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THE FINAL REPORT OF THE SENATE STUDY COMMITTEE ON REVISING VOTING RIGHTS FOR NONVIOLENT FELONY OFFENDERS (SENATE RESOLUTION 153)

COMMITTEE MEMBERS

Senator Randy Robertson, Chair
District 29

Senator Mike Dugan
District 30

Senator Harold V. Jones II
District 22

Senator Burt Jones
District 25

Senator Michael Rhett
District 33

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**SECTION I –
STUDY COMMITTEE FOCUS, CREATION, AND DUTIES**

The Senate Study Committee on Revising Voting Rights for Nonviolent Felony Offenders (“Study Committee”) was created with the adoption of Senate Resolution 153 during the 2019 legislative session. Senate Resolution 153 was sponsored by Senator Harold Jones of the 22nd, Senator Tonya Anderson of the 43rd, Senator Michael Rhett of the 33rd, Senator Sally Harrell of the 40th, and Senator Nikema Williams of the 39th.

As stated in Senate Resolution 153, the Study Committee was charged to “define which nonviolent felonies should be classified as crimes of moral turpitude with an understanding that a blanket prohibition on nonviolent felons having the right to vote does not serve the state’s compelling state interest in assuring that persons are fully integrated into society.”¹

The following individuals were appointed by the President of the Senate, Lieutenant Governor Geoff Duncan, to serve as members of the Study Committee:

- Senator Randy Robertson of the 29th, Chair;
- Senator Mike Dugan of the 30th;
- Senator Burt Jones of the 25th;
- Senator Harold V. Jones II of the 22nd; and
- Senator Michael Rhett of the 33rd.

The following legislative staff members were assigned to the Study Committee: Beth Vaughan of the Senate Research Office; Elisabeth Fletcher and Kessarín Horvath of the Senate Press Office; Holly Carter of Legislative Counsel; and Tarika Jackson, Legislative Assistant to Senator Robertson.

The Study Committee held three meetings in total: one at Columbus State University in Columbus, Georgia on September 20, 2019; one at LaGrange College in LaGrange, Georgia on October 22, 2019; and one at the State Capitol on December 18, 2019, which is the meeting at which the Report and Recommendations were discussed and adopted.

The Study Committee heard testimony from the following: Sara Totonchi, Executive Director for the Southern Center for Human Rights; Marissa Dodson, Public Policy Director for the Southern Center for Human Rights; Maxwell Ruppensburg, Executive Director of Reform Georgia; Ann Colloton, Policy and Outreach Coordinator for the Georgia Justice Project; Rob Thrower of Legislative Affairs for the Georgia Department of Corrections; Dr. Nicholas Powell, Director of Strategic Planning and Research for the Department of Community Supervision; Christopher Bruce, Political Director of the ACLU of Georgia; Sara Henderson, Executive Director of Common Cause; Helen Butler, Executive Director of the Georgia Coalition for the People’s Agenda; Roberta “Toni” Meyers, Director of State Strategy and Reentry for the Legal Action Center; Ryan Germany, General Counsel and Assistant Commissioner of Securities and Charities for the Georgia Secretary of State; John Paul Taylor, Field Director for Rights Restoration for the Southern Poverty Law Center; and from Dr. John Tures and his undergraduate students from the LaGrange College Political Science Research Methods Class.

The Study Committee heard public comment from the following individuals: Escarlata Dominguez; Alton Russell; Charlotte Irvin; Laura Walker; Paulette Hunt; Angela Y. Idel; Carole Maddox

¹ 2019 Senate Resolution 153, available online at: <http://www.legis.ga.gov/Legislation/20192020/181188.pdf>

(Archdeacon of the Episcopal Church of the Diocese of Atlanta and Executive Director of the Georgia Interfaith Public Policy Center); Truth Graf; Leslie Anderson of the Jewish Community Relations Council; and Bridgette Simpson from Women on the Rise.

SECTION II- BACKGROUND

The Georgia Constitution provides that, “[n]o person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”²

Georgia’s Elections Code also provides, in relevant part, that “. . . no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence. . . .”³

Neither the Georgia Constitution nor the Elections Code define a “felony involving moral turpitude.” The practice in Georgia, in the absence of such a definition, has been to interpret a felony involving “moral turpitude” as any felony.

Senate Resolution 153, which created the Study Committee, notes that “states with similar laws are now defining what constitutes moral turpitude for the purpose of restricting the right to vote.” A discussion of the changes in law in other states are included below, in the summary of the Study Committee testimony in Section III of this Report.

² Ga. Const. art. II, § 1, ¶ III(a).

³ O.C.G.A. § 21-2-216(b).

**SECTION III –
TESTIMONY AT STUDY COMMITTEE MEETINGS**

A. Meeting #1: September 20, 2019

The Study Committee’s first meeting was held at Columbus State University in Columbus, Georgia. Senator Randy Robertson (Chair), Senator Harold Jones, and Senator Michael Rhett were present for the meeting.⁴

The following individuals provided testimony:

- Sara Totonchi – Executive Director, Southern Center for Human Rights
- Maxwell Ruppensburg – Executive Director, Reform Georgia
- Ann Colloton – Policy & Outreach Coordinator, Georgia Justice Project
- Rob Thrower – Legislative Affairs, Georgia Department of Corrections

1. Southern Center for Human Rights

Ms. Totonchi from the Southern Center for Human Rights provided a PowerPoint presentation regarding criminal disenfranchisement in Georgia.⁵ Her presentation included an overview of the background and history regarding the phrase “moral turpitude.” She noted that there could have been possible racist motivations for adding the language to the Georgia Constitution in 1877, in what some believe was a response to the Fifteenth Amendment’s grant of suffrage to black men. She stated that currently, all felonies are considered to be crimes of moral turpitude, due to a lack of definitional clarity and impractical application.

Ms. Totonchi also discussed sentence completion and debt, as well as a lack of clarity among people with felony convictions and local poll workers regarding what outstanding debts can prevent voter rights restoration. She cited a 1984 opinion from the Attorney General of Georgia, which states that where a fine is imposed where authorized by statute in addition to and independent of any sentence of probation, a person may not register and vote until his sentence is complete in all aspects including the completion of the payment of the fine imposed.⁶

The Southern Center for Human Rights also provided a memorandum dated September 20, 2019, which was prepared by their Public Policy Director, Marissa Dodson. A copy of the memorandum, which includes initial recommendations from the Southern Center for Human Rights, is attached as Exhibit A in the Appendix to this report.

In the September 20, 2019 memorandum, the Southern Center for Human Rights provided the following proposals to clarify criminal disenfranchisement in Georgia:

- A. Limit criminal disenfranchisement to a list of specific offenses – Georgia law should be clarified to define a list of disqualifying felony offenses to be considered felonies of

⁴ All presentation materials provided to the Study Committee members at the meetings are accessible online at: <http://www.senate.ga.gov/committees/en-US/2019StudyCommittees.aspx>.

⁵ The September 20, 2019 presentation from Ms. Totonchi from the Southern Center for Human Rights is available online at <http://www.senate.ga.gov/committees/Documents/SCHRPresentationtoSenateStudyCommitteeonFelonyDisenfranchisement.pdf>

⁶ See 1984 Ga. Op. Att’y Gen. 71, 1984 WL 59904 (1984).

moral turpitude.⁷

- B. Allow people convicted of a disqualifying offense to be able to vote upon sentence completion regardless of outstanding criminal justice debt – Clarify the law to ensure that voting rights restoration is not conditioned on a person’s ability to pay any fines, fees, or other criminal justice debt.

(See Appendix, Ex. A, pg. 5.)

2. Reform Georgia

Mr. Ruppensburg from Reform Georgia, a nonpartisan advocacy organization with a focus on criminal justice reform in Georgia, also provided a PowerPoint presentation to the Study Committee.⁸

Reform Georgia presented the Study Committee with a fact sheet on felony disenfranchisement in Georgia, which included possible proposals to restore voting rights to certain individuals with felony sentences, along with data regarding the anticipated impact on the number of individuals who could see their voting rights restored. This report from Reform Georgia is attached in the Appendix as Exhibit B.

The possible proposals discussed in the report from Reform Georgia include varying degrees of the restoration of voting rights, including:

- A. Complete Restoration (i.e., elimination of felony disenfranchisement)

This proposal represents a complete elimination of the practice of felony disenfranchisement and would mean that no Georgia resident loses his or her eligibility to vote for any reason relating to correctional involvement. Individuals serving a felony sentence would have the right to vote in all relevant elections, regardless of whether they are incarcerated or under correctional supervision, serving a probation or parole sentences, or if they have outstanding fines.

Reform Georgia estimates that the proposal of complete restoration would impact approximately 266,000 Georgians (100% of the population affected by the voting restrictions in the current law.)

- B. Restoration for those living in society while on probation or parole, regardless of the offense

This proposal would restore voting rights to those who are still serving a felony probation or parole sentence and would not impact those who are incarcerated in a state correctional facility for a felony offense.

⁷ As discussed below, the Southern Center for Human Rights presented a supplemental memorandum at the October 22, 2019 Study Committee meeting which provides a proposed list of offenses that would disqualify an offender from voting until the sentence is completed. The supplemental memorandum from the Southern Center from Human Rights is attached in the Appendix as Exhibit C and is discussed infra in the summary of the October 22, 2019 meeting.

⁸ The PowerPoint presentation from Reform Georgia is available online at: <http://www.senate.ga.gov/committees/Documents/FelonyDisenfranchisementinGeorgia-SenateStudyCommitteeHearing.pptx>

Reform Georgia estimates that this proposal would impact approximately 211,000 Georgians, or approximately 79% of the affected population.

C. Restoration for those on probation (excluding parole*) for nonviolent offenses

This proposal would restore voting rights only to those serving out probation sentences for offenses considered to be non-violent and would exclude felony offenses categorized as violent or sexual, including domestic violence.

*Please note that Reform Georgia stated in their report presented at the September 20, 2019 meeting that they are awaiting further data from the Department of Community Supervision on the parole population before including those numbers in this estimate.⁹

Reform Georgia reported that this proposal would impact 155,337 Georgians (57.6% of the population affected by the current restrictions on voting rights), based on the following categorization of nonviolent offenses:

- (1) Property Offenses: 71,667 (26.9%)
Including burglary, larceny, motor vehicle theft, fraud, and other property offenses
- (2) Drug Offenses: 64,579 (24.3%)
 - 50,605 for drug possession (19%)
 - 14,150 for drug sale (5.3%)
- (3) DUI Offenses: 1,723 (0.6%)
- (4) Other Offenses: 14,389 (5.4%)
- (5) Unknown: 979 (0.4%)

(See Appendix, Ex. B, pg. 5.)

3. Georgia Justice Project

Ms. Colloton testified to the Study Committee on behalf of the Georgia Justice Project, a nonprofit organization that represents low income people involved in the criminal justice system. She discussed the Georgia Justice Project's efforts to work with individuals to assist with reentry into society after a prison sentence and to reduce barriers to employment and housing.

Ms. Colloton discussed the issue of disenfranchisement by misinformation. She provided the Study Committee members with a FAQ sheet that Georgia Justice Project uses at its presentations regarding voting rights for people with criminal records in Georgia.¹⁰ She also stated that there is misinformation within voter registration offices and sometimes among volunteers with voter registration drives and that they sometimes misinform people that if they have ever been convicted of

⁹ On December 12, 2019, the Study Committee members received the Updated October 2019 Report on Felony Disenfranchisement in Georgia by the Numbers from Reform Georgia, which is attached in the Appendix as Exhibit G. The updated report from Reform Georgia includes data regarding individuals on probation and parole for non-violent offenses, among other updates.

¹⁰ The FAQ sheet that Georgia Justice Project provided to the Study Committee is available online at: <http://www.senate.ga.gov/committees/Documents/2019GJPVotingRightsFlierFAQ.pdf>

a felony in Georgia, they cannot vote. She also noted the challenges of individuals proving that they are “off paper” (i.e., have completed probation or parole) and that they are legally eligible to vote.

She also provided the Study Committee members with a map of the United States, with a breakdown of voting rights state by state for formerly incarcerated offenders.¹¹

Ms. Colloton noted the difficulty of defining what a felony involving “moral turpitude” is, and she suggested using an existing legal framework to define that term in Georgia. Specifically, she proposed using the first offender statute which provides that a certain set of charges are excluded from relief from the option of first offender status. Pursuant to O.C.G.A. § 42-8-60(j), a defendant would not be eligible to be a first offender if that defendant has been found guilty of or entered a plea of guilty or nolo contendere for:

- (1) A serious violent felony as such term is defined in Code Section 17-10-6.1;
- (2) A sexual offense as such term is defined in Code Section 17-10-6.2;
- (3) Trafficking of persons for labor or sexual servitude as prohibited by Code Section 16-5-46;
- (4) Neglecting disabled adults, elder persons, or residents as prohibited by Code Section 16-5-101;
- (5) Exploitation and intimidation of disabled adults, elder persons, and residents as prohibited by Code Section 16-5-102;
- (6) Sexual exploitation of a minor as prohibited by Code Section 16-12-100;
- (7) Electronically furnishing obscene material to a minor as prohibited by Code Section 16-12-100.1;
- (8) Computer pornography and child exploitation as prohibited by Code Section 16-12-100.2;
- (9) Certain offenses if committed against a law enforcement officer while he or she is performing his or her official duties:
 - (i) Aggravated assault in violation of Code Section 16-5-21;
 - (ii) Aggravated battery in violation of Code Section 16-5-24; or
 - (iii) Obstruction of a law enforcement officer in violation of subsection (b) of Code Section 16-10-24, if such violation results in serious physical harm or injury to such officer¹²; or
- (10) Driving under the influence as prohibited by Code Section 40-6-391.

4. Georgia Department of Corrections

Mr. Thrower oversees Legislative Affairs for the Georgia Department of Corrections. He noted that the Department of Corrections is not taking a position on these issues. Mr. Thrower stated that the Department has an online reentry handbook for inmates to help offenders with reentering society, including information on a number of topics such as employment, housing, money management, family reunification, and other issues. One of the sections in the reentry handbook discusses restoration of voting rights.¹³ The Reentry Handbook has a section on Restoration of Rights (Chapter 16), which states that:

¹¹ The handout with the map that Ms. Colloton provided to the Study Committee is available online at:

<http://www.senate.ga.gov/committees/Documents/ACLUMapwithSecondPage.pdf>

¹² As provided in O.C.G.A. § 42-8-60(j)(9)(B), the term “law enforcement officer” means: (i) a peace officer as such term is defined in paragraph (8) of Code Section 35-8-2; (ii) a law enforcement officer of the United States government; (iii) an individual employed as a campus police officer or school security officer; (iv) a game warden; and (v) a jail officer employed at a county or municipal jail.

¹³ The Reentry Skills Handbook that Mr. Thrower referenced in this testimony is available online at: <http://gdc.ga.gov/sites/default/files/2019%20Reentry%20Handbook.pdf>

A Restoration of Civil and Political Rights is an order restoring a person's civil rights which are lost in Georgia upon conviction. These include the right to run for and hold public office, to serve on a jury, and to serve as a Notary Public. The right to vote is automatically restored upon completion of your sentence(s) therefore you need not apply. You will still need to register to vote to have your name placed on the voter registration list. Additionally, an approved picture ID (State ID, Driver's License, Passport, etc.) is required to vote.

Mr. Thrower also directed the Study Committee to the Department of Correction's profile roster of inmates, which is available online to the public.¹⁴

5. Public Comment

Five individuals spoke during the public comment period at the meeting:

- Escarlata Dominguez spoke in favor of revising the current restrictions on voting rights, stating her belief that once a person is back in the community, he or she should be able to vote and that being able to vote would decrease the chances of reoffending.
- Alton Russell returned to the issue of fines and fees, and he stated that he believes that if the court imposes these and says that they are part of the sentence, he thinks that should be part of the sentence. He noted the discussion of the difference between fines and fees. He stated that if somebody commits a crime and is sentenced, they have earned the right not to vote. He also expressed his opinion that higher numbers of individuals on probation is a positive aspect of criminal justice reform and that it lowers the number of people who are in prison.
- Charlotte Irvin stated that people should be given second chances.
- Laura Walker described her experience with her niece going to prison twice in Rhode Island and spoke in favor of changing the current law.
- Paulette Hunt also spoke in favor of changing the current law.

B. Meeting #2: October 22, 2019

The second meeting of the Study Committee was held on October 22, 2019 at LaGrange College in LaGrange, Georgia. Senator Randy Robertson (Chair), Senator Mike Dugan, Senator Burt Jones, Senator Harold Jones, and Senator Michael Rhett were present for this meeting.

The following individuals provided testimony:

- Marissa Dodson – Public Policy Director, Southern Center for Human Rights
- Dr. Nicholas Powell –Director of Strategic Planning and Research, Department of Community Supervision
- Christopher Bruce – Political Director, ACLU of Georgia
- Sara Henderson – Executive Director, Common Cause
- Helen Butler – Executive Director, Georgia Coalition for the People's Agenda
- Roberta "Toni" Meyers – Director of State Strategy & Reentry, Legal Action Center

¹⁴ The Inmate Statistical Profile dated September 1, 2019 is available online at: http://gdc.ga.gov/sites/all/themes/gdc/pdf/Profile_all_inmates_2019_08.pdf

- Ryan Germany – General Counsel and Asst. Commissioner of Securities and Charities, Georgia Secretary of State
- John Paul Taylor – Field Director for Rights Restoration, Southern Poverty Law Center
- Dr. John Tures and Undergraduate Students – LaGrange College Political Science Research Methods Class

1. Southern Center for Human Rights

Ms. Dodson from the Southern Center for Human Rights provided a supplemental report to respond to certain questions from the September 20, 2019 meeting at Columbus State University. The Southern Center for Human Rights also included in the response memorandum a proposed list of offenses to be considered involving moral turpitude. The supplemental report from the Southern Center for Human Rights is included in the Appendix as Exhibit C.

The Southern Center for Human Rights opines in the supplemental memorandum that it would be most effective for the Study Committee to recommend a list of offenses that are determined to include moral turpitude, instead of creating a list of felonies that do not. The Southern Center for Human Rights proposed a list of 48 offenses that could be considered felonies involving moral turpitude. (Appendix, Ex. C, p. 1-2.) The Southern Center for Human Rights also reiterated its concern that disenfranchising Georgians based on criminal justice debt is confusing and discriminates against people without financial resources. (*Id.*, p. 2.)

2. Department of Community Supervision

Dr. Powell provided a PowerPoint presentation on behalf of the Department of Community Supervision (“DCS”).¹⁵ He described the population of offenders that DCS supervises and the average length of felony probation sentences. Dr. Powell discussed 2017 Senate Bill 174 (which Governor Deal signed on April 10, 2017), which made various reforms regarding probation.¹⁶ He also discussed the differences between fines, fees, and restitution. As reflected in the PowerPoint presentation, he stated that, if money is owed at the end of the sentence, that issue becomes a civil matter and does not prevent the offender from being eligible to vote. The PowerPoint presentation also states that restitution must be paid in full for a case to be eligible for early termination.

