled that all incarcerated individuals have the right to vote in all elections from prison.³⁵⁵ In so ruling, the Nigerian Federal High Court in Benin, Edo State, stated:

To deny inmates the right to vote is unconstitutional, illegal, irregular, unlawful, null and void and of no effect whatsoever....Being an inmate is not an offence that impedes their registration and voting right.³⁵⁶

That judgment was affirmed in 2018. Furthermore, in 2022 the Nigerian Senate called on the Independent National Electoral Commission (INEC) to allow registered and eligible inmates to vote, as well as to educate inmates on voting and to locate voting centers in prisons. INEC has not implemented this directive, giving reasons including logistical challenges and inconsistencies in the current Electoral law which need to be addressed.³⁵⁷

IMPACTED INDIVIDUALS FROM AROUND THE WORLD

João Luis Silva, Brazil

João Luis Silva is 41 years old, and was born and raised in the low and mid-income neighborhood of Irajá in Rio de Janeiro, Brazil.³⁵⁸ He is married and has an eight-year-old child. Silva told Human Rights Watch that he simply did not have the economic opportunities in Irajá to provide for his family as he wanted to. Silva was arrested for fraud in 2010 and convicted in 2011. During the approximately 12 months he was detained in jail before his conviction, he did not vote. Silva was unable to vote during his time in jail, although he wanted to do so, because jails in Brazil are not set up to accommodate voting. This is despite the fact that voting is mandatory in Brazil, including during the pre-conviction time people spend in jail.³⁵⁹ Given this contradiction between Brazilian law and practice, when Silva was released from prison in 2014 he was assessed a small fine of approximately US \$3 (15 Brazilian Reais) to have his voting status restored due to the fact that he had not voted during his pre-conviction time in jail. Brazil disenfranchises people once they have been convicted of a crime, for the duration of their imprisonment, so Silva also did not vote during the three years he spent in prison after his conviction, but was not penalized for the latter period of non-voting.

When Silva was released on probation in 2014, under Brazilian law he was again allowed to vote. He paid the fine assessed for his period of non-voting while in pre-trial detention, became involved with a Brazilian non-governmental organization that promotes human rights and effective, rights-respecting public security policies, called Rio de Paz, and voted for the first time again in 2016 while he was still on probation. He told Human Rights Watch he had one kind of life “before and another after Rio de Paz. When I left [prison], I went back to high school and studied law. I worked at Rio de Paz for eight years.”³⁶⁰

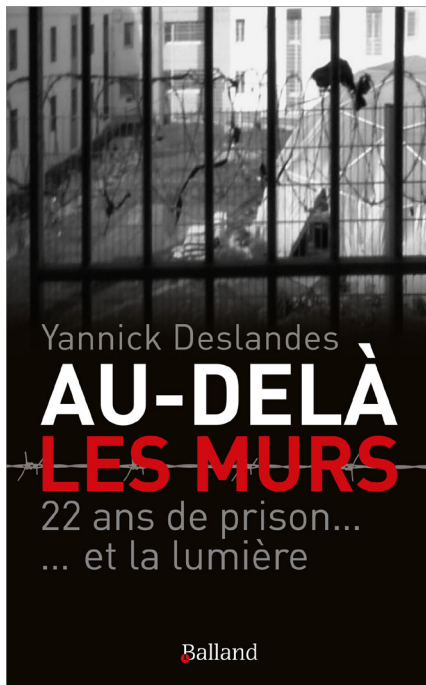


Not being able to vote pushes you to the margins of society. When you recover that [right to vote], it is as if you are coming back to society.... Being [a] part of citizenship means a lot. It meant a lot to me when I voted for the first time after being released. I felt I was contributing to changing the country. It gave me strength to follow my current path.³⁶¹

Silva now serves on the human rights commission of the Rio de Janeiro state legislature and is working to ensure voting is possible in jails as well as advocating for voting rights for people incarcerated in Brazil.

