



Georgia Justice Project's 2014 Felony Disenfranchisement Study Report

Background:

Since 1986 the Georgia Justice Project (GJP) has represented low-income individuals involved in the criminal justice system and, for more than the last six years, has also been committed to alleviating and better understanding the barriers to opportunity that stem from having a criminal record in Georgia. Through the Coming Home Program, GJP provides legal representation to people denied opportunities because of a criminal record, educates stakeholders statewide on the negative impact of having a criminal record in Georgia, and advocates for positive legislative and administrative reforms.

The right to vote and the opportunity to exercise that right are fundamental to American democracy and reinforce inclusion and patriotism. Georgia's Constitution denies the right to vote to those serving a sentence for the conviction of a felony offense involving moral turpitude.¹ The state has not provided a list of felony offenses that involve moral turpitude, so in practice every person convicted of a felony is barred from voting in Georgia until they complete the sentence, including the payment of any fines and/or fees. In 2010, 7 out of every 50 Georgians had a felony conviction and there were more than 275,000 Georgians disenfranchised because of an active felony sentence – the 10th highest rate per capita in the country.² There are twelve states that permanently disenfranchise people convicted of a felony; however, Georgia, along with nineteen other states including North Carolina, Texas and Louisiana, automatically restores the right to vote upon sentence completion.

¹ Ga. Const. Art. II, Section 1, Paragraph 3

² Christopher Uggen and Sarah Shannon, *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*. http://www.sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf (last accessed Oct. 31, 2014)

Purpose:

In order to accurately describe and address voter disenfranchisement and its effects on the lives of the people with whom we work, GJP conducted a study to determine: (1) whether GJP constituents understood felony disenfranchisement and automatic voting rights restoration in Georgia, (2) whether a lack of knowledge about voting rights restoration has effectively disenfranchised eligible voters with a felony conviction, (3) whether local registration office policies exist that may prevent eligible voters with a felony conviction from registering to vote, and (4) whether there is a distinguishable difference between the knowledge of people GJP represented and those GJP did not represent, but who are a part of the local community. GJP intends to describe the level of understanding of voter eligibility for GJP constituents, learn whether there are local policies infringing on the constitutional right to vote for eligible Georgians and, if so, make recommendations for reform.

Procedure:

Between July 15, 2014 and October 15, 2014, GJP surveyed 200 constituents through telephone calls, surveying in GJP's lobby and canvassing at outreach events. Along with collecting surveys, GJP provided voter education materials to every survey respondent including a copy of *"CAN I VOTE? Frequently Asked Questions on Voter Eligibility by People with Criminal Records in Georgia"* ("FAQS"). GJP also conducted voter registration for those who had not registered, may not have known they were eligible, or needed to register another address because of a recent relocation. The project utilized the aid of more than 15 volunteers, members of GJP's Community Advisory Board and staff.

Participants -

- **GJP Clients:** (40% of survey respondents) – individuals who GJP represents or represented either in a criminal case or because a criminal record is or was a barrier to an opportunity such as a job or housing. This group was surveyed through telephone calls and canvassing at one of GJP client events on July 19, 2014.
- **Potential Clients:** (32% of survey respondents) – individuals who sought representation from GJP either because of a pending criminal case or because of a criminal record issue. This group was surveyed in GJP’s lobby.
- **“Walk the Road” Attendees** (28% of survey respondents) – individuals who attended “Walk the Road” (WTR) on September 28, 2014, which is a local community event in the Peoplestown neighborhood of Atlanta hosted by Emmaus House, a GJP partner organization committed to reducing poverty in the neighborhood.

T-Shirts Created for GJP’s Voter Education Efforts³



(Front)

(Back)

³ T-shirts were purchased with funds donated by volunteer David Ross for use in GJP’s voter education efforts. The shirts were worn by volunteers, community advisory board members and staff at WTR on September 28, 2014.