Dr. Powell described the current practices that DCS utilizes regarding information on restoration of voting rights. He discussed the Restoration of Rights Acknowledgement Form, which is provided to the supervisee during the intake interview and which the supervisee is required to sign.¹⁷ He also provided the Study Committee with a Termination Letter, which is sent at the conclusion of the sentence to inform the person that his or her right to vote has been automatically restored.¹⁸ DCS also provides the offender with a Certificate of Sentence Completion.¹⁹ However, Dr. Powell noted that the Certificate of Sentence Completion does at times cause confusion because the offender could receive a

¹⁵ The PowerPoint presentation from DCS is available online at: <http://www.senate.ga.gov/committees/Documents/departementofcommunitysupervision.pptx>

¹⁶ See 2017 Senate Bill 174, <http://www.legis.ga.gov/Legislation/en-US/display/20172018/SB/174>

¹⁷ The sample Restoration of Rights Acknowledgement Form that DCS provided to the Study Committee is available online at: <http://www.senate.ga.gov/committees/Documents/RestorationofRightsAcknowledgementForm.pdf>

¹⁸ The sample Termination Letter that DCS provided to the Study Committee is available online at: <http://www.senate.ga.gov/committees/Documents/TerminationLetter.pdf>

¹⁹ The sample Certificate of Sentence Completion that DCS provided to the Study Committee is available online at: <http://www.senate.ga.gov/committees/Documents/SentenceCompletionCertificate5232018.pdf>

certificate for completing one sentence but still be under supervision for another sentence that impacts his or her right to vote.

3. **ACLU of Georgia**

Mr. Bruce testified on behalf of the ACLU of Georgia.²⁰ He provided historical context for the addition of the “moral turpitude” language into the Georgia Constitution. He stated that, if all felonies were meant to disenfranchise Georgia citizens from voting, then there would not need to be a “moral turpitude” distinction. He also noted that the Supreme Court of Georgia has not weighed in on what the term “moral turpitude” in regards to voting rights in Georgia.

Mr. Bruce discussed Alabama’s 2016 Felony Voter Disenfranchisement Act, which lists specific felony convictions that involve moral turpitude.²¹ He discussed legislation that was passed in Louisiana in 2018 that allowed for the restoration of voting rights for some convicted felons. He noted that Florida voters approved an amendment to the state’s Constitution to restore voting rights to Floridians with felony convictions after they complete all terms of their sentence including parole or probation, except for those convicted of murder or sexual offenses. He also stated that there is ongoing litigation regarding the expansion of voting rights in Florida.

The ACLU of Georgia also provided a memorandum with recommendations to provide clarity for felony disenfranchisement in Georgia, which is included in the Appendix as Exhibit D, including:

- (A) Create and make publicly available a list of specific felony offenses that involve “moral turpitude” that will result in the loss of the right to vote until the completion of the criminal sentence.
- (B) Automatically restore the right to vote for citizens convicted of the listed felonies, once they have been freed from incarceration, regardless of any outstanding term of probation or parole.

(Appendix, Ex. D, p. 6.) He noted that it was the ACLU’s opinion that an offender should never lose his or her right to vote. If a list of felonies involving moral turpitude is created, Mr. Bruce stated that Georgians should be given notice at all criminal proceedings that their right to vote is being jeopardized.

4. **Common Cause**

Ms. Henderson testified on behalf of Common Cause. She referred the Study Committee members to two reports that Common Cause provided on felony disenfranchisement issues.²² She stated that Common Cause, like the ACLU of Georgia, believes that no one should have their voting rights taken away from them. She stated that studies show that disenfranchisement shows no criminal deterrent

²⁰ The PowerPoint presentation from the ACLU of Georgia is available online at:

<http://www.senate.ga.gov/committees/Documents/RevisingRightsforNonviolentFelonsPresentationFINAL.pdf>

²¹ The ACLU of Georgia also provided the Study Committee with a fact sheet on felony disenfranchisement in Georgia and how other southern states have approached this issue, which is available online at:

<http://www.senate.ga.gov/committees/Documents/SR153StudyCommitteeFactSheetOctober1.pdf>

²² Common Cause provided the Study Committee with two reports. “Democracy Behind Bars” is available online at:

<http://www.senate.ga.gov/committees/Documents/DemocracyBehindBarsCORRECT.pdf>. “Zero Disenfranchisement: The Movement to Restore Voting Rights” is available online at: <http://www.senate.ga.gov/committees/Documents/FelonyDisenfranchisementReportv411.pdf>.

and that disenfranchisement has no rehabilitative value. As such, she opined that it is hard to justify disenfranchising citizens from a basic right. She also referenced the history of these disenfranchisement laws, which she stated were meant to target poor communities and communities of color, to subvert the Fourteenth and Fifteenth Amendments of the U.S. Constitution.

Ms. Henderson mentioned a study which found that voting is a pro-social activity and that voting encourages a sense of belonging in the community. She noted other studies that reflected differences between voters and nonvoters in terms of rates of subsequent arrest, incarceration, and self-reported criminal behavior. She noted the impact of restoring the right to vote on lowering recidivism and positive impacts on public safety.

Ms. Henderson proposed that all felons to be automatically re-entered into the voter registration upon their return from prison. She opined that the current process is too arduous and that many former felony offenders do not know that they can re-register to vote. She noted a lack of public education around this issue.

5. Georgia Coalition for the People's Agenda

Ms. Butler testified on behalf of the Georgia Coalition for the People's Agenda. Georgia Coalition for the People's Agenda does not feel that anyone should lose their right to vote. She noted that, in Vermont and Maine, all offenders can vote while in prison.

However, in minimizing the impact of policies that limit access to the ballot, the Georgia Coalition for the People's Agenda proposes that the best policy for Georgia is to allow felons who have served their time (i.e., completed their prison time) to automatically have all of their rights and privileges restored, and that there should be no extra burden of satisfying parole, probation, and fines.

6. Legal Action Center

Ms. Meyers testified on behalf of the Legal Action Center.²³ The Legal Action Center is a nonprofit law and policy organization with the mission to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. She stated that felony disenfranchisement laws perpetuate inequality, marginalize communities of color, and creates challenges to the formation of a fully democratic society.

Ms. Meyers described the rates of people with substance abuse disorders who are involved in the criminal justice system. She encouraged the Study Committee to consider the history of racial discrimination and oppression in Georgia, including the possible racist motives behind the inclusion of the "moral turpitude" language in Georgia's Constitution; the relationship between race, drug laws, and mass incarceration; Georgia's commitment to criminal justice reform and public safety; and the practice of redemption. She also noted the disproportionate impact of drug laws on black and Latino communities. She also stated that the probation sentences in Georgia average 6.3 years, which is nearly double the U.S. average.

The recommendations from the Legal Action Center are included in a written statement that was provided to the Study Committee and include:

²³ The PowerPoint presentation provided by the Legal Action Center is available online at: <http://www.senate.ga.gov/committees/Documents/RMeyersLACTestimony.pptx>

- (A) Automatically restore voting rights to all individuals who have served their sentence under community supervision along with those who completed their sentences; or
- (B) Limit criminal disenfranchisement to a list of specific offenses – Georgia law should be clarified to define a list of disqualifying felony offenses to be considered felonies of moral turpitude. Individuals convicted of any other offenses not listed should have their voting rights automatically restored; and
- (C) Allow people to register to vote regardless of outstanding legal financial obligations – Clarify the law to ensure that voting rights restoration is not conditioned on a person’s ability to pay any fines, fees, or other criminal justice debt.

(Appendix, Ex. E, p. 6.)

7. Georgia Secretary of State

Mr. Germany testified on behalf of the Georgia Secretary of State’s office. He noted that he was there to speak regarding the current process in Georgia and would not be taking positions on policy issues. He stated that the Supreme Court of Georgia has opined previously that, in Georgia, all felonies are crimes that involve moral turpitude and that the Court of Appeals has cited those cases as well.²⁴

He discussed the current process under O.C.G.A. § 21-2-231 for removing from the voter rolls the people who are currently serving a felony sentence, with the exception of people who are in first offender status or conditional discharge status.²⁵ These lists are transmitted from DCS and the Department of Corrections to the Secretary of State’s office on a monthly basis. The Secretary of State transmits the names to the appropriate county board of registrars who mail a notice to the last known address for each of those individuals, stating that the board of registrars has received information that the person has been convicted of a felony and will be removed from the list of electors 30 days after the notice, unless the person requests a hearing.²⁶ He noted that 2019 House Bill 316 added the provision to the current law that gives the voter the opportunity to request a hearing before being removed from the list of electors, in case there is a mistake in identity or in the data.²⁷

Regarding the questions related to fines, fees, and restitution, Mr. Germany stated that the data that the Secretary of State’s office receives from the Department of Corrections and DCS does not include any fines, fees, or restitution; the data includes the start date and the end date of the sentence. He stated that an outstanding fine, fee, or restitution amount would not extend a sentence, but based on the statements from DCS, it could make the offender ineligible for an early termination.

²⁴ See *Rehberger v. State*, 502 S.E.2d 222 (Ga. 1998); *Lewis v. State*, 243 Ga. 443, 254 S.E.2d 830 (Ga. 1979); see also *Spillers v. State*, 683 S.E.2d 903, 904 n.2 (Ga. Ct. App. 2009).

²⁵ Another category includes people who pled *nolo contendere*, a plea by which a defendant in a criminal prosecution accepts conviction as though a guilty plea had been entered but does not admit guilt. Pursuant to O.C.G.A. § 17-7-95 (c), except as otherwise provided by law, a plea of *nolo contendere* is not deemed a plea of guilty for the purpose of a civil disqualification of the defendant to vote.

²⁶ O.C.G.A. § 21-2-231(c)(2).

²⁷ Additional information regarding 2019 House Bill 316 is available online at: <http://www.legis.ga.gov/legislation/en-US/Display/20192020/HB/316>

Mr. Germany noted that currently, there are approximately 156,000 people on the list that the Secretary of State's office receives from DCS who are under felony supervision, after removing people who would not lose their right to vote, such as people who are under first offender or conditional discharge status. There are approximately 50,000 individuals on the list from the Department of Corrections.

He noted that, during the last election cycle (October 2016 to October 2018), Georgia counties removed 68,249 individuals who are serving a felony sentence from the voter rolls. He stated that there has been an increase in the number of matches that the Secretary of State's office gets when it runs the data from the Department of Corrections and DCS against the voter registration lists, and he noted that the increase lined up with Georgia's implementation of automatic voter registration. If a person goes to the Department of Driver Services ("DDS"), the person's voter registration information is automatically updated, unless the person opts out. He stated that people who are under supervision for a felony sentence may not realize that they are registering to vote due to this automatic voter registration process with DDS.

8. Southern Poverty Law Center

Mr. Taylor testified on behalf of the Southern Poverty Law Center. He discussed the change in Alabama's law regarding voting rights for people convicted of felonies involving moral turpitude.²⁸ Mr. Taylor described working as a former fellow for the Alabama Voting Rights Project. He said that the change in the law to clarify what is a felony involving moral turpitude in Alabama (making it clear that it is not all felonies) required education for impacted citizens in Alabama, for the voter registrars at the county level, etc.

The Southern Poverty Law Center provided the following policy proposals to amend Georgia's felon disenfranchisement law:

- (A) Develop a clear and succinct list of disqualifying felony convictions that excludes nonviolent offenses and restores the voting rights of as many people as possible.
- (B) Outstanding legal financial obligations should not be a barrier to reinstating voting rights for people with felony convictions.
- (C) Train state and local election officials and poll workers so that they provide the public with accurate information regarding the scope of Georgia's new moral turpitude law.
- (D) Mount a statewide public education campaign that includes the dissemination of information at government agencies, libraries, and other facilities where the public frequents.
- (E) Convene a meeting of impacted persons so that their voices are heard with respect to the adoption and implementation of the new law.

(Appendix, Ex. F, p. 6.)

²⁸ Like the Georgia Constitution, the Alabama Constitution provides that "[n]o person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability." Ala. Const. Art. VIII, § 177(b). In 2017, Alabama added a definition for the term "felony involving moral turpitude" for the purposes of disqualification from voting in the Alabama Code, at Ala. Code § 17-3-30.1.

9. LaGrange College Political Science Research Methods Class

Dr. Tures, Professor of Political Science at LaGrange College, introduced students from his undergraduate Political Science Research Methods class, who presented their research on topics related to questions of disenfranchisement of felony offenders.²⁹ The topics that the students covered included: ex-felony offender voting rights in the United States compared to other democratic countries; ex-felony offender voting rights and crime rates; recidivism; background checks; state-level corruption; barriers to voting; impact on elections; conservative voter percentages; Republican voters; and religious voters.

The students who contributed to the research and report include: Tia Braxton; Melanie Chambers; Natalie Glass; Porter Law; Jaydon Parrish; Elijah Robertson; Payton Smith; Jason Timms; Caleb Tyler; Andrew Valbuena; and Ben Womack.

10. Public Comment

Six people spoke during the public comment period at the October 22, 2019 meeting:

- Angela Y. Idel is not in favor of any type of expansion of voting rights for felony offenders. Her son was murdered in 2010 by someone who was prior to the murder of her son a nonviolent offender. She herself was also the victim of a home robbery. She is strongly opposed to a change in the current law.
- Carole Maddox is the Archdeacon of the Episcopal Church of the Diocese of Atlanta and Executive Director of the Georgia Interfaith Public Policy Center, which is a nonprofit and nonpartisan organization. She stated their belief that the restoration of voting rights is important to the forgiveness of the felony offenders and to welcome them back into society. They support the restoration of voting rights to the previously incarcerated who have fulfilled their sentence.
- Truth Graf is in favor of changing the current law. She is in long-term recovery from addiction and was convicted of a felony offense. She has been out of prison for several years and is active in her community, serving as a peer support specialist for others recovering from addiction and working with the Fulton County Superior Court with the drug court
- Leslie Anderson with the Jewish Community Relations Council is in favor of changing the current law to restore voting rights. She described the Jewish traditions of forgiveness and the importance that the Jewish community places on the community being consulted on who the leaders should be. She stated that all eligible voters should be allowed to vote.
- Bridgette Simpson is with Women on the Rise. Ms. Simpson is a former felony offender and is in favor of changing the current law to expand voting rights. She served her prison sentence, and she is a homeowner, she works and pays her bills and loves her community. She pays taxes, yet she is unable to vote. She still knocks on doors and helps to encourage voters to turn out.

Ms. Dodson from the SCHR also spoke during the public comment period to clarify some of the issues discussed during the meeting, including the need for Georgia to define a felony involving moral

²⁹ The PowerPoint presentation provided by the LaGrange College Political Science Research Methods Class is available online at: <http://www.senate.ga.gov/committees/Documents/lagrangecollegepresentation.pptx>. The students also prepared a report to summarize their research and findings, which is available online at: <http://www.senate.ga.gov/committees/Documents/LaGrangeCollegeResearchMethodsStudents102219.pdf>.

turpitude. If the law is being applied to restrict voting rights for convictions of any and all felonies, that makes the phrase “involving moral turpitude” meaningless.

C. Meeting #3: December 18, 2019

The third meeting of the Study Committee was held on December 18, 2019 at the State Capitol in Room 307 of the Coverdell Legislative Office Building.³⁰ The Study Committee discussed and voted on this Report and Recommendation. All Study Committee members were present.

The Study Committee discussed the list of offenses compiled by Senator Harold Jones, which is attached in the Appendix as Exhibit H.

A majority of the Study Committee members voted to recommend to continue upholding Article II, Section 1, Paragraph III (Exceptions to Right to Register and Vote) subparagraph (a) of the Georgia Constitution which states: “No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”

³⁰ The December 18, 2019 Study Committee meeting was livestreamed, and the video is available online at: <https://livestream.com/accounts/26021522/events/8790076/videos/200023415?fbclid=IwAR2lNY98ZKwi38sVxBXFe5r4zFKxxX7P4vdBQbZZ0XiT922R7BN7-gVsdh0>

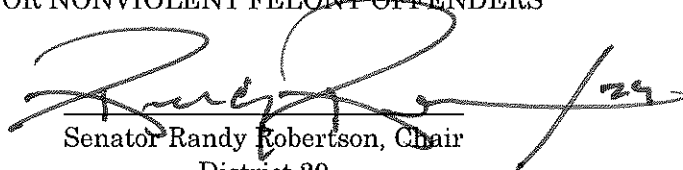
SECTION IV –
STUDY COMMITTEE RECOMMENDATIONS

Continue upholding Article II, Section 1, Paragraph III (Exceptions to Right to Register and Vote) subparagraph (a) of the Georgia Constitution which states: “No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”

**SECTION V -
SIGNATURE PAGE**

Respectfully submitted,

THE FINAL REPORT OF THE SENATE STUDY COMMITTEE ON REVISING VOTING RIGHTS
FOR NONVIOLENT FELONY OFFENDERS



Senator Randy Robertson, Chair
District 29

APPENDIX
TO THE REPORT AND RECOMMENDATIONS
OF THE SENATE STUDY COMMITTEE ON
REVISING VOTING RIGHTS FOR NONVIOLENT
FELONY OFFENDERS

EXHIBIT A

Memorandum

To: Chairman Randy Robertson & Members of the Senate Study Committee on Revising Voting Rights for Nonviolent Felons

From: Marissa Dodson, Public Policy Director, Southern Center for Human Rights

RE: Felony Disenfranchisement in Georgia and Proposals for Recommendation to the Members of General Assembly

Date: 20 Sept 2019

Since 1976, The Southern Center for Human Rights has worked to promote equality, justice and dignity in the criminal legal systems in the Southern United States. Through community partnerships, litigation and public policy advocacy, we aim to end the criminalization of poverty, eliminate harsh sentencing, abolish the death penalty and address any other practices in the criminal legal system being used to disproportionately control the lives of marginalized communities. In our work, we are committed to bringing attention to the remnants of chattel slavery and racism that continue to exist in criminal legal systems in the South, and working with elected officials and other stakeholders to achieve meaningful and equitable reforms that fosters the health and safety of impacted communities.

The issue of criminal disenfranchisement in Georgia is of utmost importance to our work because of the systematic and disparate exclusion of Black people and those of little financial wealth from being able to vote. Today, an estimated 6.1 million Americans are denied the ability to cast a ballot because of a criminal conviction.¹ In Georgia, nearly a quarter million people are barred from voting in 2016 and approximately 58% of those disqualified were Black.² With about 3% of the voting population disqualified due to a felony conviction, Georgia has the 10th highest rate of felony disenfranchisement per capita in the country.³ Moreover, Georgia has removed more people from the voter list due to a felony conviction than any other state in the country during the past decade.⁴

Beyond those who are directly prohibited from voting by criminal disenfranchisement laws, studies show that overly complex, restrictive disenfranchisement laws such as exists in Georgia can result in eligible voters being turned away from the polls. Election officials often misinterpret and misrepresent disenfranchisement laws, leading people to believe that some voters who are in fact eligible are ineligible. This issue is especially prominent in Black communities in states with the most restrictive felony disenfranchisement laws.⁵

¹ The Sentencing Project, *6 Million Lost Voters: State-Level Estimates of Disenfranchisement, 2016* (2016), 15-16.

² The Sentencing Project, *6 Million Lost Voters*, 15.

