



*Felony Disenfranchisement are laws that disallow individuals with a prior conviction of a felony offense the right to vote. Such laws vary from state to state.<sup>1</sup>*

## VOTER EDUCATION RIGHTS FELONY DISENFRANCHISEMENT LAWS

### Scope of the Problem

- ❖ Almost six million Americans are restricted from voting due to felony disenfranchisement laws.<sup>2</sup>
- ❖ Due to state laws, of all individuals that are currently disenfranchised, approximately 45% of those individuals will never have their right to vote restored.<sup>1</sup>
- ❖ About 13% of all African American men have permanently had their voter rights revoked due to felony disenfranchisement laws.<sup>2</sup>

### History of the Problem

- ❖ In 1890, Mississippi was the first state to pass felony disenfranchisement laws.<sup>3</sup>
- ❖ Due to a rapid increase in prison population, the number of individuals that were restricted from voting increased from 1.1 million in 1980 to 5.85 million in 2010 due to felony disenfranchisement.<sup>4</sup>
- ❖ In a variety of states, incarcerated individuals that are restricted from voting are still counted as a part of the county population of the location of the prison (instead of their hometown), which contributes to prison gerrymandering.<sup>5</sup>

### Pennsylvania

- ❖ According to 2010 statistics, approximately 54,872 individuals were prohibited from voting in the state of Pennsylvania due to incarceration.<sup>4</sup>





## Felony Disenfranchisement across the U.S.

- ❖ Currently, Iowa, Kentucky, and Florida all have laws that permanently prohibit individuals with felony convictions from voting.<sup>6</sup>
- ❖ Vermont and Maine grant all residents the ability to vote, including those that are currently incarcerated.<sup>6</sup>
- ❖ New York, Connecticut, Colorado, and California prohibit those in prison and on parole from voting.<sup>6</sup>
- ❖ 14 states: Massachusetts, Rhode Island, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Utah, New Hampshire, North Dakota, Montana, Michigan, Hawaii, Oregon, and, District of Columbia prohibit people in prison from voting.<sup>6</sup>
- ❖ Six states, Nevada, Arizona, Wyoming, Tennessee, Mississippi, and Alabama prohibit some individuals with felony convictions from voting.<sup>6</sup>

### Pennsylvania Prison Society

245 North Broad Street

Philadelphia, PA 19107

Phone: 215.564.4775 ext. 117

Email:

[aschwartzman@prisonsociety.org](mailto:aschwartzman@prisonsociety.org)

## PENNSYLVANIA LAWS

### Who CAN vote?

- ❖ Pretrial Detainees (all individuals who are in correctional facilities that are currently waiting trial).<sup>7</sup>
- ❖ Individuals serving a sentence for a misdemeanor offense only (i.e. simple assault, petty theft, retail theft, simple possession of any drug).<sup>7</sup>
- ❖ Individuals who have been released (or will be released by the date of the next election) from a correctional facility or halfway house upon completion of their term of incarceration for conviction of a misdemeanor or a felony.<sup>7</sup>
- ❖ Individuals who are on probation or released from parole.<sup>7</sup>
- ❖ Individuals under house arrest (regardless of their conviction status or the status of their conditions of confinement).<sup>7</sup>

### Who CANNOT vote?

- ❖ Citizens that currently reside in a halfway house due to a felony conviction or those who are currently on pre-release status.<sup>8</sup>
- ❖ Anyone who has been proven guilty of a violation of Pennsylvania's election laws within the past 4 years.<sup>8</sup>
- ❖ Individuals that are currently incarcerated due to a felony conviction and are not scheduled to be released before the date of the upcoming election.<sup>8</sup>

## References and Citations

<sup>1</sup> Chung, J. (May 2016). The Sentencing Project. Policy Brief: Felony Disenfranchisement: A Primer. Retrieved from <http://sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf>

<sup>2</sup> Brennan Center for Justice. Restoring Voting Rights. Retrieved from <https://www.brennancenter.org/issues/restoring-voting-rights>

<sup>3</sup> Partnership for Safety and Justice. (2003). Prison Index Fact Sheet: Disenfranchisement. Retrieved from <http://www.safetyandjustice.org/story/prison-index-fact-sheet-disenfranchisement>

<sup>4</sup> Sentencing Project. (2010). State-Level Estimates of Felon Disenfranchisement in the U.S. Retrieved from <http://www.sentencingproject.org/wp-content/uploads/2016/01/State-Level-Estimates-of-Felon-Disenfranchisement-in-the-United-States-2010.pdf>

<sup>5</sup> Marshall Project. (August 2015). Christie Thompson. If You Commit Murder, Do You Have the Right to Vote? Retrieved from <https://www.themarshallproject.org/2015/08/05/if-you-commit-murder-do-you-have-the-right-to-vote#.pthhmxt26>

<sup>6</sup> ACLU. Voting Rights for People with Criminal Records. State Criminal Re-enfranchisement Laws Map Retrieved from <https://www.aclu.org/map/state-criminal-re-enfranchisement-laws-map>

<sup>7</sup> Commonwealth of Pennsylvania Department of State. Voting Rights of Convicted Felons, Convicted Misdemeanants and Pretrial Detainees. Retrieved from [http://www.cor.pa.gov/How%20Do%20I/Documents/Convicted\\_felon\\_brochure%20-%20Voting%202016.pdf](http://www.cor.pa.gov/How%20Do%20I/Documents/Convicted_felon_brochure%20-%20Voting%202016.pdf)

<sup>8</sup> ACLU of Pennsylvania. Voting with a Criminal Conviction. Retrieved from <https://www.aclupa.org/issues/votingissues/votingrightsofexfelons/>