Questions -

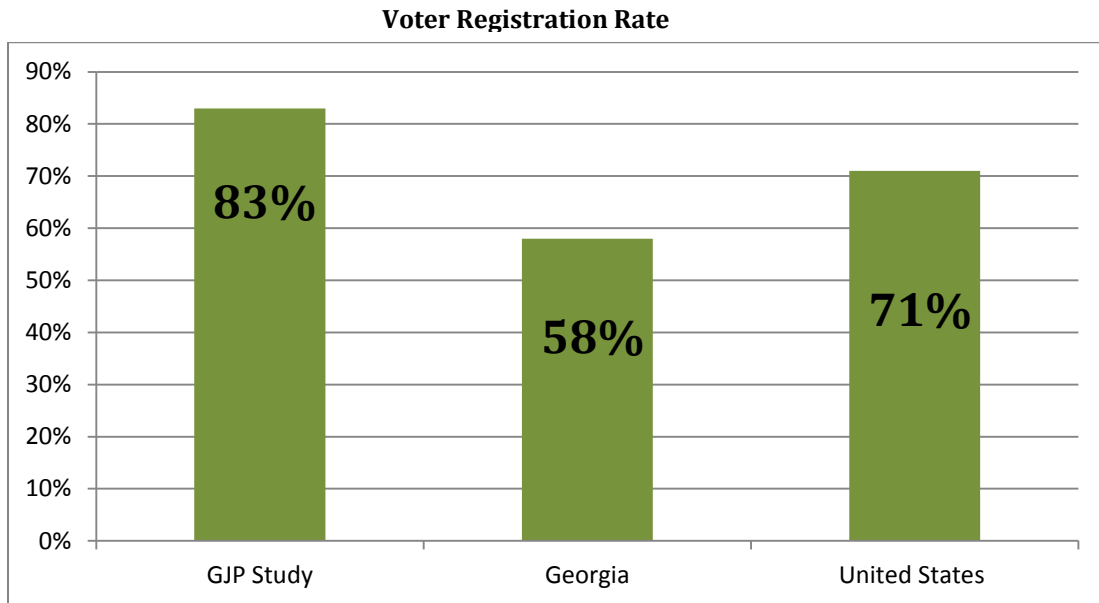
GJP designed questions intended to be most useful in determining (1) the knowledge of voting rights restoration among respondents with a felony conviction, (2) whether a lack of knowledge about voting rights restoration affects eligible respondents with a felony conviction from registering to vote, and (3) whether there are local registration office policies preventing eligible respondents with a felony conviction from registering to vote.

GJP Voter Registration Survey (Last Rev. 6/26/14)