³ *Id.*

⁴ Angela Caputo, "Southern States Remove the Highest Rates of Registered Voters for Felony Convictions," *APM Reports*, (November 2018): 1 Available at: <https://www.apmreports.org/story/2018/11/01/former-confederate-states-purge-felons-from-voting-lists>.

⁵ Erica Wood, *Restoring the Right to Vote* (The Brennan Center for Justice at New York University School of Law, 2009), 12.

Criminal Disenfranchisement in Georgia:

Punishing people convicted of certain crimes with voter disqualification has existed in the United States since early colonial law. At that time, however, the crimes that barred someone from voting were linked to the act of voting itself or to offenses considered serious violations of the moral code, such as bribery, perjury and forgery.⁶ Further, the disenfranchising laws articulated the purpose of the punishment and, in some cases, required a court order for implementation.⁷ The criminal disenfranchisement laws of old are in stark contrast to the laws today, which arose as part of a targeted effort to curb the expansion of suffrage to Black men in the Reconstruction-era South and apply broadly to all or most felony offenses.⁸

Slavery was formally abolished in 1865 with the ratification of the Thirteenth Amendment to the U.S. Constitution, followed by the Fourteenth Amendment in 1868 establishing protections to citizens and the Fifteenth Amendment in 1870 granting suffrage to Black men. In response to the significant political and economic changes during the Reconstruction Period, felony disenfranchisement, poll taxes and “Black Codes” were implemented, particularly in southern states, to cause the disproportionate rates of incarceration and disenfranchisement among Black Americans that is endemic in the United States today.⁹

Criminal Disenfranchisement in Georgia’s Constitution

- 1868 – Constitutional Convention established criminal disenfranchisement for the first time to deny the right to vote to people convicted of treason, embezzlement of public funds, malfeasance in office, bribery and crimes punishable by imprisonment in the penitentiary.¹⁰
- 1877 – Constitutional Convention expanded criminal disenfranchisement to include larceny and *any crime involving moral turpitude* punishable with imprisonment in penitentiary.¹¹ This was also the year the poll tax was established which allowed the collection of an annual fee in order to vote.¹²
- 1945 – Constitutional Convention revised criminal disenfranchisement to allow voting rights restoration upon the issuance of a pardon.¹³
- 1983 – Constitutional Convention modified criminal disenfranchisement to apply to people convicted of a felony involving moral turpitude until the sentence is complete.¹⁴

⁶ Ewald, Alec, 'Civil Death': The Ideological Paradox of Criminal Disenfranchisement Law in the United States (March 24, 2012). Wisconsin Law Review, pp. 2002:1045: 16-20. Available at SSRN: <https://ssrn.com/abstract=2028335>.

⁷ *Id.*

⁸ Kelley, *Racism and Felony Disenfranchisement*, 1.

⁹ *Id.*

¹⁰ Ga. Const. art. II, § 6 (1868).

¹¹ Ga. Const. art. II, § 2, para. I (1877).

¹² Ga. Const. art. VII para III (1877).

¹³ Ga. Const. art. II, § 2, para. I (amended 1945 and 1976).

¹⁴ Ga. Const. art. II, § 1, para. III (amended 1983).

The Problems With “Moral Turpitude”:

Beginning in 1877, and in what many believe was a response to the Fifteenth Amendment’s grant of suffrage to Black men, southern states like Georgia rewrote their constitutions to intentionally exclude Blacks voters.¹⁵ By 1906, every state in the South had implemented criminal disenfranchisement in some form.¹⁶ Georgia and Alabama did this by expanding criminal disenfranchisement to include people convicted of “crimes of moral turpitude.”

The phrase “moral turpitude” was first introduced into the United States’ legal system in the early nineteenth century and for men was characterized as oath-breaking and disloyalty (but not violence) and for women it meant sexual impurity.¹⁷ Moral turpitude was considered a standard of honor and was used by judges to identify conduct so harmful to one’s reputation that no evidence of proof of damages is required.¹⁸ The use of the phrase was designed to sort acceptable people from those who should be disqualified in order to maintain the social structure.¹⁹

While there is no direct evidence of racially discriminatory intent in the adoption of the term “moral turpitude” in Georgia’s Constitution, the same phrase is enshrined in Alabama’s Constitution and there is a historical record of racist motives in that neighboring state. In fact, in 1985 the United States Supreme Court struck down the provisions of Alabama’s criminal disenfranchisement laws based on “moral turpitude” because of the disproportionate impact on Black people and the evidence of racially discriminatory intent.²⁰ In 2017, in a long overdue response to the U.S. Supreme Court decision, Alabama lawmakers finally defined the term “moral turpitude” to apply to 46 felony offenses such as serious violent offenses and crimes against children.²¹

Given the historical context, it is likely that similar racist motives were behind the expansion of disenfranchisement in Georgia to crimes of moral turpitude shortly after the ratification of the Fifteenth Amendment. Georgia, however, has yet to define the offenses deemed to involve moral turpitude and thus disqualify people from voter eligibility. “Moral turpitude” has been defined in Georgia courts as “the idea of inherent baseness or vileness, shameful wickedness, depravity. . .done contrary to justice, honesty, modesty, or good morals.”²² The Georgia Attorney General in 1983, in response to a question about the restoration of civil rights for people convicted

¹⁵ Andrew L. Shapiro, Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy, 538 Yale L.J. (1993). Available at: <https://digitalcommons.law.yale.edu/yli/vol103/iss2/8>.

¹⁶ Caputo, “Southern States Remove the Highest Rates of Registered Voters for Felony Convictions,” (2018) *APM Reports*, 2.

¹⁷ Julia Simon-Kerr, “Moral Turpitude,” *Faculty Articles and Papers*, (2012): 1012-1013. Available at: https://opencommons.uconn.edu/law_papers/104.

¹⁸ *Id.*

¹⁹ Ewald, Alec, ‘Civil Death’: The Ideological Paradox of Criminal Disenfranchisement Law in the United States (March 24, 2012). Wisconsin Law Review, pp. 1045-1132, 1040. Available at SSRN: <https://ssrn.com/abstract=2028335>

²⁰ Hunter v. Underwood, 105 S.Ct. 1916. (1985). Evidence of the president of the Alabama Constitutional Convention that established criminal disenfranchisement based on crimes of moral turpitude, said that the purpose of the convention was to establish white supremacy within the limits imposed by the changes to Federal Constitution referring to the Thirteenth, Fourteenth and Fifteenth Amendments.

²¹ Ala. Code Section 17-3-30.1 (2017).

²² Holloway v. Holloway, 126 Ga. 459, 460 (1906).

of crimes, issued an opinion letter declaring that, due to the lack of definitional clarity, all felony offenses should be considered to involve moral turpitude.²³

Thus, even though the state's constitution explicitly limits criminal disenfranchisement to felonies involving moral turpitude, in practice people convicted of **all** felony offenses are disqualified from voting.

Debt Should Not Be A Barrier to Voting

As the criminal legal system has grown, it has become increasingly difficult to finance. One source of revenue that has become more popular is fees and fines, imposed on people charged with crimes. Today, the state of Georgia heavily relies on legal financial obligations when imposing criminal punishment.²⁴ These fees and fines are most often imposed on those who can least afford them. The litany of debts that attach to a felony sentence in Georgia is overwhelming and includes payments to: the Peace Officers' Annuity and Benefit Fund, the Superior Court Clerks' Retirement Fund; the Sheriffs' Retirement Fund; the County Jail Fund; the Drug Abuse Treatment and Education Fund, the Crime Victims Emergency Fund, the Brain and Spinal Injury Trust Fund, and the Driver Education and Training Fund. These fees are in addition to restitution and other debts.

When excessive fines and fees are imposed as part of a prison sentence, people are released, in many cases, with thousands of dollars in debt making it nearly impossible to successfully reintegrate into society. Further, most people involved in the criminal legal system live with extremely scarce financial resources, so obtaining stable employment is critical to the ability to pay fines and fees. Yet, having any type of criminal record reduces the chance for a job call back by 50%.²⁵ Worse, Georgia is considered one of the hardest places to find employment and housing with a criminal history.²⁶ In light of the difficulty with successful reentry in Georgia and the constitutional concerns with imposing financial barriers to the ability to vote, people who have otherwise completed the terms of their sentence should not be barred from voting because of outstanding criminal justice debt.

Certain fines related to a felony sentence in Georgia prohibit the restoration of voting rights until the debt is paid in full. In a 1984 opinion, the Georgia Attorney General explained that sentence completion for purposes of rights restoration requires the payment of fines that are specifically authorized by the law, but not those imposed because of a sentence that has been probated.²⁷ Of significant concern on this issue, however, is that there is a lack of clarity about which fines bar automatic restoration and which do not. People who have been convicted of a felony offense, service providers and even many poll workers lack clarity about which fines must be paid to restore voting rights and which do not.

²³ Ga. Op. Atty. Gen. No. 83-33 (1983).

²⁴ Sarah Shannon & Brittany Martin, Monetary Sanctions in Georgia, in *Monetary Sanctions in the Criminal Justice System*, (2017): 48-75.

²⁵ Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago, IL: University of Chicago Press (2007).

²⁶ H.J. Lane Dennard and Pat DiCarlo, *Collateral Consequences of Arrests and Convictions: Policy and Law in Georgia* (September 2008) Macon, GA: Mercer University School of Law.

²⁷ *Id.*

Many have compared this financial voting obstacle to the poll tax that was implemented in Georgia in 1877, which allowed the assessment of an annual financial obligation in order to vote. In what is regarded as yet another southern effort to suppress the Black vote after the Civil War, Georgia along with Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, imposed a form of poll tax at the turn of the 19th century.²⁸ Georgia's poll tax was abolished in 1945, and later the United States Supreme Court held that poll taxes are unconstitutional as a violation of the Fourteenth Amendment.²⁹

Expanding Voting Rights Reduces Recidivism and Saves Taxpayer Dollars

Recent reforms to Georgia's criminal legal system were largely driven by the need to reduce recidivism and avoid unnecessary correctional costs. Research shows that when people released from correctional control are given inclusive opportunities to invest in their community, they are more likely to avoid further contact with the criminal legal system. Moreover, when people participate in the democratic process and exercise their right to vote, there are positive impacts on recidivism.³⁰ In fact, one study found that voting reduces the likelihood of re-arrest by half.³¹ Participating in civic engagement also increases political trust which has been proven to effect voter choices, political preferences and government efficiency.³²

Fiscal efficiency in the criminal legal system requires identifying ways to promote health and safety by providing opportunities for people to successfully reintegrate and contribute to community. These opportunities cannot be conditioned on financial resources but must instead focus on inclusion and finding ways to restore people, families and communities impacted by the criminal legal system.

Proposals to Clarify Criminal Disenfranchisement in Georgia:

- 1) ***Limit criminal disenfranchisement to a list of specific offenses*** –Georgia law should be clarified to define a list of disqualifying felony offenses to be considered felonies of moral turpitude.
- 2) ***Allow people convicted of a disqualifying offense to be able to vote upon sentence completion regardless of outstanding criminal justice debt*** – Clarify the law to ensure that voting rights restoration is not conditioned on a person's ability to pay any fines, fees or other criminal justice debt.

²⁸ Kelly Phillips Erb, "For Election Day, A History Of The Poll Tax In America," *Forbes* (Nov. 2018), 1. Available at: <https://www.forbes.com/sites/kellyphillipserb/2018/11/05/just-before-the-elections-a-history-of-the-poll-tax-in-america/#35ee41fe4e44>

²⁹ Harper v. Virginia Board of Elections, 383 U.S. 663 (1966)

³⁰ Guy Padraic Hamilton-Smith and Matt Vogel, "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism," *Berkeley La Raza Law Journal*. 22 La. Raza L.J. 2, 414 (2015).

³¹ Christopher Uggen & Jeff Manza, Voting and Subsequent Crime and Arrest: Evidence from a Community Sample, 36 Colum. Hum. Rts. L. Rev. 193, 205 (2004).

³² Victoria Shineman, *Restoring Rights, Restoring Trust: Evidence that Reversing Felon Disenfranchisement Penalties Increases Both Trust and Cooperation with Government* (2018) Available at: <https://rubenson.org/wp-content/uploads/2018/09/shineman-tpbw18.pdf>.

EXHIBIT B



Fact Sheet on Felony Disenfranchisement in Georgia

“Felony disenfranchisement prevented over 265k Georgians from voting in 2018. 85% of those disenfranchised were living in the community under correctional supervision.”

What is felony disenfranchisement?

Individuals in Georgia convicted of a felony criminal offense lose their right to vote until the completion of their sentence and after their release while still on probation or parole, and until they have paid all associated fees.

What are “crimes involving moral turpitude”?

Georgia law states that anyone convicted of a “crime involving moral turpitude” will lose their voting rights. However, it does not clearly define what “moral turpitude” means. As a result, the loss of civil voting rights is applied to all felony offenses, regardless of the type of crime.

How many people are impacted by felony disenfranchisement and why?

*In 2018, over **266,000** Georgians could not vote due to felony disenfranchisement¹*

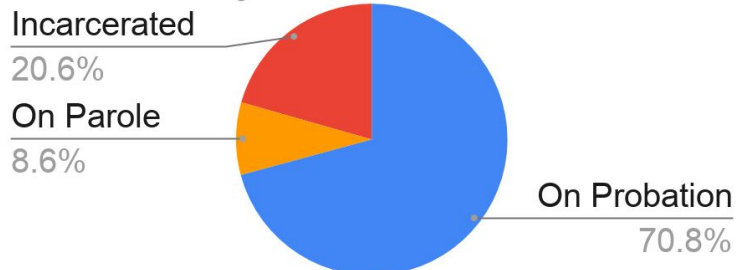
- **211,511** were under correctional supervision (79.4%) while living in their community
 - **188,511** people were on felony probation and living in their community²
 - 31.9% (64,579) for felony drug offenses (possession, sale, etc.)
 - 25% for drug possession (50,605)
 - 7% for drug sale
 - 35.4% (71,667) for property offenses (burglary, vehicle theft, fraud, etc)
 - **23,000** Georgians were on felony parole (approx.) (8.7%)
 - Probation sentences in Georgia average **6.3 years**, near double the US average³
- **54,806** Georgians were disenfranchised due to felony incarceration (20.6%)⁴
 - 47% of 2018 prison admissions (8,575) were non-violent crimes (property, drug)⁵

It is estimated felony disenfranchisement prevented 248,751 Georgians from voting in 2016 and 275,866 in 2010. Georgia has the 10th highest rate of disenfranchisement.

58% of the disenfranchised Georgians were black despite representing only 32% of the state population. Georgia has the 6th largest population of disenfranchised black voters.^{6 7}

Felony Disenfranchisement in Georgia (2018)

Source: Reform Georgia



¹ Total: 202,421 felony probation + 54,806 in prison + 23,000 on parole - 13,910 probationers also in prison or on parole = 266,317

² BJS Annual Probation Survey, 2018. Georgia Department of Correctional Supervision. Procured via Open Record Request.

³ “Georgia Council on Criminal Justice Reform.” Council of State Governments Justice Center. July 2016.

⁴ Average Daily Populations for the Period from 01/01/2018 to 12/31/2018. Georgia Department of Corrections.

⁵ [Inmate Statistical Profile](#). Inmates Admitted During CY2018. Georgia Department of Corrections. Pg 55. January 2019.

⁶ [6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016](#). The Sentencing Project. October 2016.

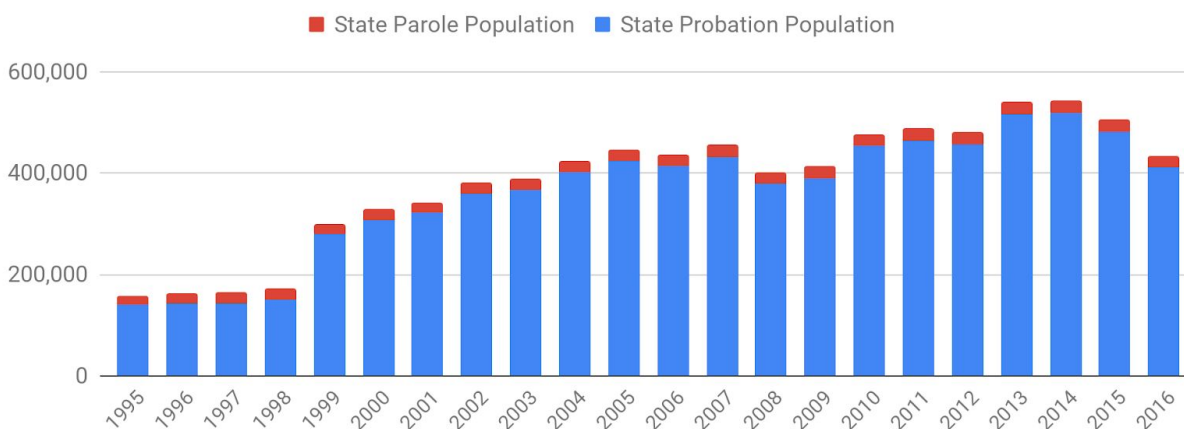
Part of a larger probation problem

Georgia has the largest correctional supervision population in the nation, over 400,000.⁸ Yes, even Texas.

Average felony probation sentences in Georgia are 6.3 years, near double the US average. Over 37% of individuals have a probation sentence longer than 10 years.⁹

Community Supervision Population (Probation + Parole)

Source: "Probation and Parole Series." Bureau of Justice Statistics. 1995-2016. Data gathered by Reform Georgia.



The chart above illustrates that the growth in the number of Georgia residents under correctional supervision is largely the result of growth in our probation system. The number of parolees has also increased and can be more easily discerned in the breakout chart below.

It's important to remember that the total probation population includes both misdemeanor and felony offenses and while misdemeanor probation does not impact voting eligibility, it does reflect the state's trend toward increased probation sentencing.

In 2018 there were 202,421 individuals on felony probation, about half the state's total probation system. About 9,900 individuals on felony probation were also incarcerated and about 4,000 individuals were also on parole, so they were not counted in the calculation above regarding those disenfranchised as a result of probation.

The state's parole population has been on a general upward trend, experiencing a 7% increase over the last decade of data (2006-2016), but the system is also exhibiting a downward trend in the number of entries since 2013, as evidenced in the graph below. If that trend continues, the total system population will follow downward.