Yannick Deslandes, France

Yannick Deslandes (pseudonym) is the author of the book *Au-delà les murs*, published in September 2023. He was interviewed in France for this report by researchers for Prison Insider. Yannick said:



I've been incarcerated several times in my life. Some of the rulings deprived me of my civil rights for a long time. At the time, I wasn't interested in voting. I noticed when I was first incarcerated that some prisoners were able to benefit from leave to vote, or could vote inside the prison itself.

I voted for the first time in prison during the 2019 European elections, while I was incarcerated at the Poitiers-Vivonne prison. I was there for two and a half years. At the time, I was nearing the end of my sentence.

I remember receiving the different political party programs beforehand. A big meeting was organized in the prison to inform us about the electoral process. We were given explanations on how the distribution of seats in the European Parliament was organized, on the importance of exercising the right to vote, and so on.

On the day of the vote, I was granted leave for two reasons: to cast my ballot and to be baptized. Accompanied by my wife and my mother, I went to vote in the place closest to the prison. It was in a school hall or a town hall, I can't remember. I was the only one who had been granted leave. The others voted inside the prison. There must have been twenty or thirty of them.

I was in prison for more than thirty years. I have to say that over time, access to voting in prison has really improved. It may not be the same in all facilities, but it's important to say it works when it does. For years, many prisoners thought they couldn't vote in prison. So, it's very important to get the word out."³⁶²

INTERNATIONAL HUMAN RIGHTS LAW

The right to vote is a cornerstone of democratic, representative government that reflects the will of the people. The international consensus on the importance of this right is demonstrated in part by the fact that it is protected in international human rights law, including Article 25 of the International Covenant on Civil and Political Rights (ICCPR), to which the United States is party, and Article 21 of the Universal Declaration of Human Rights.³⁶³ The UN Human Rights Committee, the body responsible for interpreting and applying the ICCPR to state practice, stated with regard to the United States in 2023 that it “remains concerned at the persistence of state-level felon disenfranchisement laws and at the lengthy and cumbersome voting restoration procedures.”³⁶⁴ The Committee recommended that the U.S. “[r]edouble its efforts to ensure that all states reinstate voting rights to felons who have served their sentences in full or have been released on parole; provide inmates with information about their voting restoration options; remove lengthy and cumbersome voting restoration procedures; and review the automatic denial of the right of imprisoned felons to vote.”³⁶⁵

The International Convention on the Elimination of All Forms of Racial Discrimination prohibits racial discrimination in voting in purpose or effect. The Committee

on Racial Discrimination, the UN body charged with interpreting and applying the treaty to state practice, has specifically expressed concern in the US over “the political disenfranchisement of a large segment of the ethnic minority population who are denied the right to vote by disenfranchising laws and practices” based on criminal convictions.³⁶⁶

International human rights law “does not impose any particular electoral system.”³⁶⁷ But the ICCPR provides that “every citizen shall have the right and opportunity” without discrimination or “unreasonable restrictions” to “vote and be elected at genuine periodic elections...guaranteeing the free expression of the will of the electors.”³⁶⁸ The trend in international and domestic law on voting has increasingly been toward inclusion and non-discrimination against groups who were previously excluded from the franchise.³⁶⁹ This consensus comes in part from the importance of the right to vote as a cornerstone for many other international human rights. As a result, Human Rights Watch, as of 2022, has begun calling on all governments to repeal laws and regulations that restrict individuals’ right to vote based on their incarceration or conviction for any criminal offense; and to eliminate barriers that in practice deny the ability to vote to people held pretrial, incarcerated people, or people with past convictions who would otherwise be eligible.

CONCLUSIONS AND POLICY RECOMMENDATIONS

This report documents differences between the United States and 138 other countries' policies and practices on voting rights for people with criminal convictions.

In recent years, there has been significant momentum for expanding voting rights to citizens with prior justice involvement around the world. Yet as a result of criminal legal system policies in most of the United States, over 4.4 million persons are disenfranchised due to a criminal conviction. Advancing changes in US policy and practice will help guarantee voting rights for citizens impacted by the justice system.

