

---

# **Disenfranchisement of Individuals on Community Supervision in Louisiana**

**Voice of the Experienced (VOTE)  
The Sentencing Project  
Louisiana League of Women Voters**

**February 2017**



## **VOICE OF THE EXPERIENCED (VOTE)**

2022 St. Bernard Ave. Suite 307  
New Orleans, LA 70116  
Tel: 504.571.9599  
[www.vote-nola.org](http://www.vote-nola.org)

---

## **THE SENTENCING PROJECT**

1705 DeSales Street NW, 8<sup>th</sup> Floor  
Washington, D.C. 20036  
Tel: 202-628-0871  
[www.sentencingproject.org](http://www.sentencingproject.org)

---

## **LOUISIANA LEAGUE OF WOMEN VOTERS**

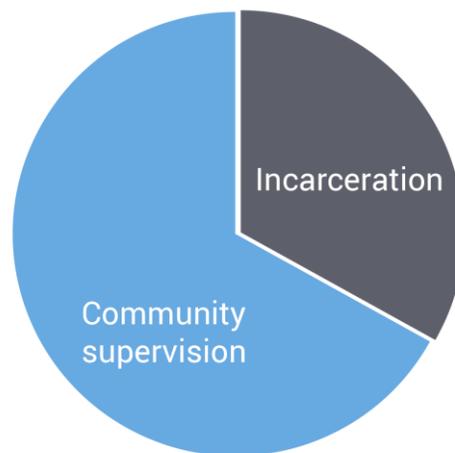
P.O. Box 5493  
Covington, LA 70434  
Tel: 978.705.1598  
[www.lwvofla.org](http://www.lwvofla.org)

More than 130 million citizens voted in the November 2016 elections. Yet 6.1 million individuals who might have otherwise participated were kept out of the ballot box by state felony disenfranchisement laws.<sup>1</sup> These are policies in 48 states and the District of Columbia that restrict the right to vote for people with a felony conviction either permanently or for a specified period of time.

Louisiana disenfranchises 3.04% of its citizens, or 1 of every 33 adults. This is 23% higher than the national rate of disenfranchisement (2.47%), which affects 1 of every 40 American adults.

Most of America's 6.1 million disenfranchised citizens are not incarcerated, but live in the community under felony probation or parole supervision, or have completed their sentences but remain disenfranchised. Louisiana's disenfranchisement policy prohibits voting by anyone with a felony conviction who is currently in prison or under probation or parole supervision. As of 2016, Louisiana had an estimated 108,035 people who were disenfranchised, nearly two-thirds of whom (67,064) live under community supervision, not behind bars.

### Louisiana's Disenfranchised Population, 2016



Total = 108,035 people

## DISENFRANCHISEMENT IN HISTORICAL PERSPECTIVE

Dating back to the time of the founding of the nation, felony disenfranchisement has undergone many changes over the past two centuries. The original states adopted disenfranchisement as a holdover from the Colonial period, but the law at the time only granted wealthy white male property holders the right to vote in the first place.

---

<sup>1</sup> Christopher Uggen, Ryan Larson, and Sarah Shannon. *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016*. The Sentencing Project, 2016. Unless otherwise noted all disenfranchisement data in this publication from this source.

Until 1868, Louisiana denied voting rights to white men who were convicted of four specific crimes: bribery, forgery, perjury, and “high crimes and misdemeanors” (corruption committed by public officials).<sup>2</sup>

Following the Civil War a number of Southern states tailored their disenfranchisement policies with the intent of disenfranchising black males who had recently gained the right to vote. In this era, states also adopted poll taxes, literacy requirements, and the infamous Grandfather Clause. Alabama and South Carolina, for example, adopted voting restrictions based on prevailing perceptions of the racial composition of particular offense categories. Those crimes believed to be committed primarily by blacks were punishable by disenfranchisement, while offenses associated with whites were not.