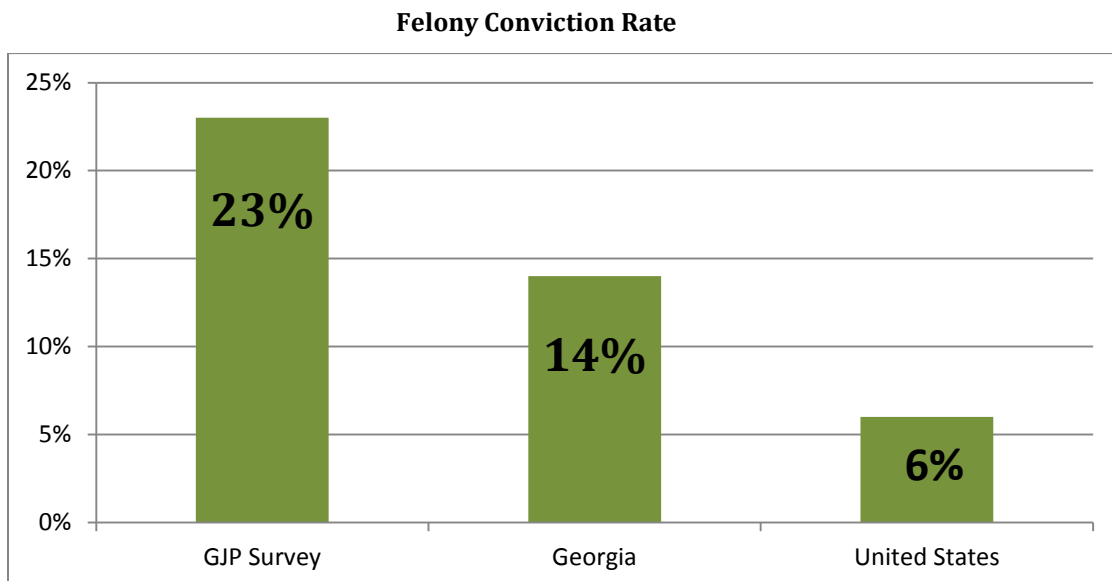
| <u>Question</u> | <u>Sub-Question</u> | <u>Question</u> | <u>Sub-Question</u> |
|---|----------------------------|---|---|
| 1. Do you know whether you can vote in Georgia? | | 6. Are you currently serving a sentence for a felony conviction (including probation, parole, and/or any outstanding fines or fees)? | |
| 2. Have you tried to register to vote in Georgia? | | 7. Has anyone explained to you when and how people with a felony conviction vote in Georgia? | If YES, who was it and what did they say? |
| 3. Are you registered to vote in Georgia? | If YES, in which county? | 8. In order to register, have you ever been asked to provide criminal history documentation? | If YES, what were you asked to provide? |
| 4. Have you ever been convicted of a felony? | | 9. Did you provide documentation? | If YES, were you able to register? |
| 5. Have you ever been told you cannot vote because of a felony conviction? | | 10. Do you think it is important to vote? | Why or why not? |

Findings:

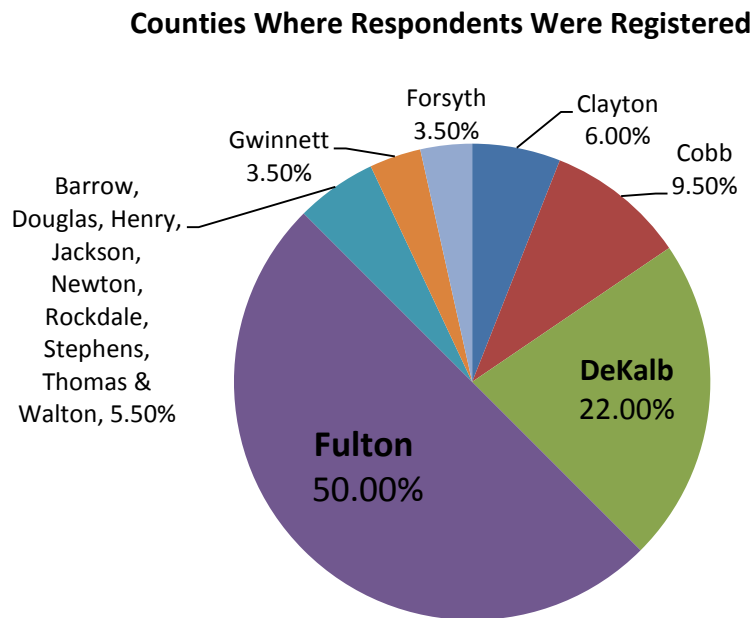
1. The majority of GJP study respondents were registered to vote – a registration rate higher than Georgia and the United States.



2. Nearly 1 of 4 GJP study respondents reported having a felony conviction – a felony conviction rate higher than Georgia and the United States.



3. GJP study respondents reported they were registered in 15 counties in Georgia (72% in Fulton and DeKalb).



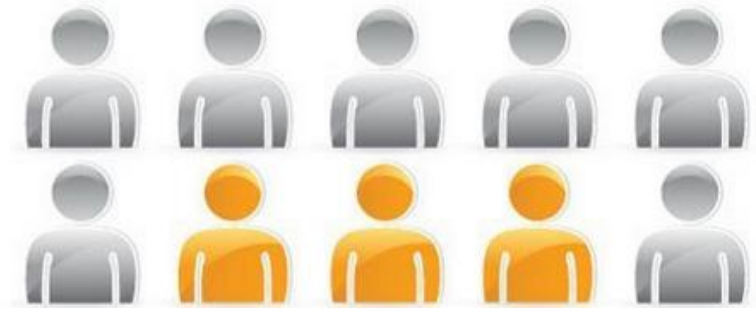
4. Almost all eligible GJP study respondents with a felony conviction said it is important to vote.

