

Felony Disenfranchisement in Georgia

A Presentation to The Senate Study Committee on Revising Voting
Rights for Nonviolent Felons

Christopher E. Bruce, Esq., Political Director, ACLU of Georgia

October 22, 2019

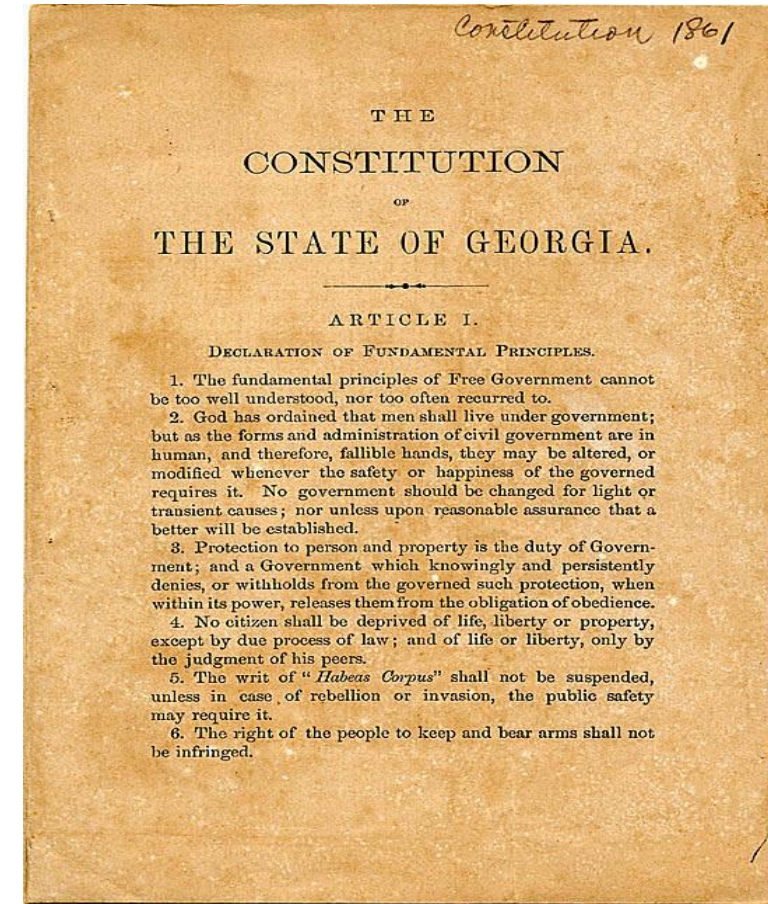
The ACLU of Georgia

- The ACLU of Georgia is dedicated to protecting the civil rights and civil liberties enshrined in the U.S. Constitution, Bill of Rights and Georgia Constitution.
- It is our position that no one should lose their right to vote.



Felony Disenfranchisement in Georgia

“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”



Moral Turpitude circa 1877

- The “moral turpitude” provision is meant to single out actions that are “contrary to justice, honesty, modesty, or good morals.”²
- Due to the lack of clear guidelines to apply the term, it has in effect led to all Georgians convicted of felonies being disenfranchised regardless of the crime.
 - 264,000 Georgians were disenfranchised in 2018 due to felony convictions.³
 - 248,751 Georgians were disenfranchised in 2016 due to felony convictions.⁴
 - Georgia also has the largest correctional supervision population in the country at over 404,000 people.⁵

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

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

4. 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/>

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

Moral Turpitude

- If all felonies were meant to disenfranchise citizens, then there wouldn't need to be a “moral turpitude” distinction.
- The Supreme Court has never weighed in on the term “moral turpitude” as it relates to its application to voting rights in Georgia.
 - The Supreme Court has ruled that disenfranchisement provisions that result in “purposeful racial discrimination” are unconstitutional.⁶
 - In 2016, 58% of Disenfranchised Georgians were Black, despite only making up 32% of the population.⁷