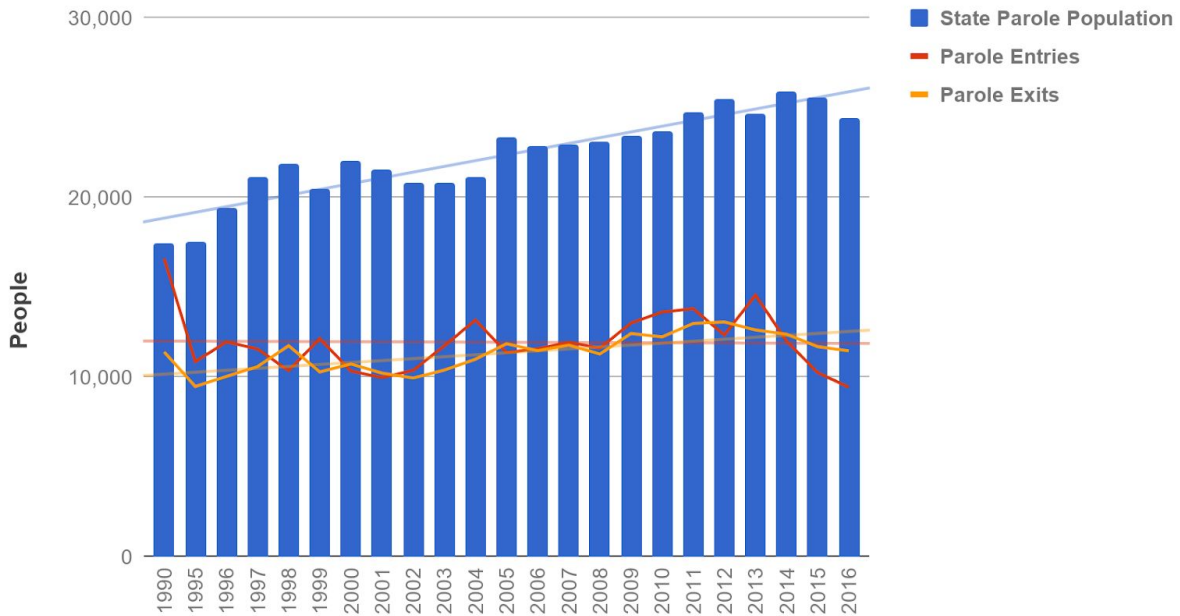
⁷ [State-Level Estimates of Felon Disenfranchisement in the United States, 2010](#). The Sentencing Project. July 2012.

⁸ [Georgia Profile](#). Prison Policy Initiative. 2018.

⁹ [Georgia Council on Criminal Justice Reform](#). Council of State Governments Justice Center. July 2016.

Georgia Parole Population, Including Entries and Exits (1990-2016)

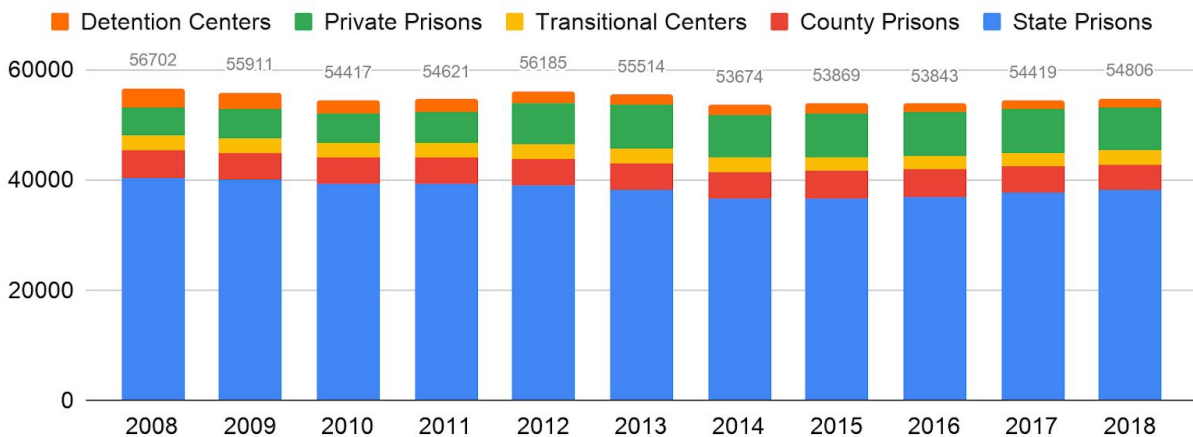
Source: "Probation and Parole Series," Bureau of Justice Statistics (1990-2016). Data Collected by Reform Georgia.



So while Georgia's correctional supervision population has been on a steady incline, Georgia's correctional population for felony-related offenses has actually been on a slight downward trend over the last decade, illustrating that the state is keeping fewer people behind bars and handing out more extended probation sentences.

Georgia State Correctional Population (2008-2018)

Source: GA Department of Corrections. Data compiled by Reform Georgia.

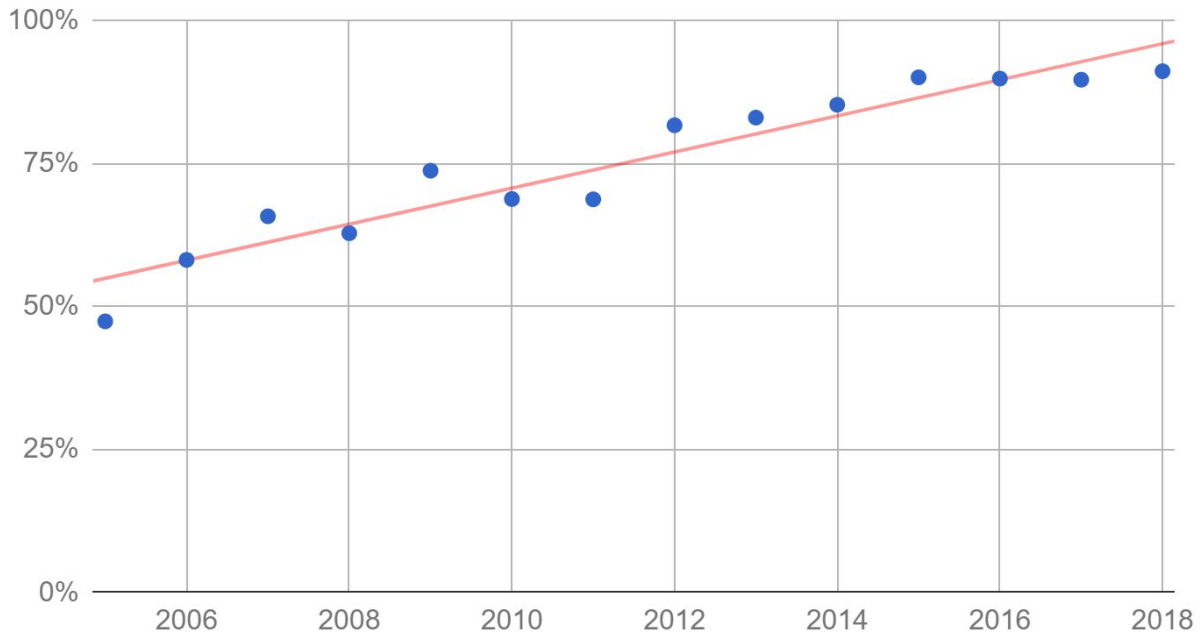


As an example, the sentencing for probation to follow marijuana-related felony incarceration has continued to rise from 47% in 2005 to a near universally applied rate of 91% in 2018.¹⁰

¹⁰ FBI Uniform Crime Reporting Program (2005-2018). Collected by Reform Georgia.

Percentage of Felony Marijuana Crime Sentences Followed by Probation

Source: FBI Uniform Crime Reporting Program (2005-2018), Collected by Reform Georgia

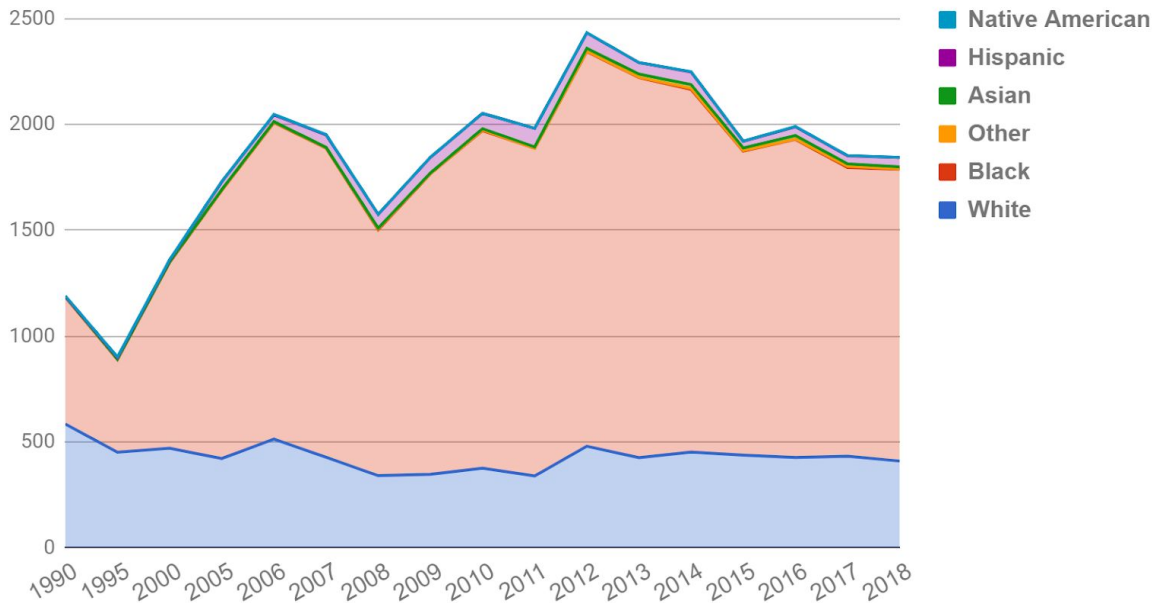


Despite the overall decline in the incarcerated population, offenses like marijuana have seen an increase in probation and prison admissions. Meanwhile, the length of stay in prison for such an offense has declined to an average of 4 months. That stay is almost guaranteed to be followed by a probation sentence that is on average, nearly double the duration of the national average.

The chart below illustrates the growth in admissions for marijuana-related felonies. Almost all of the growth in admissions has been of black Georgians.

Total Admissions to GA State Corrections for Marijuana Crimes, Segmented by Race

Source: FBI Uniform Crime Reporting Program (1990-2018), Collected by Reform Georgia



Potential Impact of Proposals to Restore Voting Rights

In the consideration of possible proposals to restore voting rights to certain individuals with felony sentences, below are several options and their anticipated impact in terms of the number of individuals who would see their voting rights restored. The percentages indicated represent the portion of the total disenfranchised population that would see the restoration of their rights.

A. Complete Restoration, i.e. elimination of felony disenfranchisement

This proposal would represent a complete elimination of the practice of felony disenfranchisement and would mean that no Georgia resident loses their eligibility to vote for any reason relating to correctional involvement. Individuals serving a felony sentence would have the right to vote in all relevant elections, regardless of whether they are incarcerated or under correctional supervision, serving a probation or parole sentence, or if they have outstanding fees.

- 266,000 Georgians approx. **(100%)**

B. Restoration for those living in society while on probation or parole, regardless of offense

This proposal would restore voting rights to those who are still serving a felony probation or parole sentence, i.e. under correctional supervision but living in the community. This would not impact those who are incarcerated in a state correctional facility for a felony offense.

- 211,000 Georgians approx. **(79%)**

C. Restoration for those on probation (excluding parole*) for non-violent offenses

This approach would restore voting rights only to those serving out probation sentences for offenses considered to be non-violent. This would exclude felony offenses categorized as violent or sexual, including domestic violence.

- 155,337 Georgians **(57.6%)**
 - Property Offenses: 71,667 (26.9%)
 - (burglary, larceny, motor vehicle theft, fraud, and other property offenses.)
 - Drug Offenses: 64,579 (24.3 %)
 - 50,605 for drug possession (19%)
 - 14,150 for drug sale (5.3%)
 - DUI Offenses: 1,723 (0.6%)
 - Other Offenses: 14,389 (5.4%)
 - Unknown: 979 (0.4%)

**NOTE: We are awaiting further data from the Department of Community Supervision on the state's parole population before including those numbers in the above breakdown estimates.*

TABLE: Georgia Correctional Supervision Statistics (1990-2016)

Source: Bureau of Justice Statistics. Data Gathered by Reform Georgia.

YEAR	1990	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Community Supervision Population	142,584	158,199	162,388	164,603	171,878	299,151	329,689	342,963	380,846	388,171	423,855
State Probation Population	125,147	140,694	142,954	143,457	149,963	278,669	307,686	321,407	360,037	367,349	402,694
Probation Entries	76,042	69,102	71,241	65,452	60,206	183,322	94,636	203,155	193,915	230,686	217,100
Probation Exits	66,349	67,228	70,038	60,489	58,304	154,944	93,978	166,532	187,067	173,650	200,400
State Parole Population	17,437	17,505	19,434	21,146	21,915	20,482	22,003	21,556	20,809	20,822	21,161
Parole Entries	16,611	10,862	11,959	11,567	10,360	12,149	10,339	9,975	10,376	11,738	13,178
Parole Exits	11,402	9,479	10,036	10,587	11,749	10,290	10,728	10,223	9,948	10,391	10,995

YEAR	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Community Supervision Population	446,891	437,260	455,394	402,315	413,349	477,600	489,500	478,800	536,200	539,500	502,200	430,800
State Probation Population	423,547	414,409	432,436	379,204	389,901	453,887	464,773	457,217	515,896	518,507	481,339	410,964
Probation Entries	215,500	213,600	281,252	227,084	228,318	222,208	232,104	230,474	290,462	283,648	257,482	-
Probation Exits	216,200	205,200	278,327	213,867	225,531	218,935	239,736	245,630	291,881	329,168	312,381	294,357
State Parole Population	23,344	22,851	22,958	23,111	23,448	23,709	24,723	25,489	24,673	25,931	25,577	24,413
Parole Entries	11,366	11,580	11,935	11,621	13,008	13,622	13,810	12,342	14,565	12,002	10,249	9,434
Parole Exits	11,859	11,473	11,782	11,284	12,427	12,240	12,985	13,070	12,627	12,386	11,696	11,461

TABLE: Georgia Department of Corrections Facility Average Population Counts

Source: Georgia Department of Corrections. Data gathered by Reform Georgia.

Type of Facility	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
State Prisons	38103	37,538	36,876	36,655	36,497	38,112	38939	39177	39205	39984	40,433
Pre Release Centers	0	0	0	0	0	0	558	1270	1248	1158	1,440
County Prisons	4691	4,800	4937	4,905	4,865	4,873	4929	4969	4813	4,868	4,962
Transitional Centers	2553	2,609	2621	2,631	2,648	2,662	2622	2652	2820	2,796	2,614
Inmate Boot Camps	1	0	0	0	0	0	87	148	235	107	276
Private Prisons	7793	7900	7892	7,885	7,864	7,902	7449	5567	5155	5,165	5,175
Diversion Centers	0	0	0	0	0	0	0	0	0	0	432
Detention Centers	1666	1572	1517	1,793	1,800	1,965	2246	2256	2424	3,098	3,518
Probation Boot Camps	0	1	8	11	14	18	28	53	62	59	142
Parole Revocation Camps	71	141	176	182	187	19	403	423	419	426	426
RSAT Centers	1746	1714	1695	1,635	1,273	1,232	1074	766	762	713	568
Incarcerated Total (exclusive of pre-release centers, boot camps, diversion centers, revocation camps, and RSAT centers)	54806	54,419	53,843	53,869	53,674	55,514	56185	54621	54417	55911	56,702

TABLE: Disenfranchised Georgia Voter Estimates by Form of Correctional Involvement, Total Population and African American Population, Years 2016 and 2010.

Source: The Sentencing Project

Year	Prisoners	Parolees	Probation	Jail	TOTAL	% Total
2016	50,900	23,545	170,194	4,112	248,751	100%
AA '16	31,814	13,927	98,470	64	144,546	58%
2010	49,164	25,091	197,013	4,597	275,866	100%
AA '10	30,729	14,842	114,300	71	159,942	58%

Research Recognition:

Research was conducted in partnership with University of Georgia research professor, Dr. Andrea Swartzendruber, graduate student Megan Bramlett, and others.

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For requests regarding information or distribution, or for any suggestions, revisions, or recommended additional sources of information, please contact us at the information below:

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Reform Georgia is a 501(c)3 organization working to build a better justice system. We educate and organize around criminal justice policy reform at the state and local level in Georgia.

Find our more about the organization at www.ReformGeorgia.org



EXHIBIT C

Memorandum

To: Chairman Randy Robertson & Members of the Senate Study Committee on Revising Voting Rights for Nonviolent Felons

From: Marissa Dodson, Public Policy Director, Southern Center for Human Rights

RE: Felony Disenfranchisement in Georgia and Proposals for Recommendation to the Members of General Assembly

Date: 22 Oct 2019

The following memorandum serves as a response to the questions that we received during our presentation at the September 21st meeting.

I. It would be most effective for the Study Committee to recommend a list of offenses that are determined to include moral turpitude, instead of creating a list of felonies do not.

As discussed in our previous memorandum and presentation, we strongly encourage the study committee to recommend the statutory creation of an explicit list of offenses deemed to involve moral turpitude. We believe that creating an exhaustive list of offenses that include moral turpitude is the most effective way to clarify the law and avoid ambiguity. Indeed, with more than 1,000 felony offenses, and the Georgia’s criminal code is usually explicit when identifying conduct subject to a particular treatment, as demonstrated by the laws on the sex offender registry¹, serious violent felonies² and offenses eligible for first offender treatment³ to name a few. Moreover, other southern states such as Alabama and Mississippi also provide list of the offenses that disqualify people from voting. In 2017, Alabama lawmakers finally defined the term “moral turpitude” to apply to 46 felony offenses such as serious violent offenses and crimes against children.⁴ Mississippi similarly maintains a list of 22 permanently disqualifying felonies.

Based on a review of Georgia’s criminal code and the recent reforms in Alabama –SCHR proposes the following offenses be disqualifying until the sentence is complete:

1. Murder or felony murder as defined in Code Section 16-5-1
2. Voluntary manslaughter as defined in Code Section 16-5-2
3. Aggravated assault as defined in Code Section 16-5-21
4. Aggravated battery as defined in Code Section 16-5-24
5. Kidnapping as defined in Code Section 16-5-40
6. Trafficking a person for labor or sexual servitude as defined in Code Section 16-5-46
7. Cruelty to children in the first and second degrees as defined in subsections (a), (b) and (c) of Code Section 16-5-70
8. Feticide as defined in Code Section 16-5-80
9. Exploitation, threat, intimidation, or attempt to intimidate a disabled adult or elder person as defined in Code Section 16-5-102
10. Neglect of a disabled adult, elder person, or resident of a long-term care facility as defined in Code Section 16-5-101
11. Rape as defined in Code Section 16-6-1
12. Aggravated sodomy as defined in Code Section 16-6-2
13. Aggravated child molestation as defined in Code Section 16-6-4
14. Enticing a child for indecent purposes as defined in Code Section 16-6-5
15. Improper sexual contact as defined in Code Section 16-6-5.1
16. Sexual battery as defined in subsection (d) of Code Section 16-6-22.1
17. Aggravated sexual battery as defined in Code Section 16-6-22
18. Burglary as defined in Code Section 16-7-1
19. Home invasion in the first degree as defined in Code Section 16-7-5

¹ Ga. Code Section § 42-1-12 (e) (2019).

² Ga. Code Section §17-10-6.1 (2010).

³ Ga. Code Section § 42-8-60 (2019).

⁴ Ala. Code Section 17-3-30.1 (2017).