- More than **95%** of eligible respondents with a felony conviction said it is important to vote.

5. Most respondents with a felony conviction were eligible and registered to vote

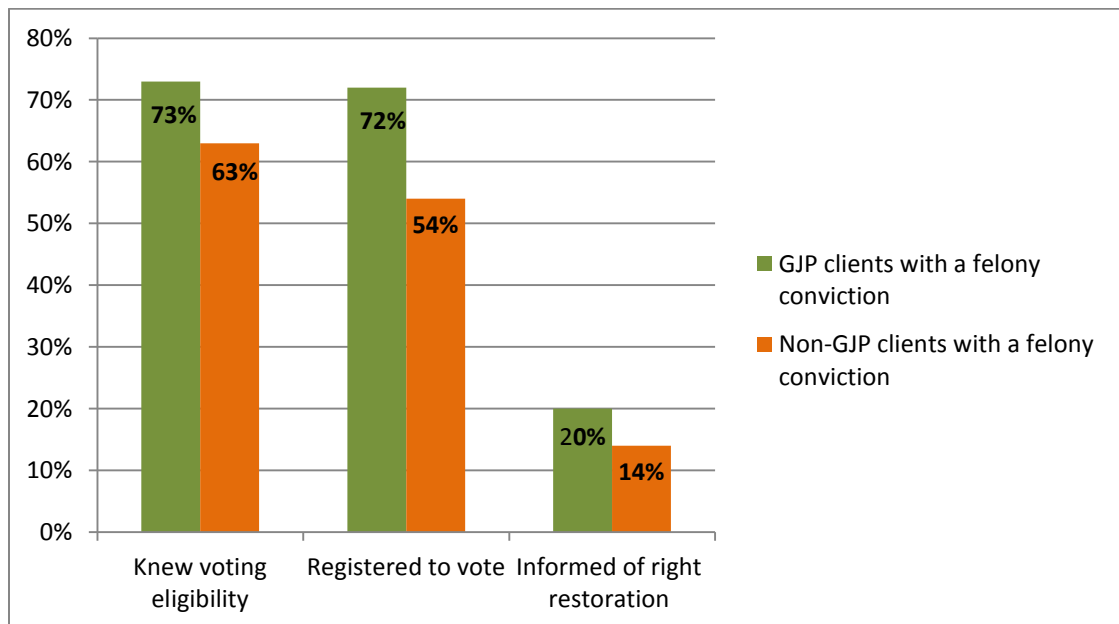
- More than **85%** of respondents with a felony conviction reported they were not currently serving a felony sentence
- More than **60%** of eligible respondents with a felony conviction were registered to vote.

6. Only 3 of 10 respondents with a felony conviction reported having been told about voting rights restoration in Georgia.



7. Overall, GJP clients with a felony conviction were more likely to be informed about voting rights restoration in Georgia and registered to vote than non-GJP clients.

Comparing GJP Clients & Non-GJP Clients



8. Lack of information about voting rights restoration in Georgia is likely a contributing factor that disenfranchised eligible respondents with a felony conviction.

- More than **65%** of respondents with a felony conviction, who were eligible to vote but not registered, reported they *had* been told they could not vote because of a felony conviction but *had not* been told about voting rights restoration.

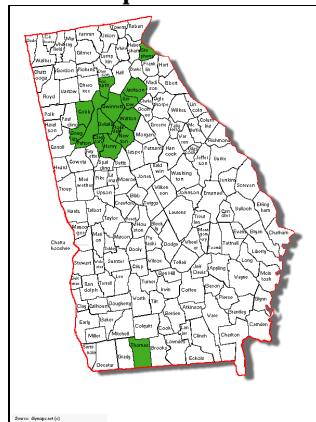
9. Local registration office policies did not prevent the majority of eligible respondents with felony convictions from registering to vote.

