



Felony Disenfranchisement in Georgia

What is the ACLU of Georgia's Stance on Felony Disenfranchisement?

- ★ The ACLU of Georgia is dedicated to protecting the civil rights and liberties enshrined in the U.S. Constitution, the U.S. 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.

Where Does Felony Disenfranchisement Come From in Georgia?

- ★ Felony Disenfranchisement has been enshrined in the Georgia Constitution since 1877. In 1877 after Reconstruction, Georgia Legislators created a new State Constitution to do away with changes made during Reconstruction that granted new rights to former slaves.
- ★ During the 1877 Georgia Constitutional Convention, the phrase "no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence" was added into the new Constitution.¹
 - The "moral turpitude" provision to the right to vote was added to State Constitutions throughout the post-Reconstruction South.²

¹ Georgia Const. art. II, § I.

² Gigantino, Jim. "Constitutional Convention of 1877." New Georgia Encyclopedia. 13 July 2018. Web. 16 October 2019.



What is “Moral Turpitude”?

- ★ According to the U.S. Supreme Court, the moral turpitude provision is meant to single out actions that are “contrary to justice, honesty, modesty, or good morals.”³

Is “Moral Turpitude” Legally Sound?

- ★ The Supreme Court has never ruled on the validity of Georgia’s use of “moral turpitude” to disenfranchise voters.
- ★ 1985: The Court did establish that disenfranchisement provisions that result in “purposeful racial discrimination” are unconstitutional.⁴

How is “Moral Turpitude” Applied To The Right To Vote in Georgia?

- ★ Due to the lack of clear guidelines to apply the term, it has in effect led to all convicted of felonies being disenfranchised.
 - 2018: 264,000 Georgians were disenfranchised.⁵
 - 2016: 248,751 Georgians were disenfranchised.⁶
- ★ Ex-offenders are also required to complete their physical incarceration, and their outstanding term of probation or parole prior to regaining their voting rights.
 - Georgia has the largest correctional supervision population in the country at over 404,000 people.⁷

³ *Holloway v. Holloway*, 126 Ga. 459, 460 (1906)

⁴ *Hunter v. Underwood*, 471 U.S. 222 (1985)

⁵ Reform Georgia, Fact Sheet on Felony Disenfranchisement in Georgia.

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



How Have Other Southern States Grappled With This Issue?

- ★ 2017: The Alabama State Legislature passed the “Felony Voter Disqualification Act.”⁸ The Republican led State Senate voted 29-0 in favor of the measure.⁹ The Republican led State House voted 102-0 in favor of the bill.¹⁰ 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.¹¹

- ★ 2018: 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.”

- ★ 2018: Florida voters passed a Constitutional Amendment to 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

⁸ HB 282, Act 2017-378, 5/18/17

⁹ HB 282, [Vote #1254](#), 5/17/19

¹⁰ HB 282, [Vote #191](#), 3/09/17

¹¹ HB 282, Act 2017-378, 5/18/17



their voting rights on a case by case basis.¹² The Constitutional Amendment passed with 64.5 percent of the vote.¹³

What Are Recommendations For How Georgia Can Fix This Problem?

- ★ 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.

- ★ 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.

¹² Florida Association of Counties, “Amendment 4: Voting Rights Restoration For Felons Initiative”, October 17 2019. Retrieved from: <https://www.fl-counties.com/amendment-4>

¹³ Florida Secretary of State, 2018 General Election Results, retrieved from: <https://results.elections.myflorida.com/Index.asp?ElectionDate=11/6/2018&DATAMODE=>