20. Arson in the first degree as defined in Code Section 16-7-60
21. Possession, manufacturer, etc. of destructive devices as defined in Code Sections 16-7-82 and 16-7-83
22. Distribution of destructive device, explosive, poison gas, or detonator to person under 21 years of age as defined in Code Section 16-7-84
23. Possession, transportation, receipt or use of destructive device or explosive with intent to kill, injure or intimidate or to destroy any public building as defined in Code Section 16-7-88
24. Theft by taking as defined in Code Section 16-8-2 when the property was more than \$5000
25. Theft by deception as defined in Code Section 16-8-3 when the property was more than \$5000
26. Theft of services as defined in Code Section 16-8-5 when the property was more than \$5000
27. Theft by receiving stolen property as defined in Code Section 16-8-7 when the property was more than \$5000
28. Theft by receiving property stolen in another state as defined in Code Section 16-8-8 when the property was more than \$5000
29. Theft by bringing stolen property into this state as defined in Code Section 16-8-9 when the property was more than \$5000
30. Theft by extortion as defined in Code Section 16-8-16
31. Robbery as defined in Code Section 16-8-40
32. Armed robbery as defined in Code Section 16-8-41
33. Forgery in the first and second degrees as defined in Code Section 16-9-1
34. Identity fraud as defined in Code Section 16-9-121
35. Aggravated identity fraud as defined in Code Section 16-9-121.1
36. Violation of oath by public officer as defined by Code Section 16-10-1
37. Bribery as defined in Code Section 16-10-2
38. Receiving funds for enforcement of penal laws or regulations as defined in 16-10-3
39. Improperly influencing legislative action as defined in Code Section 16-10-4
40. Treason as defined in Code Section 16-11-1
41. Insurrection as defined in Code Section 16-11-2
42. Inciting to insurrection as defined in Code Section 16-11-3
43. Domestic terrorism as defined in Code Section 16-11-221
44. Terroristic threats and acts as defined in subsection (d) of Code Section 16-11-37
45. Possession of dangerous weapons as defined in Code Section 16-11-122
46. Sexual exploitation of children as defined in Code Section 16-12-100
47. Electronically furnishing obscene material to minors as defined in subsection (d) of Code Section 16-12-100.1
48. Trafficking of certain controlled substances as defined in Code Section 16-13-31

II. Disenfranchising Georgians based on criminal justice debt is confusing and discriminates against people without financial resources

As we have said previously, we encourage the Study Committee to recommend to the General Assembly that Georgia's law is clarified to allow voting rights restoration regardless of outstanding criminal justice debt. People who have been convicted of a felony offense, service providers, and even many poll workers are unclear about which debts must be paid to restore voting rights. Moreover, deciding voting rights restoration based on whether someone can afford to pay a financial debt only perpetuates a two-tiered system for people without financial wealth. Thus, if two people are charged with the same offense, but only one has the resources to pay the corresponding debt then that person can vote, but the person who cannot pay is unable to civically engage. Not only is this wealth-based discrimination, the practice is also counterintuitive to promoting the health and safety of Georgia's communities. We know that when people can participate in the democratic process and exercise their right to vote, there are reductions in recidivism and positive impacts on communities.⁵ In fact, one study found that voting reduces the likelihood of re-arrest by half.⁶ Participating in civic engagement also increases political trust which has been proven to effect voter choices, political preferences and government efficiency.⁷

⁵ Guy Padraic Hamilton-Smith and Matt Vogel, "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism," *Berkeley La Raza Law Journal*. 22 La. Raza L.J. 2, 414 (2015).

⁶ Christopher Uggen & Jeff Manza, Voting and Subsequent Crime and Arrest: Evidence from a Community Sample, 36 Colum. Hum. Rts. L. Rev. 193, 205 (2004).

⁷ Victoria Shineman, *Restoring Rights, Restoring Trust: Evidence that Reversing Felon Disenfranchisement Penalties Increases Both Trust and Cooperation with Government* (2018).

EXHIBIT D



MEMORANDUM

To: Chairman Randy Robertson and Members of the Senate Study Committee
on Revising Voting Rights for Nonviolent Felons

From: Christopher Bruce, Esq., Political Director, ACLU of Georgia

Date: October 22, 2019

Re: Felony Disenfranchisement in Georgia and “Moral Turpitude”

Summary

The ACLU of Georgia is dedicated to protecting the civil rights and liberties enshrined in the U.S. Constitution, the Bill of Rights, and the Georgia Constitution. It is the ACLU of Georgia’s position that no one should lose their sacred right to vote. Currently, a large number of Georgians have lost their right to vote due to the moral turpitude provision in the Georgia Constitution and the lack of clarity regarding the application of the provision. The Georgia Constitution states that “no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.”¹ What’s currently lacking is a clear definition of moral turpitude and which crimes are violations of moral turpitude. Further lacking is a clear definition of “completion of the sentence.” This memo looks at the term “moral turpitude” and how it is applied to the voting rights of convicted felons in Georgia, and the way in which other Southern states have grappled with and addressed felony disenfranchisement. Lastly, this memo makes recommendations for how Georgia can fix this issue.

¹ Georgia Const. art. II, § I.

I. Moral Turpitude in Georgia Voting Rights

The moral turpitude provision to the Georgia Constitution was implemented during the Constitutional Convention of 1877, at the end of Reconstruction. It is a widely held belief amongst political and southern historians, and legal scholars that following Reconstruction, many white Southerners, who lost power at the end of the Civil War, were attempting to undo many of the changes implemented during Reconstruction. One of the biggest changes made during Reconstruction was the enfranchisement of Black men via the 15th Amendment. Illustrating the mindset and likely motivation of the writers of the 1877 Constitution, Robert Toombs, one of the document's lead drafters stated that the preceding constitution was "...the work of negroes, and thieves and was not designed for honest men."² Along with establishing the "moral turpitude" provision to the right to vote, this was the same year the poll tax and literacy test were implemented.³

II. Legality of Moral Turpitude in Voting Rights

In 1974, The United States Supreme Court, in *Richardson v. Ramirez*, reversed a decision handed down by the California Supreme Court that disenfranchisement of former felons was unconstitutional. In its ruling, the Supreme Court found that disenfranchisement of former felons did not violate the guarantees granted by the Equal Protection Clause of the United States Constitution.⁴ Despite this ruling, the Supreme Court has established that there are limits to the application of disenfranchising former felons and particularly the use of "moral turpitude" provisions to do it.

² Brandon, W. (1933). CALLING THE GEORGIA CONSTITUTIONAL CONVENTION OF 1877. *The Georgia Historical Quarterly*, 17(3), 189-203. Retrieved from <http://www.jstor.org/stable/40576266>

³ Gigantino, Jim. "Constitutional Convention of 1877." *New Georgia Encyclopedia*. 13 July 2018. Web. 16 October 2019.

⁴ *Richardson v Ramirez*, 418 U.S. 24 (1974)

In 1985, the U.S. Supreme Court, in a unanimous decision, placed a limit on the disenfranchisement of former felons, based on the “moral turpitude” provision. In a case over Alabama’s use of “moral turpitude” to disenfranchise ex-offenders, the Court ruled that the Equal Protection Clause applies in specific instances. In writing the opinion of the Court, Justice Rehnquist stated that the implementation of the “moral turpitude” provision to the right to vote, “... was part of a movement that swept the post-Reconstruction South to disenfranchise blacks.” The Court’s opinion further stated that disenfranchisement provisions that result in “purposeful racial discrimination” are unconstitutional.⁵

The Supreme Court has never ruled on the validity of Georgia’s use of “moral turpitude” to disenfranchise voters, but the impact and intent behind Georgia’s use of the term is very similar to that of the State of Alabama.

III. Felony Disenfranchisement in Georgia

Due, in large part, to the lack of clarity and the catchall application of “moral turpitude” in Georgia voting rights, an estimated 248,751 Georgians were prevented from voting in 2016.⁶ Of that number, 58 percent of those disenfranchised were Black, despite only making up 32 percent of the state population.⁷ Looking at 2018, the number of disenfranchised Georgians increased to an estimated 264,000.⁸ Further looking at disenfranchisement over a longer period of time, the increasing trend, especially amongst Black Georgians, continues. In 1980, 2.1 percent of Black people in Georgia were

⁵ *Hunter v. Underwood*, 471 U.S. 222 (1985)

⁶ The Sentencing project. *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement*, 2016. October 2016. Retrieved from: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

⁷ The Sentencing project. *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement*, 2016. October 2016. Retrieved from: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

⁸ Reform Georgia, Fact Sheet on Felony Disenfranchisement in Georgia.

disenfranchised, less than forty years later, that number jumped to 6.3 percent in 2016.⁹ Georgia also has the largest correctional supervision population in the country at over 404,000 people.¹⁰

IV. Restoration of Voting Rights in Other Southern States: Alabama, Louisiana, and Florida

A. Alabama

Georgia is not the only Southern state to grapple with large disenfranchisement rates or the disproportionate disenfranchisement of Black Americans. Alabama has a very similar issue as they use the term “moral turpitude” to disenfranchise ex-offenders . Alabama has recently taken steps to rectify this rampant problem. In 2017, the Alabama State Legislature passed the “Felony Voter Disqualification Act.”¹¹ The Republican led State Senate voted 29-0 in favor of the measure.¹² The Republican led State House voted 102-0 in favor of the bill.¹³ The bill codifies a list of 46 felonies, ranging from murder to forgery, that involve “moral turpitude” and result in the loss of the right to vote.¹⁴

B. Louisiana

Louisiana also passed legislation to restore voting rights to previously disenfranchised ex-offenders. In 2018, Louisiana passed House Bill 265 to restore voting

⁹ The Sentencing project. 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016. October 2016. Retrieved from: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

¹⁰ Prison Policy Institute, Georgia Profile, 2018. Retrieved from: <https://www.prisonpolicy.org/profiles/GA.html>

¹¹ HB 282, Act 2017-378, 5/18/17

¹² HB 282, [Vote #1254](#), 5/17/19

¹³ HB 282, [Vote #191](#), 3/09/17

¹⁴ HB 282, Act 2017-378, 5/18/17

rights to some who had been convicted of felonies. Louisiana restored rights to “... a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.”¹⁵ The measure passed the Republican led Louisiana State Senate 24-13.¹⁶ It passed the Republican led State House 55-42.¹⁷

C. Florida

Lastly, our neighbor to the South, Florida, passed a Constitutional Amendment that “restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.”¹⁸ The Constitutional Amendment passed with 64.5 percent of the vote.¹⁹

V. Recommendations To Provide Clarity For Felony Disenfranchisement in Georgia

¹⁵ HB 265, Act 636, 5/31/18

¹⁶ HB 265, [Vote #1226](#), 5/16/18

¹⁷ HB 268, [Vote #1319](#), 5/17/18

¹⁸ Florida Association of Counties, “Amendment 4: Voting Rights Restoration For Felons Initiative”, October 17 2019. Retrieved from: <https://www.fl-counties.com/amendment-4>

¹⁹ Florida Secretary of State, 2018 General Election Results, retrieved from: <https://results.elections.myflorida.com/Index.asp?ElectionDate=11/6/2018&DATAMODE=>

Georgia is an outlier amongst some of our Southern neighbors when it comes to felony disenfranchisement. Unlike Alabama, Louisiana, and Florida, Georgia has yet to remedy the rampant disenfranchisement of Georgians nor has the State worked to address the obvious racial disparities in felony disenfranchisement. Georgia can be a regional and a national leader on this issue if the State works diligently and in good faith with the community and stakeholders to rectify this issue. Although it is the ACLU of Georgia's position that no one should lose their right to vote, our recommendations to the Study Committee are as follows:

- 1) Create and make publicly available a list of specific felony offenses that involve "moral turpitude" and therefore will result in the loss of the right to vote until completion of the criminal sentence.
- 2) Automatically restore the right to vote for citizens convicted of the listed felonies, once they have been freed from incarceration, regardless of any outstanding term of probation or parole.

EXHIBIT E

**Felony Disenfranchisement in Georgia
Recommendations to the Members of the General Assembly**

Written Testimony submitted to
Chairman Randy Robertson & Members of the Senate Study Committee on
“Revising Voting Rights for Nonviolent Felons”

Thursday, October 22, 2019
LaGrange College

Presented by:

Roberta Meyers
Director of State Strategy & Reentry
Legal Action Center
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Good morning, Chairman Robertson and distinguished members of this study committee. Thank you for taking the time to come into the community to hear from individuals and organizations about Georgia's felony voter disenfranchisement policies, which I believe demonstrates whether or not Georgia is living up to our great nation's ideals of democracy, rights, liberty, opportunity and equality.

I am Roberta Meyers and I work as the Director of State Strategy and Reentry at the Legal Action Center (www.lac.org). My job is to monitor and provide leadership on key public policy initiatives, particularly at the intersections of health and justice; promote policies that support the successful reintegration of people with justice-system involvement; and conduct advocacy at the federal level with Congress and the Administration and on the state and local levels. I also direct Legal Action Center's National H.I.R.E. (**H**elping **I**ndividuals with criminal records **R**eenter through **E**mployment (H.I.R.E.) Network (www.hirenetwork.org), a national clearinghouse of information and policy advocacy project that aims to improve employment and other opportunities for people with criminal records.

The Legal Action Center (LAC) is the only non-profit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of addictions, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. For over four decades, since spinning off from the Vera Institute of Justice, LAC has worked to combat stigma and prejudice that keep individuals out of the mainstream of society. LAC is committed to helping people reclaim their lives, maintain their dignity, and participate fully in society. Our work has always involved illuminating the relationship between racial disparities, drug laws and mass incarceration. Therefore, we have also worked to eliminate felony disenfranchisement laws because they continue to perpetuate inequality, marginalize communities of color, and challenges our ability to be a fully democratic society without exception.

America was founded upon some of the world's greatest democratic principles, including the right of all citizens to participate in the democratic process through voting. Yet when it comes to our treatment of people who have a criminal record, we fall short of these democratic ideals: our disenfranchisement policies with regard to people who have been convicted of a crime have resulted in well over 6 million people losing the precious right to vote nationally.¹ Further, millions of Americans are suffering today because of decades of unjust public policy favoring punishment over treatment. More people with substance use disorders are in the criminal justice system (6 million) than in treatment (2.3 million). And, 60-80% of people in the criminal justice system suffer from substance use disorders.

In 2018 in Georgia, over 266,000 Georgians could not vote due to felony disenfranchisement and 80% of those individuals were not incarcerated, but living in the community.² While I understand that the committee is here to discuss individuals convicted of "nonviolent offenses", I implore you to consider broadening voting rights to include all individuals who are serving their sentences in the community. It is time for Georgia to consider (1) the historical context from which disenfranchisement laws and policies have derived; 2) the relationship between race, drug

¹ Christopher Uggen, Ryan Larson, & Sarah Shannon. *6 Million Lost Voters: State-Level Estimates of Disenfranchisement, 2016*. The Sentencing Project, (2016), 15-16.

² Reform Georgia, *Fact Sheet on Felony Disenfranchisement in Georgia*. (2019). Available at <http://www.senate.ga.gov/committees/Documents/ReportonFelonyDisenfranchisementinGeorgia.pdf>.

laws, and mass incarceration; 3.) sustaining Georgia’s commitment to being smart on crime, safety, and justice; and 4.) practicing redemption and restoring human dignity in our quest for criminal justice reform.

The Criminalization of Race, Poverty, Health and Disenfranchisement

Though some states had adopted limited felony disenfranchisement laws as early as the 18th Century, the post-Civil War Reconstruction period saw a surge in the scope and breadth of these laws.³ The spread of disenfranchisement laws was part of the larger backlash against adoption of the Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, which were enacted to guarantee equality, due process, and the right to vote to all Americans, including those who had been enslaved.⁴ This backlash included not only violence and intimidation, but also structural barriers to equality, including poll taxes, literacy tests, grandfather clauses, residency requirements, and disenfranchisement laws.⁵ Importantly, these disenfranchisement laws were not passed in a vacuum – they were enacted along with an expansion in penal provisions that criminalized behavior freed slaves were thought to commit more often, such as vagrancy, petit larceny, and bigamy, resulting in mass incarceration of those who had been enslaved.⁶

Put simply, disenfranchisement laws as one writer describes, “were one arrow in a quiver of laws such as the now-prohibited literacy tests and poll taxes, which were racially neutral on their face but which segregationists used to prohibit minorities (and to a large extent, poor whites) from voting.”⁷ Georgia’s laws are deeply entrenched in some of this ugly and dark history. Some of our laws, including the State Constitution that was modified to include the adoption of the term “moral turpitude,” have been used as tools to silence and exclude large swaths of the population from certain civil liberties. Our state’s vague and ominous definition of moral turpitude appears to be race neutral but the impact has been undeniable – a disproportionate number of those who have lost the right to vote are African American or Latinx.

From 1999-2005, African Americans constituted roughly 13% of drug users on average, but 36% of those arrested for drug offenses, and 46% of those convicted for drug offenses. From 1980-2000, drug arrests rate rose from 6.5 to 29.1 per 1,000 persons for black Americans. During the same period, drug arrest rates only increased from 3.5 to 4.6 per 1,000 persons for white Americans. Yet the disparity between the increase in black and white drug arrests does not correspond to any significant disparity in drug activity.

³ Erica Wood & Neema Trivedi, *The Modern-Day Poll Tax: How Economic Sanctions Block Access to the Polls*, *Clearinghouse Review*, J. POV’Y L. POL’Y, 32, (May-June 2007).

⁴ Alysia Robben, *A Strike at the Heart of Democracy: Why Legal Challenges to Felon Disenfranchisement Laws Should Succeed*, 10 U. D.C. L. Rev. 15, 19 (2007).

⁵ *Id.* at 19.

⁶ Katherine Irene Pettus, *Felony Disenfranchisement In America: Historical Origins, Institutional Racism, And Modern Consequences*, 12 (2005); Carl N. Frazier, *Removing the Vestiges of Discrimination: Criminal Disenfranchisement Laws and Strategies for Challenging Them*, 95 KY. L.J. 481, 484 (2006).

⁷ New York State Bar Association, “Re-entry and Reintegration.” at 304. Available at <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=26857>

Nearly 80% of people in federal prison and almost 60% of people in state prison for drug offenses are black or Latino. There is a significant amount of research and scholarship that have proven this phenomenon to not be coincidental.⁸

Large numbers of American citizens have been deprived from having a voice in our government. Though there continues to be various court challenges under state constitutions, legislative action presents the most promising means of reform.⁹ Leaders such as yourselves have the power to correct the course of our country and expand voter enfranchisement laws.

Georgia Overview

For the past eight years, Georgia has done significant work to reshape its adult and juvenile correctional systems and has earned widespread acclaim for its comprehensive approach to criminal justice reform. According to the Georgia Council on Criminal Justice Reform:

Georgia is creating a criminal justice system that keeps the public safe while ensuring people in prison who are motivated to change receive the support they need to rebuild their lives upon release.¹⁰

At year end 2018 Georgia had:

- 202,421 people on felony probation and living in their community
 - 35% (71,667) for felony drug offenses (possession, sale, etc.)
 - 32% (64,579) for property offenses (burglary, vehicle theft, fraud, etc.)
 - 1% (1,723) for driving while intoxicated or under influence of alcohol or drugs¹¹
- **Probation sentences in Georgia average 6.3 years, nearly double the US average**
- 20,426 Georgians were on felony parole (8.7%)
 - Over 60% are minorities and 57% of those individuals had non-violent crimes (property, drug)¹²

Many of these convictions also come with hefty legal financial obligations or monetary sanctions that will padlock these individuals to a perpetual cycle of poverty and debt and to the legal system itself. These monetary sanctions are usually a combination of fines, fees, and restitution that are imposed as part of a sentence, even for defendants who are indigent. This debt could start at thousands of dollars and quickly accrue to double or triple the principal amount due to unpaid interest. The subjects of these fines, fees, restitution, and interest are mostly low-income individuals and there is usually a significant gap between amounts owed and capacity to pay.¹³

⁸ Michelle Alexander. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.