- More than **62%** of respondents with a felony conviction were registered to vote (the majority in the counties of Fulton and DeKalb), and very few (3%) reported having to provide criminal history documentation in order to register.

10. The study was inconclusive regarding the effects of local registration office policies in other parts of Georgia.

- The study was limited to Fulton County and respondents only represented **15 of the 159 counties**. This study, therefore, is not determinative of the possible effect local registration office policies may have on disenfranchising eligible voters in other parts of Georgia.⁴

Counties Represented in Study



⁴ Fulton County does have one of the higher rates of people with felony convictions, but in order to determine geographical significance, a felony disenfranchisement study should be conducted in other counties, particularly those where there are also higher concentrations of people with felony convictions, such as Bibb, Chatham, Dougherty, Muscogee and Richmond counties.

Recommendations:

1. GJP and other community service providers should increase efforts to educate about voting rights in Georgia for people with felony convictions.

Misinformation and lack of information are clearly factors that contribute to the disenfranchisement of eligible voters who have a felony conviction. Community service providers working with this population should educate Georgians in their communities about felony disenfranchisement and automatic voting rights restoration upon the completion of a felony sentence.

In the last two years GJP conducted nearly 50 statewide education sessions for more than 2000 people with criminal records and their service providers. The content of these presentations primarily focused on the impact of criminal records on employment because it is the most challenging and important obstacle for this population; however, in light of this study, it seems appropriate to evaluate the content of the presentation to ensure clear information about voting rights for people with felony convictions is provided at these presentations along with helpful materials, such as the “FAQs” and voter registration applications.

2. Criminal justice officials engaged with people convicted of felony offenses in Georgia should ensure that people are informed of felony disenfranchisement and automatic voting rights restoration in Georgia.

Defense attorneys, judges, probation and parole officers should increase efforts to inform those convicted of felony offenses in Georgia about felony disenfranchisement and the automatic restoration of the right to vote upon the completion of the sentence. Ideally, upon the conviction of a felony offense, the defendant should be informed by their attorney and/or the judge that he or she will lose their right to vote in Georgia until the sentence is complete, including the payment of fines and fees. Then, upon the completion of the sentence, the defendant’s probation or parole officer should inform him or her that their right to vote has been restored and they should register to vote either with the Secretary of State’s Office or at the local registration office in the county in which they reside.

3. The Secretary of State's Office should provide accurate information about voter registration for people with felony convictions to the public and also provide in-person training and materials to each local registration office.

Due to the lack of clarity and misinformation about the voting rights of people with felony convictions, the Secretary of State's Office should consider initiating a public communications campaign to clarify this issue for the Georgia population as a whole. Through public service announcements in print media, television and radio outlets, as well as posting information on its website and those maintained by local boards, the state could make clear that people who may have never been informed or provided incorrect information can and should register to vote in Georgia. To also ensure that local registration offices are complying with Georgia law, the Secretary of State's Office should consider providing in-person training and materials to each local board on the proper eligibility requirements and voter registration procedures for people with a felony conviction.

Conclusion:

Losing the right to vote and being excluded from the ability to influence policies that affect a person's life is a significant penalty. Considering the severity, it seems appropriate when Georgians are convicted of a felony, that they are informed about the loss of the right to vote, the duration of the penalty, and when the right is automatically restored upon the completion of their sentence.

This study was conducted in Fulton County with participants who were engaged in their community in some capacity, for services, information and/or kinship. Though a larger rate of respondents had a felony conviction, the rate of registration was considerably higher than both state and national general population averages. Regardless of the high level of civic knowledge and participation, it was still made clear from the study that lack of information is a contributing factor that prevented eligible respondents from registering to vote. This conclusion reinforces the need for those working with people who have felony convictions, community service providers and those conducting voter registration activities should be educated on voting rights for people with felony convictions and provide consistent and accurate information to the public.