In the United States, there is also growing momentum to guarantee voting rights for persons completing their sentence in prison and jail. There is pending legislation in the United States Congress which would allow all persons completing their sentence, including those in prison, to vote in federal elections.³⁷⁰ Strengthening voting in correctional facilities ensures electoral participation for residents most at risk of being disenfranchised. The adoption of state and local policies helps momentum for reform.

This report documents efforts to expand and guarantee voting rights of criminal legal system-involved residents and offers policy and practice measures for stakeholders to adopt. These solutions can be achieved through various mechanisms, including legislative reform, local actions, and administrative and executive action. Directly impacted individuals, civic, and nongovernmental groups can also play a role in expanding rights restoration by helping returning citizens gather information and navigate the restoration process.

The time has come to restore the right to vote to all US citizens of voting age, and make sure that no-one is disenfranchised on the grounds of criminal system involvement going forward. Permitting disenfranchisement based on criminal system involvement, particularly if it applies to broad categories of people as happens in the United States, delegitimizes US democracy and further compounds existing marginalization and racial discrimination. The right to vote, and the legitimacy of the democratic system in the United States, should not depend on its criminal legal system, which is built out of and perpetuates structures of discrimination.

Recommendations

To the constituent states of the United States and the US federal government:

- End felony disenfranchisement and extend voting rights to all otherwise voting-eligible persons without regard to their criminal legal system contact or convictions.
- Eliminate “pay to vote” rights restoration practices. Requirements to pay court-related fines and fees impacts voter eligibility, resulting in a modern-day poll tax for justice-impacted citizens. In the United States, this policy is rooted in historical practices intended to reduce electoral participation of citizens of color who would otherwise be eligible to vote.

To all levels of government in all countries, including in the United States:

- Extend and restore voting rights to all otherwise voting-eligible persons without regard to their criminal legal system contact or convictions.
- Establish polling centers or otherwise effectively facilitate voting in all correctional facilities. In the United States, some jurisdictions in Illinois, California, Colorado, Puerto Rico, the District of Columbia, and Texas have established polling centers in jails and prisons. Internationally, jurisdictions in many countries have done so or plan to do so as well, including Chile, Croatia, Greece and the Netherlands, to name just a few.
- Government officials should implement effective practices to notify all eligible voters impacted by the criminal legal system of their voting rights. Information should be easily available from state agency websites, including all corrections and election agencies, and provided in formats that are accessible to voters with disabilities and a variety of language needs. Changes in laws and policies require governments to provide clear and accessible information to residents impacted by the criminal legal system who are eligible to vote.

ENDNOTES

¹ This report uses person first-language to refer to people who are incarcerated or formerly incarcerated. When necessary to specify voting eligibility, sometimes the word citizen is used.

² Kelley, K. (2017). *Racism and Felony Disenfranchisement: An Intertwined History*. The Brennan Center. Brennan Center for Justice, at pg. 1.

³ 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, at pg. 2.

⁴ American Correctional Association (1984). *Vital Statistics in Corrections, 1984*. American Correctional Association; Bellin, J. (2022). *Corrections Compendium*, 3(9). American Correctional Association; Enns, P. (2016). *Incarceration nation: How the United States became addicted to prisons and jails and how it can recover*. Cambridge University Press.

⁵ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022), at pg. 8.

⁶ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). at pg. 2.

⁷ One of the mechanisms that contributes to the relative rarity of criminal disenfranchisement globally is the fact that under the law of many countries, a judge must decide that restricting voting rights is necessary based on the individual case before them. Such individual decision making does not occur in the US criminal legal system. Criminal disenfranchisement in the United States is imposed automatically upon conviction. In addition, since convictions often result from plea bargaining and not from a full trial, and since many sentences are mandatory upon conviction, judges in the United States often play a limited role in conviction outcomes and in the sentence imposed. See, for example, Human Rights Watch. (2013). *An Offer You Can't Refuse: How US Federal Prosecutors Force Drug Defendants to Plead*.

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