⁹ *See Richardson v. Ramirez*, 418 U.S. 24 (1974).

¹⁰ Report of the Georgia Council on Criminal Justice – 2018, (February 2018). Available at

<https://dcs.georgia.gov/document/publication/2016-2017-criminal-justice-reform-council-report/download>

¹¹ U.S. Department of Justice, Bureau of Justice Statistics. “2018 Annual Probation and Parole Survey, Georgia.” (Obtained under the Freedom of Information Act from Georgia Department of Community Supervision on Probation and Parole for 2010-2017 U.S. Information Agency; requested as “Materials on Radio Marti” May 1983; received June 1983).

¹² *Id.*

¹³ Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, and Christopher Uggen. *United States Systems of Justice, Poverty and the Consequences of Non-Payment of Monetary*

Individuals can be in compliance with their supervision mandates; work, pay taxes, take care of themselves and their families but never get the opportunity to become a registered voter. It could be decades before many of them would ever be able to pay off their legal financial obligations. Wealth should not be a barrier or determining factor of whether or not someone can have their right to vote restored.

There are twenty-one states and the District of Columbia that permit individuals with felony convictions and who under community correctional supervision to register to vote. Georgia, however, is one of eighteen (18) states that restores voting eligibility to individuals convicted of a felony upon completion of sentence, which also includes payment of all legal financial obligations.¹⁴ One problem is Georgia doles out long sentences, with long incarceration and community supervision terms.¹⁵ Although, Georgia has for the past several years been working to redesign its criminal legal system to hopefully shed the label of being the state that is the most punitive from any angle that we look at correctional control—incarceration or community supervision—to one that focuses on reconciliation, restoration, and redemption; it still has a long way to go.

Voting Rights Matter to Public Safety

Stripping away voting rights from people serving their sentence under community supervision counteracts the goal of successfully facilitating positive engagement with community. Felony disenfranchisement in many respects equates to “reintegrative shaming.”¹⁶ It reinforces the idea that the individual is an outsider or outcast and ultimately “become[s] a self-fulfilling prophecy resulting in increased criminal activity by virtue of the psychological effects that the label has on the individual themselves.”¹⁷ What is truly our goal when seeking justice? It should not simply be about punishment but changing behavior.

In the end, we want individuals to not engage in criminal activity, have good physical and mental health, strong family relationships, and improve their financial situations. Moreover, we want them to have strong community ties and be accountable to others in their community: “Empirical research supports the argument that democratic participation is positively associated with a

Sanctions: Interviews from California, Georgia, Illinois, Minnesota, Missouri, Texas, New York, and Washington. (2017). Available at <https://finesandfeesjusticecenter.org/articles/united-states-systems-of-justice-poverty-and-the-consequences-of-non-payment-of-monetary-sanctions-interviews-from-california-georgia-illinois-minnesota-missouri-texas-new-york-and-washington/>

¹⁴ The Sentencing Project. “Felony Disenfranchisement: A Primer.” (update 2019). Available at <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

¹⁵ Peter Wagner & Wendy Sawyer, (June 2018). “States of Incarceration: The Global Context 2018.” Available at <https://www.prisonpolicy.org/global/2018.html>

¹⁶ Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22.2 BERKELEY LA RAZA L.J., 414 (2012).

¹⁷ *Id.* at 415.

reduction in recidivism...because active participants in the democratic process are more likely to adopt the shared values of their broader community.”¹⁸

Lived Experience

My brother was convicted of a felony offense in his late 20’s. He mistakenly let his financial distress and addiction lead him to a path of selling and using drugs. He was convicted of a felony, served a short sentence on Rikers Island, was diverted to inpatient drug treatment, and finished his 5-year sentence on probation in the community. Fortunately, he never lost his right to vote under New York State law and he never had to feel like an outcast in the community he lived in. He attained his GED and his Associates degree while under community supervision. He was able to get a job at the college he attended. He later earned a Bachelor of Science degree in Information Technology. He has a 6-year old daughter to care for and became determined to be more active in her life, particularly her education.

He is a member of her school’s PTA, attends field trips, volunteers in her classroom, and is extremely active in supporting teachers and the administrators in his daughter’s school. The Department of Education Superintendent was up for reelection last year and he could not wait to have a say in who would lead the district he was raising his daughter in. It was my first time seeing my brother excited about elections and the political process. He was thrilled and excited to be able to have a voice in deciding who would lead and establish the educational experience his daughter would get to have in the public school system. Being able to vote mattered to him. As a family member and advocate for justice reform, I was extremely proud to see him exercise his voting right with pride.

Recommendations for the Study Committee

- 1) **Automatically restore voting rights of all individuals who are serving their sentence under community supervision** along with those who completed their sentences; **or**
- 2) **Limit criminal disenfranchisement to a list of specific offenses** – Georgia law should be clarified to define a list of disqualifying felony offenses to be considered felonies of moral turpitude. Individuals convicted of any other offense not listed should have their voting rights automatically restored; **and**
- 3) **Allow people to register to vote regardless of outstanding legal financial obligations** – Clarify the law to ensure that voting rights restoration is not conditioned on a person’s ability to pay any fines, fees or other criminal justice debt.

¹⁸ *Id.*

EXHIBIT F



SPLC
Southern Poverty
Law Center

Written Statement of the
Southern Poverty Law Center

John Paul Taylor

Field Director for Rights Restoration

Before the Georgia Senate Study Committee on Revising Voting Rights for Nonviolent
Felons

LaGrange, Georgia

October 22, 2019

Introduction

Chairman Robertson and members of the Committee: thank you for the opportunity to speak before you today and for convening this Committee. My name is John Paul Taylor and I am the Field Director for Rights Restoration for the Voting Rights Practice Group at the Southern Poverty Law Center.

Founded in Montgomery, Alabama, an epicenter of the civil rights movement, the Southern Poverty Law Center (SPLC) is dedicated to seeking justice for the most vulnerable members of our society. SPLC's Voting Rights Practice Group, based in Atlanta, Georgia, is comprised of legal, data and community organizing experts. SPLC is committed to addressing systematic voter suppression to ensure that all citizens can exercise their fundamental right to vote. The Voting Rights team's model to combat widespread voter disenfranchisement utilizes an integrated-advocacy approach. This approach includes a variety of public education efforts, legislative reform and advocacy, and impact litigation to defend the civil rights of communities that are routinely the subject of voter suppression tactics.

The returning citizen community is often an overlooked community in the national dialogue surrounding voting rights. Criminal disenfranchisement laws across the country prevent millions of Americans from casting ballots due to prior convictions.¹ During the 2016 election cycle, an estimated 6.1 million Americans were blocked from the ballot box due to criminal disenfranchisement laws.² In Georgia, there are nearly 250,000 people living with felony convictions that are currently ineligible to vote – nearly 60% of whom are Black.³ Additionally, Georgia purges more voters with felony convictions, half of whom are also Black people, than any other state in the nation.⁴ Several states include Hispanic/LatinX people as part of their white population with regard to criminal justice statistics. However, national data from the Pew Research Center suggests that non-white Hispanics are also overrepresented in the prison population.⁵

Georgia's neighbor Alabama previously forbade anyone convicted of a "crime involving moral turpitude" from voting⁶. This system was inconsistent, incoherent, and disproportionately disenfranchised low-income and Black Alabamians. In 2017, before moral turpitude was defined,

¹ Brennan Center for Justice, *Criminal Disenfranchisement Laws Across the United States*, available at <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states> (last visited October 2019).

² Jean Chung, *Felony Disenfranchisement: A Primer*, available at <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states> (last visited October 2019).

³ *State-by-state Data*, The Sentencing Project, available at <https://www.sentencingproject.org/the-facts/#map> (last visited October 2019).

⁴ Angela Caputo, *A Southern Strategy, Redux (2018)*, *APM Reports*, available at <https://www.apmreports.org/story/2018/11/01/former-confederate-states-purge-felons-from-voting-lists> (last visited October 2019).

⁵ John Gramlich, *The Gap Between the Number of Blacks and Whites in Prison is Shrinking*, available at <https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/> (last visited October 2019).

⁶ Ala Const. Section 182, available at <https://law.justia.com/constitution/alabama/CA-245722.html>.

about 280,000 Alabamians had lost their right to vote because of a prior felony conviction. A full 15% of Black voters in the state had been permanently stripped of their voting rights.

Today, we would like to share our lessons learned from our direct services work around moral turpitude laws, including the origin of Alabama's law and the subsequent application of the 2017 Definition of Moral Turpitude Act.

Criminal Justice Statistics in Georgia

In order to properly address the problematic nature of moral turpitude laws, it is imperative to first analyze the state of Georgia's criminal justice system. According to the Sentencing Project, Georgia has the ninth highest incarceration rate in the nation.⁷ Despite accounting for 32.4%⁸ of the state's overall population, Black people are disproportionately represented in the prison and jail population. Black people are incarcerated at more than three times the rate of their white counterparts.⁹ Therefore, Black people in Georgia are more likely to be disenfranchised as a result of voting rights restrictions based on criminal convictions.

Because the state often requires formerly incarcerated people to satisfy their legal financial obligations (LFO) before terminating their parole and probation, the state's population under supervision is exorbitant. In fact, the state had the highest rate of people under supervision due to felony convictions in the country.¹⁰ Further, the majority of people under supervision are individuals convicted of nonviolent offenses, such as property and drug offenses.¹¹ Data recently obtained from the Department of Community Supervision, requested and analyzed by Reform Georgia, better illustrates the impacted community.

Of the 204,365 people on probation as of December 31, 2017¹²:

- 102,638 people were Black (50%)
- Nearly 70% of those under supervision were convicted of a nonviolent property or drug offense

Of the 21,065 people on parole as of December 31, 2017¹³:

- 11,623 people were Black (roughly 55%)
- Nearly 60% of those on parole were convicted of a nonviolent property or drug offense

⁷ *Id.* at 3.

⁸ *Quick Facts Georgia*, United States Census Bureau, available at <https://www.census.gov/quickfacts/GA> (last visited October 2019).

⁹ *Id.* at 3.

¹⁰ Andrea Young, *How Georgia's Probation System Squeezes the Poor and Feeds Mass Incarceration* (2018), ACLU of Georgia, available at <https://www.aclu.org/blog/criminal-law-reform/how-georgias-probation-system-squeezes-poor-and-feeds-mass-incarceration> (last visited October 2019).

¹¹ This information was provided to Reform Georgia as a result of an Open Records Request (ORR) to the Georgia Department of Community Supervision.

¹² *Id.* at 11.

¹³ *Id.* at 11.

Should the state create a list of disqualifying felony convictions, we strongly urge the Members of the Committee ensure that criminal disenfranchisement laws do not target or disproportionately impact Black voters.

Background on Alabama’s Moral Turpitude Laws

In 2017, Alabama passed the Definition of Moral Turpitude Act (HB 282)¹⁴. HB 282 was a step forward because it finally defined the term “moral turpitude,” that did not encompass all felony convictions, thereby limiting the number of disenfranchising crimes. Prior to HB 282’s passage, county registrars enjoyed almost complete discretion in determining which crimes were and were not disqualifying offenses for purposes of voting. The result was non-uniformity across the state in the enforcement of Alabama’s felon disenfranchisement law and people convicted of the same crime receiving contrary information regarding their voter eligibility solely based on the county in which they lived. Now, HB 282 creates uniformity from county to county, ensures that individuals convicted of certain crimes never lose their voting rights, and allows people previously removed from the voter rolls to be registered. In 2016, a Sentencing Project Report estimated that 286,000 Alabamians could not vote because of a felony conviction¹⁵. HB 282 now allows tens of thousands of people to retain their voting rights and play a significant role in protecting our democracy.

Unfortunately, while HB 282 expanded the number of people who never lose their right to vote due to a criminal conviction, the list of crimes considered to involve “moral turpitude,” still disparately impacts people of color. In creating the list of forty enumerated disqualifying crimes, the legislature offered no rationale behind why certain crimes were selected or left off. The list is primarily composed of the offenses that Alabama had already deemed ineligible for Certificates of Eligibility to Register to Vote (CERV), such as murder, rape, and acts of terrorism¹⁶, and what are commonly considered “street crimes,” such as theft of property, burglary, and drug trafficking. The list does not include what are commonly termed “white collar crimes,” such as, embezzlement of public funds, criminal campaign finance violations, and tax evasion.

Lessons Learned from the Alabama Voting Rights Project

In an effort to educate directly impacted people about the new law, the Southern Poverty Law Center and the Campaign Legal Center formed the Alabama Voting Rights Project (AVRP) in 2018, hiring fellows to do direct service work to educate citizens on the change in the law and guide them through the rights restoration process. In one year, as a former AVRP fellow, I directly assisted 875 people in restoring their right to vote or determining their eligibility status. Additionally, I trained 759 community members on how to educate and guide others through the registration process.

As an Outreach Fellow working for the AVRP, I found that the crimes of moral turpitude list created new barriers. Due to the lack of public education efforts by the state and local elections officials, I encountered many Alabamians whose registration forms had been rejected even

¹⁴ H.B. 282, Reg. Sess. 2017 (Ala 2017).

¹⁵ *Id.* at 3.

¹⁶ *Id.* at 14.

though their rights had been restored under HB 282. The majority of the citizens I worked with simply did not have the time or resources to inquire about the process on their own. In order to qualify for the Certificate of Eligibility to Register to Vote, a person must have paid off all of their legal financial obligations on the disqualifying convictions. This is an absolute barrier for many, many Alabamians and a modern-day poll tax. Alabama has notoriously punitive fines and fees, so high that for many there is no hope of ever being able to pay them off. When voting rights depends on an ability to pay, it is a poll tax.

The absence of a list of disqualifying offenses created lots of confusion and the lack of public awareness on the law change turned many of these eligible voters away from the process. Another common area of confusion is determining which out-of-state and/or federal convictions disenfranchise a person. The definition of moral turpitude makes clear that only out-of-state or and federal convictions that are equivalent to the crime of moral turpitude will strip an Alabama citizen of the right to vote.

One returning citizen that I had the honor of working with is named Mr. Gregory Butler. Mr. Butler was convicted of federal drug trafficking and had completed his sentence. In September of 2018, we assisted Mr. Butler with his application for a CERV with the Board of Pardons and Paroles (BPP). They sent Mr. Butler a letter stating none of his felony convictions were disqualifying. Mr. Butler registered to vote and was placed on the voter roll. On March 26th, Mr. Butler received a certified letter from the Jefferson County Board of Registrars (BOR) informing him that he would be removed from the voter roll because he committed a crime of moral turpitude. They did not specify which crime was considered disqualifying and Mr. Butler was given only 30 days to appeal this decision. Mr. Butler and I visited the BOR to inquire about his ineligibility. The BOR informed us that the county's attorney determined that his possession of a controlled substance charge in 2009 was a disqualifying offense. However, possession of a controlled substance did not disqualify individuals from registering to vote in Alabama, according to the state's official crimes of moral turpitude list. Mr. Butler's final disposition was NOL PROSS, meaning his case was ultimately dismissed, in Alacourt, an Alabama court records database, which I pulled up for reference. They then sent us down to the county attorney's office for further investigation. We were able to meet with Assistant County Attorney Donald Carroll. I gave Mr. Carroll all of the information related to Mr. Butler's offense, including the letter from BPP stating that he did not need a CERV to register to vote. Mr. Carroll determined that indeed Mr. Butler was not disqualified from voting and Mr. Butler was allowed to remain on the voter rolls. The process was confusing, difficult, and time-consuming and, without an advocate, Mr. Butler would have given up like so many others before him. Moreover, several of the citizens I encountered were convicted of nonviolent offenses years ago. Even though they had not been convicted of any offenses since their original term of incarceration, they remained ineligible to vote.

A common misconception about the returning citizen community is their perceived apathy towards civic engagement. Mr. Richard Williams was convicted of theft of property 1 in 2007 – his first and only conviction in Alabama. He completed all of the terms of his sentence, including his supervised release. He initially tried to register to vote in 2016, but the Huntsville Board of Registrars rejected his application. Mr. Williams contacted the Probation and Parole Office in Huntsville to inquire about his eligibility status. He was told by the Probation and Parole Office

that he needed to apply for and receive a pardon in order to restore his voting rights. Mr. Williams applied for a pardon, but never heard anything from the BPP. In 2018, I met Mr. Williams through my outreach efforts in Huntsville. Upon verifying Mr. Williams' information, we concluded that he did in fact meet all requirements for a CERV. We completed the paper work and mailed the application the very same day. After several weeks, Mr. Williams informed me that he had received his CERV and registered to vote. During the 2018 midterm election, Mr. Williams voted in Alabama for the first time in his life despite all of the obstacles he encountered during the process.

The two experiences I just shared, along with those of the many people I assisted during my time with AVR, show that even a law that is meant to expand voting rights can still result in people being discouraged from going through the process because of the roadblocks and misinformation. Therefore, we come before this Committee to encourage the efforts you are making because voting is a fundamental right, but to also highlight for you the potential pitfalls if it is not done in a consistent, effective manner.

Recommendations

The information we have provided helps to illustrate the history and disproportionate impact of criminal disenfranchisement laws on marginalized communities and, in particular, the Black community. SPLC recommends the following policy proposals to amend Georgia's felon disenfranchisement law:

1. Develop a clear and succinct list of disqualifying felony convictions that excludes nonviolent offenses and restores the voting rights of as many people as possible.
2. Outstanding legal financial obligations should not be a barrier to reinstating voting rights for people with felony convictions.
3. Train state and local election officials and poll workers so that they provide the public with accurate information regarding the scope of Georgia's new moral turpitude law.
4. Mount a statewide public education campaign that includes the dissemination of information at government agencies, libraries, and other facilities where the public frequents.
5. Convene a meeting of impacted persons so that their voices are heard with respect to the adoption and implementation of the new law.

We strongly encourage the continued engagement of the public during this process and are happy to provide additional resources to assist the Committee in making its final recommendations.

Thank you for your time and I welcome any questions you may have.

EXHIBIT G

Report

Felony Disenfranchisement in Georgia by the Numbers



Updated October 2019

Fact Sheet on Felony Disenfranchisement in Georgia

“Felony disenfranchisement prevented over 264k Georgians from voting in 2018. 79% of those unable to vote are living in their community under correctional supervision.”

What is felony disenfranchisement?

Individuals in Georgia convicted of a felony criminal offense lose their right to vote until the completion of their sentence and after their release while still on probation or parole, and until they have paid all associated fees.

What are “crimes involving moral turpitude”?

Georgia law states that anyone convicted of a “crime involving moral turpitude” will lose their voting rights. However, it does not clearly define what “moral turpitude” means. As a result, the loss of civil voting rights is applied to all felony offenses, regardless of the type of crime.

How many people are impacted by felony disenfranchisement and why?