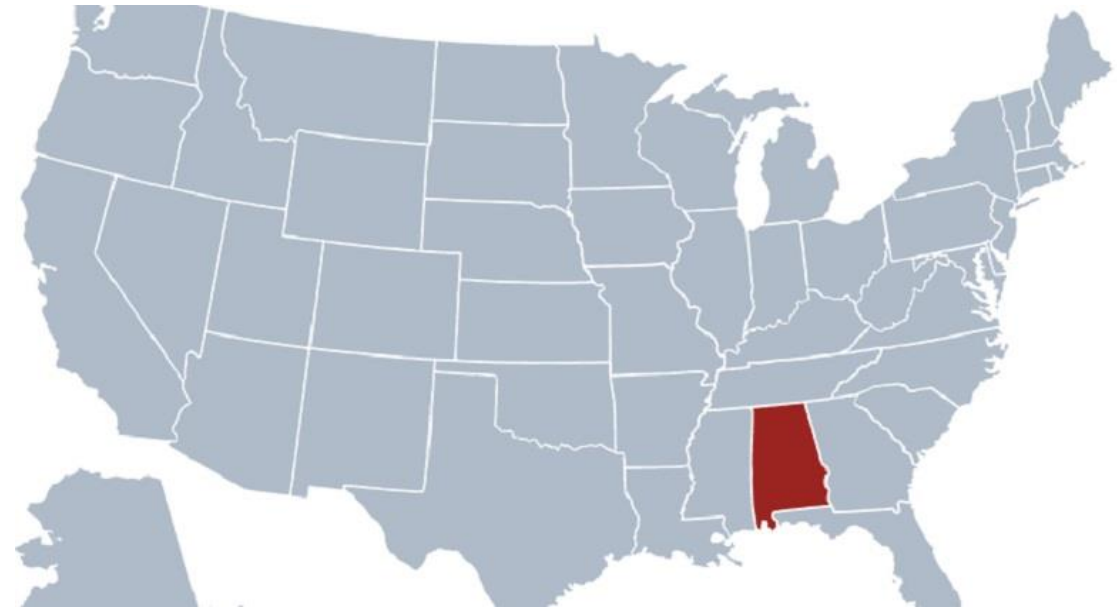
6. *Hunter v. Underwood*, 471 U.S. 222 (1985)

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/>

Our Neighbors In The South: Alabama

- 2017: Alabama passed the “Felony Voter Disqualification Act.”⁸
 - Passed unanimously in both chambers
- Alabama’s law lists specific felony convictions that involve moral turpitude.



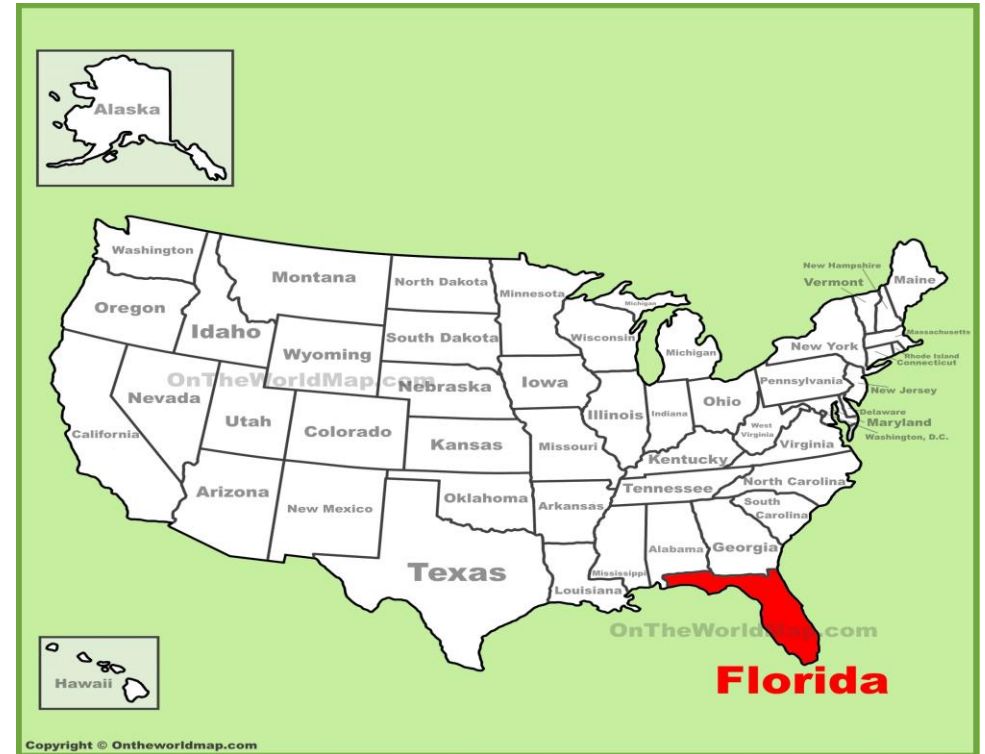
Our Neighbors In The South: Louisiana

- 2018: Louisiana passed legislation to allow for the restoration of voting rights for some convicted felons.
 - In cases where the convicted felon “has not been incarcerated within the last five years...”⁹



Our Neighbors In The South: Florida

- 2018: Florida voters passed a Constitutional Amendment to restore voting rights to Ex-Offenders.
 - ...” automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences.”¹⁰



Georgia Recommendations

- 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.
 - Our recommendation is still that no one should be stripped of their right to vote. However, if a list is created then Georgians should be given notice at all proceedings that their right to vote is being jeopardized.
- Automatically restore citizens convicted of the listed felonies the right to vote, once they have been freed from incarceration, regardless of any outstanding term of probation or parole.