In 2018, over 264,000 Georgians could not vote due to felony disenfranchisement¹

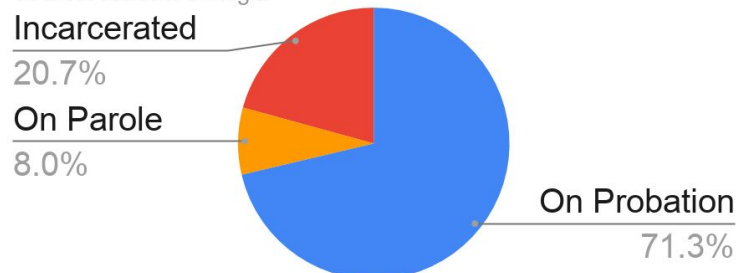
- **209,578** were under correctional supervision (79.3%) while living in their community
 - **188,511** people were on felony probation and living in their community (71.3%)²
 - 31.9% (64,579) for felony drug offenses (possession, sale, etc.)
 - 25% for drug possession (50,605)
 - 7% for drug sale
 - 35.4% (71,667) for property offenses (burglary, vehicle theft, fraud, etc)
 - **21,067** Georgians were on felony parole (8%)³
 - Probation sentences in Georgia average **6.3 years**, near double the US average⁴
- **54,806** Georgians were disenfranchised due to felony incarceration (20.7%)⁵
 - 47% of 2018 prison admissions (8,575) were non-violent crimes (property, drug)⁶

It is estimated felony disenfranchisement prevented 248,751 Georgians from voting in 2016 and 275,866 in 2010. Georgia has the 10th highest rate of disenfranchisement.

58% of the disenfranchised Georgians were black despite representing only 32% of the state population. Georgia has the 6th largest population of disenfranchised black voters.^{7 8}

Felony Disenfranchisement in Georgia (2018)

Source: Reform Georgia



¹ Total: 202,421 felony probation + 54,806 in prison + 21,067 on parole - 13,910 probationers also in prison or on parole = 264,384

² BJS Annual Probation Survey, 2018. Georgia Department of Correctional Supervision. Procured via Open Record Request.

³ BJS Annual Parole Survey, 2018. Georgia Department of Correctional Supervision. Procured via Open Record Request.

⁴ “[Georgia Council on Criminal Justice Reform](#).” Council of State Governments Justice Center. July 2016.

⁵ Average Daily Populations for the Period from 01/01/2018 to 12/31/2018. Georgia Department of Corrections.

⁶ [Inmate Statistical Profile](#). Inmates Admitted During CY2018. Georgia Department of Corrections. Pg 55. January 2019.

⁷ [6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016](#). The Sentencing Project. October 2016.

⁸ [State-Level Estimates of Felon Disenfranchisement in the United States, 2010](#). The Sentencing Project. July 2012.

Part of a larger probation problem

Georgia has the largest correctional supervision population in the nation, over 400,000.⁹ Yes, even Texas.

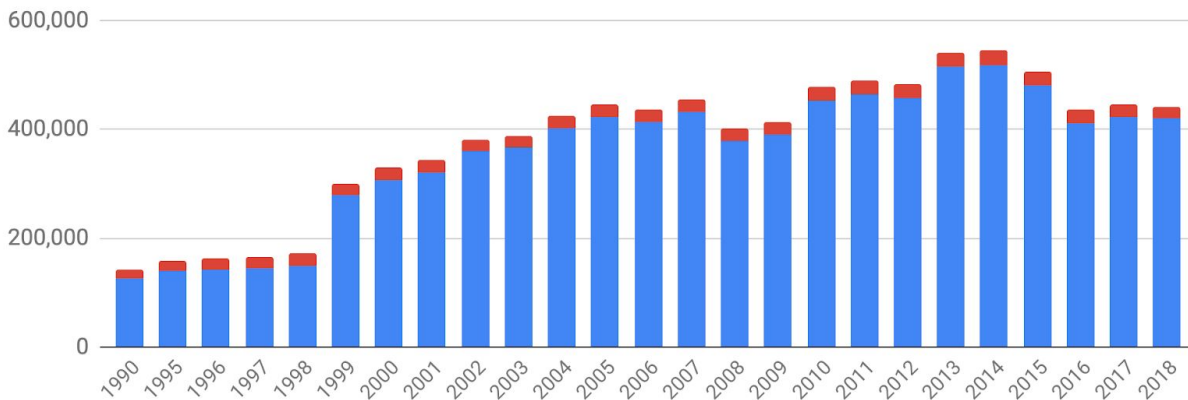
Average felony probation sentences in Georgia are 6.3 years, near double the US average. Over 37% of individuals have a probation sentence longer than 10 years.¹⁰

The chart below illustrates that the growth in the number of Georgia residents under correctional supervision is largely the result of growth in our probation system. The number of parolees has also increased and can be more easily discerned in the breakout chart below.

Community Supervision Population (Probation + Parole)

Source: Bureau of Justice Statistics: 1995-2016. GA DCS: 2017-2018. Data gathered by Reform Georgia.

■ State Parole Population (as of Jan 1) ■ Total State Probation Population, Felony+Misd. (as of Jan 1)



It's important to remember that the total probation population includes both misdemeanor and felony offenses and while misdemeanor probation does not impact voting eligibility, it does reflect the state's trend toward increased probation sentencing.

On December 31, 2018 there were 202,421 individuals on felony probation, about half the state's total probation system. About 9,900 individuals on felony probation were also incarcerated and about 4,000 individuals were also on parole, so they were not counted in the calculation above regarding those disenfranchised as a result of probation.

The state's parole population has been on an upward trend since the early 2000s, as shown in the graph below depicting historical data since 1990. Yet over the last decade (2008-2018) it has declined 9% to its lowest count since 2003. It is therefore unsurprising that we have also seen a downward trend in the number of entries since 2013.

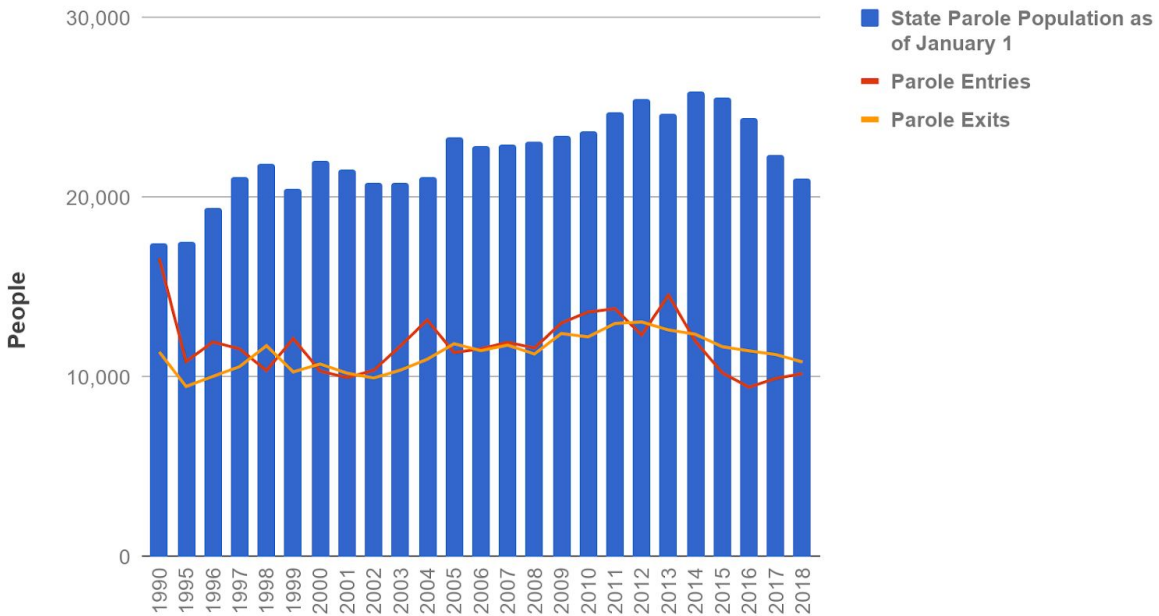
However, an upward trend in entries that began after 2016, along with a decline in exits, as evidenced in the graph below, suggests populations may tick back upward. The total system population appears to be on a mild downward trend.

⁹ [Georgia Profile](#). Prison Policy Initiative. 2018.

¹⁰ ["Georgia Council on Criminal Justice Reform."](#) Council of State Governments Justice Center. July 2016.

Georgia Parole Population, Including Entries and Exits (1990-2018)

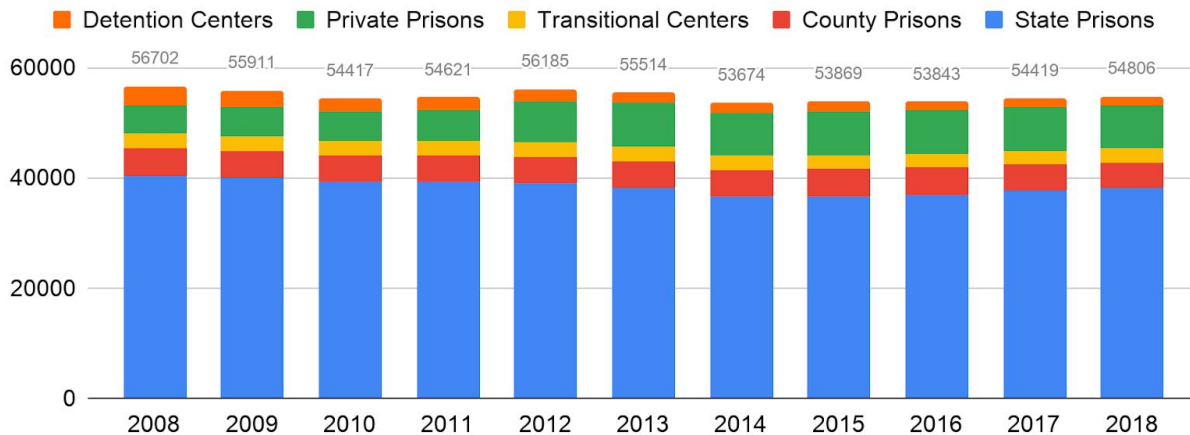
Source: "Probation and Parole Series," Bureau of Justice Statistics (1990-2018). Data gathered by Reform Georgia.



So while Georgia's overall correctional supervision population has been on a steady incline, Georgia's incarcerated population for felony-related offenses has actually been on a slight downward trend over the last decade, illustrating that the state is keeping fewer people behind bars and handing out more extended probation sentences.

Georgia State Correctional Population (2008-2018)

Source: GA Department of Corrections. Data compiled by Reform Georgia.

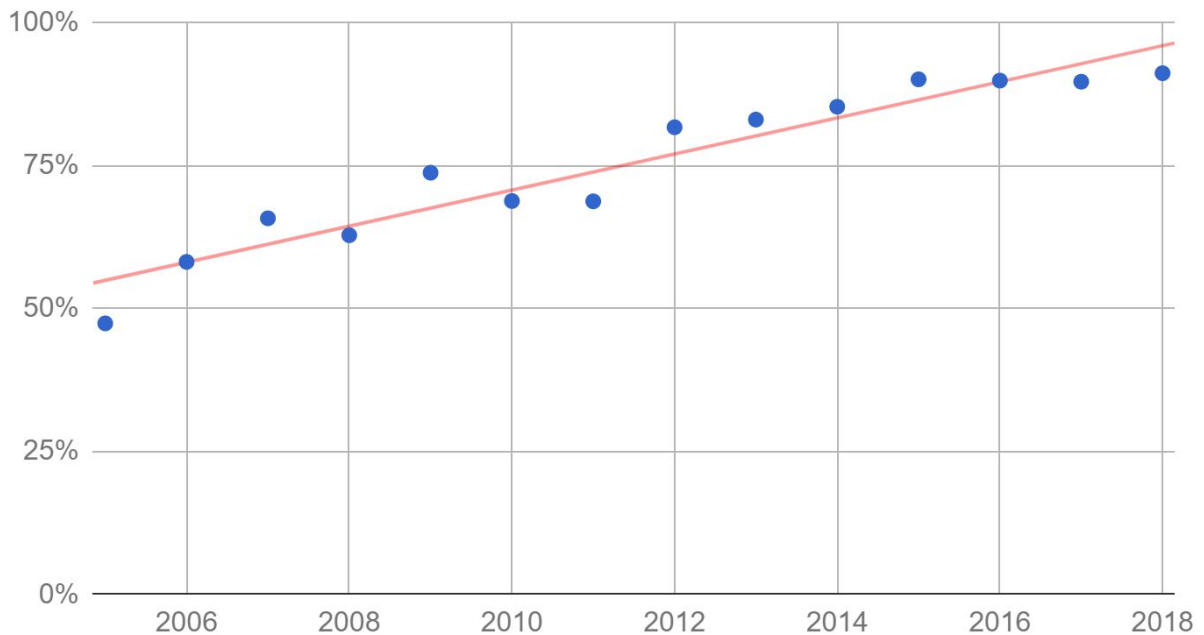


As an example, the sentencing for probation to follow marijuana-related felony incarceration has continued to rise from 47% in 2005 to a near universally applied rate of 91% in 2018.¹¹

¹¹ FBI Uniform Crime Reporting Program (2005-2018). Collected by Reform Georgia.

Percentage of Felony Marijuana Crime Sentences Followed by Probation

Source: FBI Uniform Crime Reporting Program (2005-2018), Collected by Reform Georgia

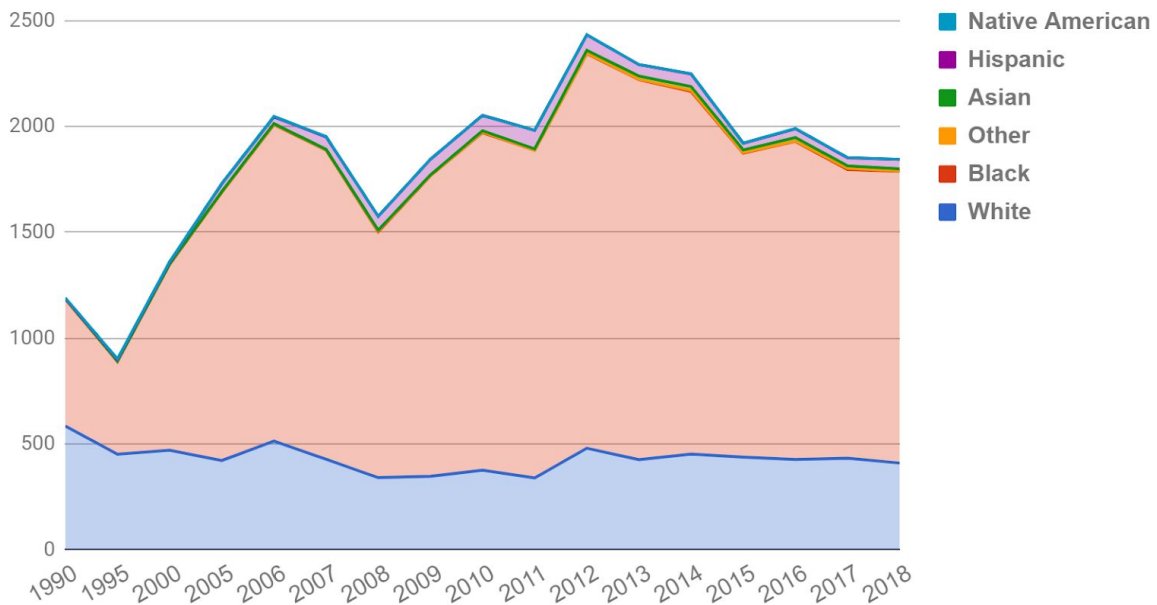


Despite the overall decline in the incarcerated population, offenses like marijuana have seen an increase in probation and prison admissions. Meanwhile, the length of stay in prison for such an offense has declined to an average of 4 months. That stay is almost guaranteed to be followed by a probation sentence that is on average, nearly double the duration of the national average.

The chart below illustrates the growth in admissions for marijuana-related felonies. Almost all of the growth in admissions has been of black Georgians.

Total Admissions to GA State Corrections for Marijuana Crimes, Segmented by Race

Source: FBI Uniform Crime Reporting Program (1990-2018), Collected by Reform Georgia



Potential Impact of Proposals to Restore Voting Rights

In the consideration of possible proposals to restore voting rights to certain individuals with felony sentences, below are potential options and their anticipated impact in terms of the number of individuals who would see their voting rights restored. The percentages indicated represent the portion of the total current disenfranchised population that would see the restoration of their rights.

A. Complete Restoration, i.e. elimination of felony disenfranchisement

This proposal would represent a complete elimination of the practice of felony disenfranchisement and would mean that no Georgia resident loses their eligibility to vote for any reason relating to correctional involvement. Individuals serving a felony sentence would have the right to vote in all relevant elections, regardless of whether they are incarcerated or under correctional supervision, serving a probation or parole sentence, or if they have outstanding fines/fees.

- 264,384 Georgians approx. (100%)

B. Restoration for those living in society while on probation or parole, regardless of offense

This proposal would restore voting rights to those who are still serving a felony probation or parole sentence, i.e. under correctional supervision but living in the community. This would not impact those who are currently incarcerated in a state correctional facility for a felony offense.

- 209,578 Georgians approx. (79.3%)

C. Restoration of rights for those on probation and parole only for offenses classified as “non-violent” (i.e. property and drug crimes, etc.)

This approach would restore voting rights only to those serving out probation sentences for offenses considered to be “non-violent”. This would exclude felony offenses categorized as “violent” or “sexual”, including domestic violence.

- 167,051 Georgians approx. (63.2%)
 - Property Offenses: 76,375 (28.9%)
 - 71,667 on probation (27.1%)
 - 4,708 on parole (1.8%)
 - Under state classification, this includes burglary, larceny, motor vehicle theft, fraud, and other property offenses.
 - Drug Offenses: 71,478 (27%)
 - 64,579 on probation (24.4%)
 - 6,899 on parole (2.6%)
 - Based on 2017 data, a little over 75% of drug-related probation cases were for possession, with the rest being for sales.
 - DUI Offenses (probation): 1,723 (0.7%)

- Weapon offenses (parole): 1,180 (0.4%)
- Other Offenses: 15,226 (5.8%)
 - 14,389 on probation (5.4%)
 - 837 on parole (0.3%)
- Unknown: 1069 (0.4%)
 - 979 on probation (0.37%)
 - 90 on parole (0.03%)

TABLE: Georgia Correctional Supervision Statistics (1990-2016)

Source: Bureau of Justice Statistics. Data Gathered by Reform Georgia.

YEAR	1990	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Community Supervision Population	142,584	158,199	162,388	164,603	171,878	299,151	329,689	342,963	380,846	388,171	423,855
State Probation Population	125,147	140,694	142,954	143,457	149,963	278,669	307,686	321,407	360,037	367,349	402,694
Probation Entries	76,042	69,102	71,241	65,452	60,206	183,322	94,636	203,155	193,915	230,686	217,100
Probation Exits	66,349	67,228	70,038	60,489	58,304	154,944	93,978	166,532	187,067	173,650	200,400
State Parole Population	17,437	17,505	19,434	21,146	21,915	20,482	22,003	21,556	20,809	20,822	21,161
Parole Entries	16,611	10,862	11,959	11,567	10,360	12,149	10,339	9,975	10,376	11,738	13,178
Parole Exits	11,402	9,479	10,036	10,587	11,749	10,290	10,728	10,223	9,948	10,391	10,995

YEAR	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Community Supervision Population	446,891	437,260	455,394	402,315	413,349	477,600	489,500	478,800	536,200	539,500	502,200	430,800
State Probation Population	423,547	414,409	432,436	379,204	389,901	453,887	464,773	457,217	515,896	518,507	481,339	410,964
Probation Entries	215,500	213,600	281,252	227,084	228,318	222,208	232,104	230,474	290,462	283,648	257,482	-
Probation Exits	216,200	205,200	278,327	213,867	225,531	218,935	239,736	245,630	291,881	329,168	312,381	294,357
State Parole Population	23,344	22,851	22,958	23,111	23,448	23,709	24,723	25,489	24,673	25,931	25,577	24,413
Parole Entries	11,366	11,580	11,935	11,621	13,008	13,622	13,810	12,342	14,565	12,002	10,249	9,434
Parole Exits	11,859	11,473	11,782	11,284	12,427	12,240	12,985	13,070	12,627	12,386	11,696	11,461

TABLE: 2017 & 2018 Felony Probation and Parole Populations

Source: BJS Probation/Parole Survey (2017, 2018), GA Dept. of Community Supervision

YEAR	2017	2018
Total Population Under Community Supervision for Felony Offenses	233,041	226,325
State Felony Probation Population	210,655	205,568
Probation Entries	38,440	38,881
Probation Exits	44,730	42,028
State Parole Population	22,386	21,067
Parole Entries	9,925	10,200
Parole Exits	11,260	10,841

TABLE: Georgia Department of Corrections Facility Average Population Counts

Source: Georgia Department of Corrections. Data gathered by Reform Georgia.

Type of Facility	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
State Prisons	38103	37,538	36,876	36,655	36,497	38,112	38939	39177	39205	39984	40,433
Pre Release Centers	0	0	0	0	0	0	558	1270	1248	1158	1,440
County Prisons	4691	4,800	4937	4,905	4,865	4,873	4929	4969	4813	4,868	4,962
Transitional Centers	2553	2,609	2621	2,631	2,648	2,662	2622	2652	2820	2,796	2,614
Inmate Boot Camps	1	0	0	0	0	0	87	148	235	107	276
Private Prisons	7793	7900	7892	7,885	7,864	7,902	7449	5567	5155	5,165	5,175
Diversion Centers	0	0	0	0	0	0	0	0	0	0	432
Detention Centers	1666	1572	1517	1,793	1,800	1,965	2246	2256	2424	3,098	3,518
Probation Boot Camps	0	1	8	11	14	18	28	53	62	59	142
Parole Revocation Camps	71	141	176	182	187	19	403	423	419	426	426
RSAT Centers	1746	1714	1695	1,635	1,273	1,232	1074	766	762	713	568
Incarcerated Total (exclusive of pre-release centers, boot camps, diversion centers, revocation camps, and RSAT centers)	54806	54,419	53,843	53,869	53,674	55,514	56185	54621	54417	55911	56,702

TABLE: Disenfranchised Georgia Voter Estimates by Form of Correctional Involvement, Total Population and African American Population, Years 2016 and 2010.

Source: The Sentencing Project

Year	Prisoners	Parolees	Probation	Jail	TOTAL	% Total
2016	50,900	23,545	170,194	4,112	248,751	100%
AA '16	31,814	13,927	98,470	64	144,546	58%
2010	49,164	25,091	197,013	4,597	275,866	100%
AA '10	30,729	14,842	114,300	71	159,942	58%

Research Recognition:

Research was conducted in partnership with University of Georgia research professor, Dr. Andrea Swartzendruber, graduate student Megan Bramlett, and others.

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Reform Georgia is a 501(c)3 organization working to build a better justice system. We educate and organize around criminal justice policy reform at the state and local level in Georgia.

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EXHIBIT H

Option three defines which crimes qualify as crimes of moral turpitude. The attached criminal offenses qualify as crimes of moral turpitude.¹ Under option three a person on probation or parole for a non-disqualifying offense will be eligible to vote. A person physically incarcerated in a state or local facility for a disqualifying offense shall not be eligible to vote.

1. Murder **O.C.G.A. 16-5-1**

2. Voluntary Manslaughter **O.C.G.A. 16-5-2**

3. Involuntary Manslaughter **O.C.G.A. 16-5-3** but only as provided in paragraph (a).

4. Aggravated Assault (**O.C.G.A. 16-5-21**)

5. Battery **O.C.G.A. 16-5-23.1** but only as provided in subsections (e), (i), (k),

6. Aggravated Battery **O.C.G.A. 16-5-24**

7. Female Genital mutilation **O.C.G.A. 16-5-27**

8. Kidnapping **O.C.G.A. 16-5-40**

9. False Imprisonment **O.C.G.A. 16-5-41**

10. False Imprisonment O.C.G.A.

16-5-42

11. Malicious Confinement of a sane person in an asylum O.C.G.A.

16-5-43

12. Hijacking an Aircraft O.C.G.A.

16-5-44

¹ Under this proposal a conviction for an attempt, (O.C.G.A. 16-401), criminal solicitation, (O.C.G.A.

16-4-7)

and criminal conspiracy, (O.C.G.A. 16-4-8) of the underlying disqualifying offense will also be considered a

crime of moral turpitude provided that such offense is a felony conviction.

1

13. Hijacking a Motor Vehicle O.C.G.A.

16-5-44.1

14. interference with Custody O.C.G.A. 16-5-45 but only as provided in paragraph C,

(2) (which reads as...upon conviction of a third offense is a felony...) and as

provided in section C, (3), (which reads as a person convicted of the offense of

interstate interference with custody shall be guilty of a felony....).

15. Trafficking of persons for labor or sexual servitude **O.C.G.A. 16-5-46**

16. Reckless Conduct causing harm to or endangering the bodily safety of another;

conduct by HIV infected persons; assault by HIV infected persons or hepatitis

infected persons, **O.C.G.A. 16-5- 60**), but only as provided in paragraph (c) 1-5

and paragraph (d) (1 and 2)

17. Cruelty to Children **O.C.G.A. 16-5-70** but only as provided in paragraph (e) (1) and

(2) and (3).

offense.

18. Feticide **O.C.G.A. 16-5-80**

19. Aggravated Stalking **O.C.G.A. 16-5-91**

20. Neglect to a disabled adult, elder person, or resident, **O.C.G.A. 16-5-101**

21. Exploitation and intimidation of disabled adults, elder persons, and

residents, obstruction of investigation, **O.C.G.A. 16-5-102**, but only as

provided in paragraph a.

22. Trafficking of a disabled adult, elder person, or resident **O.C.G.A. 16-5-102.1**

23. Rape **O.C.G.A. 16-6-1**

2

24. Sodomy **O.C.G.A. 16-6-2** except as provided in paragraph d.

25. Statutory Rape **O.C.G.A. 16-6-3** except as provided in paragraph (c)

26. Child molestation **O.C.G.A. 16-6-4** except as provided in paragraph b (2), and

paragraph (d)
(2)

27. Enticing a Child for indecent purposes **O.C.G.A. 16-6-5** except as provided in

section
(c)

28. Keeping a Place of Prostitution, **O.C.G.A. 16-6-10**, Pimping, (O.C.G.A. 16-6-

11), Pandering **O.C.G.A. 16-6-12** pursuant to the penalty provided in

O.C.G.A. 16-6-13) (b) (1) and
(2)

29. Solicitation of Sodomy **O.C.G.A. 16-6-15** but only as provided in section (b)

30. Pandering by compulsion **O.C.G.A. 16-6-14**

31. Sexual Battery **O.C.G.A. 16-6-22.1** but only as provided in section (d) and (e)

32. Harboring, concealing or withholding information concerning sexual offender,

O.C.G.A. 16-6-25

33. Burglary **O.C.G.A. 16-7-1**

34. Burglary smash and grab **O.C.G.A. 16-7-2**

35. Home invasion in first and second degree **O.C.G.A. 16-7-5**

36. Criminal damage to property in first degree **O.C.G.A. 16-7-22**

37. Vandalism to a place of worship **O.C.G.A. 16-7-26**

38. Theft by deception, **O.C.G.A. 16-8-3**, Theft by taking, **O.C.G.A. 16-8-2**, Theft by

conversion, **O.C.G.A. 16-8-4**, Theft of Services **O.C.G.A. 16-8-5**, Circumstances

permitting inference of intent to avoid payment, **O.C.G.A. 16-8-5.1**, Retail

fencing, **O.C.G.A. 16-8-5.2**, Theft by receiving stolen property **O.C.G.A. 16-8-**

7, Theft of lost or mislaid property **O.C.G.A. 16-8-6**, Theft by receiving stolen

property **O.C.G.A. 16-8-7**, Theft by receiving property stolen in another

state, **O.C.G.A. 16-8-8**, but only as provided in **Penalties for theft in violation**

of Code Sections 16-8-2-16-8-9, paragraph a **section a (1) D, and a (2) and**

(3) and subsection 9 (b).

39. Theft of trade secrets **O.C.G.A. 16-8-13**,

40. Theft by shoplifting **O.C.G.A. 16-8-14**, but only pursuant to paragraph (b)(a) (C)

(which reads upon conviction of a fourth or subsequent offense.....)

41. Refund fraud **O.C.G.A. 16-8-14.1**), but only pursuant to section (c) 2 and 3.

42. Conversion of payments for real property improvements **O.C.G.A. 16-8-15**,

43. Theft by extortion **O.C.G.A. 16-8-16**,

44. Entering automobile or other motor vehicle with intent to commit a felony,

O.C.G.A.

16-8-18,

45. Robbery **O.C.G.A.**

16-8-40

46. Armed Robbery **O.C.G.A.**

16-8-41

47. Reproduction of recorded material, transfers for sale but only where a 3/L offense as

proscribed in paragraph d
(3).

48. Owning or operating a chop shop **O.C.G.A.**

16-8-83

49. Residential Mortgage Fraud **O.C.G.A.**

16-8-102

4

50. Forgery **O.C.G.A.**

16-8-91

51. Counterfeit or false proof of Insurance Document **O.C.G.A. 16-9-5** but **not** under

paragraph 2 subsection
b.

52. Manufacturing or distributing false identity **O.C.G.A. 16-9-4** but only pursuant to

subsection 2, 3 and 5 under
paragraph c.

53. Unauthorized use of financial transaction card, misuses of government issued cards,

O.C.G.A. 16-9-37 but only to the extent the person is convicted under paragraph b.

54. Damaging, destroying or secreting property to defraud another, **O.C.G.A. 16-9-53**

55. Foreclosure fraud **O.C.G.A. 16-9-60**

56. Iniation of Deceptive Commercial e-mail, **O.C.G.A. 16-9-102** but only where

sentenced under paragraph b (second in 5-year time frame).

57. Fraudulent business practices using Internet or email, **O.C.G.A. 16-9-109.1**

58. Aggravated Identity Fraud to gain employment, **O.C.G.A. 16-9-121.1**

59. Spyware, browsers, hijacks, and other software prohibited, **O.C.G.A. 16-9-152**

60. Email Virus Distribution denial of service, attacks and other conduct prohibited,

O.C.G.A. 16-9-153

61. Inducement to install, copy or execute software through

misrepresentation

prohibited, **O.C.G.A.**
16-9-154.

62. Violation of oath by public officer, **O.C.G.A.**
16-10-1

63. Bribery **O.C.G.A.**
16-10-1

64. Influencing of legislative action by state and local government officers and employees

O.C.G.A.
16-10-4

5

65. Sale of real or personal property to political subdivision by local office or employee,

O.C.G.A.
16-10-6

66. False official certificate or witness by officers or employees of state and political

subdivisions, **O.C.G.A.**
16-10-8

67. Hindering apprehension or punishment of a criminal **O.C.G.A.**
16-10-50

68. Bail jumping, **O.C.G.A. 16-10-51** but only if convicted under paragraph a,
paragraph c

and paragraph
d.

69. Escape **O.C.G.A. 16-10-52** but only where convicted under paragraph b (1)-(3)

70. Aiding or permitting another to escape lawful custody or confinement **O.C.G.A. 16-10-**

53 but only if convicted under paragraph a.

71. Assisting, opposing or resisting officer of the law in a penal institution, **O.C.G.A. 16-10-**

5
4

72. Persuading, Enticing Instigating aiding or abetting person in a penal institution to

commit mutiny, **O.C.G.A. 16-10-55**

73. Unlawful acts of violence in a penal institution, **O.C.G.A. 16-10-56.**

74. Aiding or permitting another to escape lawful custody or confinement. **O.C.G.A. 16-**

10-53
-

75. Assaulting, opposing or resisting officer of the law in a penal institution, **O.C.G.A. 16-10-**

5
4

76. Persuading, enticing, instigating, aiding, or abetting person in a penal

institution to

commit muting, **O.C.G.A.**
16-10-55

77. Unlawful acts of violence in a penal institution, **O.C.G.A.**
16-10-56

6

78. Perjury **O.C.G.A.**
16-10-70

79. False Swearing- **O.C.G.A.**
16-10-71,

80. Subornation of perjury or false swearing **O.C.G.A.**
16-10-72

81. Impersonating another in the acknowledgment of recognizance, bail or judgment,

O.C.G.A.
16-10-73

82. Compounding a crime, **O.C.G.A. 16-10-90** only where a felony is implicated.

83. Embracery **O.C.G.A.**
16-10-91

84. Acceptance of benefit, reward or consideration by witness for changing testimony or

being absent from trial, hearing or other proceeding, **O.C.G.A.**
16-10-92

85. Influencing witnesses **O.C.G.A.**
16-10-93

86. Tampering with evidence, **O.C.G.A. 16-10-94** (but only if the felony provision applies).

87. Impersonating another in the course of an action, proceeding or prosecution, **O.C.G.A.**

16-10-9

6

88. Intimidation or injury of any officer in or of any court, **O.C.G.A.**
16-10-97

89. False swearing in a written statement **O.C.G.A.**
16-11-14

90. Treason **O.C.G.A.**
16-11-1

91. Insurrection **O.C.G.A.**
16-11-2

92. Inciting to insurrection **O.C.G.A.**
16-11-3

93. Advocating overthrow of government **O.C.G.A.**
16-11-4

94. Peeping Toms **O.C.G.A. 16-11-61**, (except as provided for in **O.C.G.A.**
16-11-66

subsection

d.

95. Eavesdropping surveillance, or intercepting communication which invades

privacy of

another, divulging private message **O.C.G.A. 16-11-62**, (except as provided for in

O.C.G.A. 16-11-66
subsection d.

96. Possession, sale or distribution of eavesdropping devices, (except as provided in

subsection d in **O.C.G.A.**
16-11-66.

97. Invasion of privacy **O.C.G.A. 16-11-90** (where a second conviction is obtained as

described in paragraph 3 subsection c or any applicable subsection that creates felony

conviction
).

98. Use or installation of device to film underneath or through an individual clothing

under certain circumstances, **O.C.G.A.**
16-11-91.

99. Furnishing pistol or revolver to a person under the age of 18 years old
O.C.G.A. 16-11-

101.
1

100. Possession of firearm or knife during commission of or attempt to commit

certain crimes **O.C.G.A. 16-11-106.**, (but only if a felony as described in paragraph 5

subsection
c).

101. Harming a law enforcement animal **O.C.G.A. 16-11-107** (but only as prescribed

paragraph d and e (second degree and first degree respectively).

102. Misuse of firearm or archery tackle while hunting, **O.C.G.A. 16-11-108**, (but only

if convicted of a felony as described in paragraph a).

103. Offense of transferring firearm to individual other than actual buyer, **O.C.G.A.**

16-11-11
3

104. Prohibited training **O.C.G.A. 16-11-151.**

8

105. Use of machine guns, sawed off rifles sawed off shotguns, or firearms with

silencers during commission of certain offenses; enhanced criminal penalties, **O.C.G.A.**

16-11-16
0.

106. Offense of transporting or moving illegal aliens, **O.C.G.A. 16-11-200.** (but

only

where convicted of a felony as provided for in paragraph c).

107. Offense of concealing, harboring or shielding an illegal alien, **O.C.G.A. 16-11-201**

(but only where convicted of a felony as provided for in paragraph c).

108. Offense of inducing an illegal alien to enter state, **O.C.G.A. 16-11-202**, (but only

where convicted of a felony as provided for in paragraph c).

109. Domestic Terrorism **O.C.G.A. 16-11-221**, (any felony offense for Domestic

Terrorism)

110. Contributing to the delinquency or dependency of a minor **O.C.G.A. 16-12-1**. (but

only where convicted under section d paragraph 2 and section d. 1 and paragraph 1

and 4 and paragraph e, section 1 and 2).

111. Cruelty to Animals **O.C.G.A. 16-12-4** but only if convicted of a felony under

paragraph e, (aggravated cruelty to animals)

112. Gambling/Dogfighting **O.C.G.A. 16-12-37** but only where felony punishment is

proscribe
d.

113. Sexual exploitation of children, **O.C.G.A. 16-12-100** (but only if convicted of a

felony as defined in paragraph f
(1).

114. Computer or electronic pornography and child exploitation prevention **O.C.G.A.**

16-12-100.2 but only where felony conviction is prescribed by statute.

9

115. Obscene telephone contact **O.C.G.A. 16-12-100.3** but only as prescribed in

paragraph c, section 3 (felony punishment).

116. Bus or rail vehicle hijacking, boarding with concealed weapon, **O.C.G.A. 16-12-**

123

.

117. Avoiding or interfering with securing measures **O.C.G.A. 16-12-1 25** (but only

where convicted of a felony as provided for in paragraph a)

118. Intentionally interfering with safety or traffic control devices **O.C.G.A. 16-12-126**

119. Prohibition on firearms hazardous substances knives or other devices **O.C.G.A.**

16-12-12
7

120. Buying or selling or offering to buy or sell the human body or parts, **O.C.G.A. 16-**

12-16
0

121. Possession, manufacture, distribution or sale of low THC oil, **O.C.G.A. 16-12-191**

(but only if convicted under paragraph d (trafficking in low THC oil).

122. Drug related objects **O.C.G.A. 16-13-1**, (but only where convicted under

paragraph e and it is a second or subsequent offense).

123. Purchase, possession, manufacture, distribution or sale of controlled substances

of marijuana **O.C.G.A. 16-13-2** (but only as defined in paragraph k...it shall be unlawful

for any person to hire, solicit, engage, or use an individual under the age of 17....)

124. Trafficking in cocaine, illegal drugs, marijuana or methamphetamine,

O.C.G.A.

16-13-3

1.

125. Trafficking in ecstasy, **O.C.G.A.**

16-13-31

1

0

126. Prescription Drug Monitoring Program Data Base, **O.C.G.A. 16-13-64**, (but only

when convicted of a felony as proscribed by **O.C.G.A 16-13-64** paragraph a and b.

127. Dangerous drugs **O.C.G.A. 16-13-79** but only as proscribed under paragraph c

(Any person who distributes or possesses with the intent to distribute to any person

under 18 years of age... of this code section.