Louisiana enacted a variety of disenfranchisement policies that ultimately were struck down as primarily targeting black people. The shifting constitutional language around felony convictions was last settled in 1974, allowing the state to suspend voting rights for people “under order of imprisonment for conviction of a felony.”<sup>3</sup> No legal definition of that specific phrase existed until 1976-77, when the legislature passed two separate acts defining the phrase to include people in prison, on probation, and on parole, including suspended sentences.<sup>4</sup> This definition is currently in dispute through *VOTE v. Louisiana*.<sup>5</sup>

Since the 1970s, the scale of disenfranchisement nationally has risen dramatically in direct correlation to the expansion of the criminal justice system. In 1976 an estimated 1.2 million people were disenfranchised. Today, the figure is 6.1 million.

## **CATEGORIES OF DISENFRANCHISEMENT**

States have the power to establish criteria for voting. Over time, the 50 states have created a patchwork of voting restriction policies for American citizens with a felony conviction. Currently, the state breakdown is as follows:

- 48 states and the District of Columbia restrict voting rights for persons incarcerated in a state prison. Two states – Maine and Vermont – do not place any restrictions on voting, including for those in prison.
- In 34 states (including Louisiana) individuals are also disenfranchised if they are under felony probation and/or parole supervision.
- In 12 states individuals may be disenfranchised for a period of time (up to life in some circumstances) even after they have completed all terms of their sentence.

---

<sup>2</sup> La. Const. 1812, Art. VI § 4. *Also*: La. R.S. of 1856, Elections § 20.

<sup>3</sup> La. Const. 1974, Art. I, § 10.

<sup>4</sup> La. R.S. 18:2(8); 102(A)(1).

<sup>5</sup> 19<sup>th</sup> JDC, Docket No.C649587 (2016).

## **STATE DISENFRANCHISEMENT REFORMS**

Twenty-three states have reviewed their disenfranchisement policies in recent years. Those states enacted reforms designed to reduce the categories of disenfranchisement and/or engage in outreach to inform individuals with felony convictions of their right to vote under state policy.

Several states with policies similar to Louisiana have enacted such reforms. Connecticut removed the ban on voting for persons on felony probation in 2001, Rhode Island extended voting rights to persons on felony probation or parole in 2006, and Maryland also ended its ban on felony probation and parole in 2016. Notably, a ballot initiative with majority support from the electorate changed the constitution in Rhode Island.

## **DISENFRANCHISING CITIZENS ON PROBATION AND PAROLE IS COUNTERPRODUCTIVE IN REDUCING RECIDIVISM**

Nationally, more than a quarter (26%) of the disenfranchised population are people on felony probation or parole. In Louisiana it is nearly two-thirds (64%).

### **Impact on Reentry**

People with criminal records who are living in the community are obligated to respect the laws and policies of the community. In return, they are eligible to partake in the benefits offered of being part of the community. Denying the right to vote, however, essentially labels someone as a “second class citizen,” which is counterproductive to feeling engaged in, and responsible for, the well-being of the community.

In recent years, the reentry movement has made it abundantly clear that positive connections, such as stable employment and housing, are key factors for success. These connections can, and should, be more than the basics of survival. Engagement in the electoral process marks an even deeper sense of community connection.

### **Impact on Recidivism**

Preliminary research on voting and recidivism suggests that engagement in the electoral process can contribute to reduced involvement in crime. Criminologists Christopher Uggen and Jeff Manza examined the impact of voting on young people in a Minnesota city who had an arrest record.<sup>6</sup> They found that 27% of non-voters were rearrested, compared with 12% of voters. Overall, they documented that “those who vote are less likely to be arrested and incarcerated, and less likely to report committing a range of property and violent offenses.” Further, they note that while the act of voting itself will not necessarily turn one’s life around, it “appears to be part of a package of pro-social behavior that is linked to desistance from crime.”

---

<sup>6</sup> Christopher Uggen and Jeff Manza. “Voting and Subsequent Crime and Arrest: Evidence from a Community Sample.” *Columbia Human Rights Law Review*, Vol. 36, No. 1, Fall 2004.

## Unique Problems of Probation Disenfranchisement

Probation is a sanction for persons convicted of less serious crimes, where a judge has determined that incarceration is not necessary for public safety purposes. It is therefore illogical to deny the right to vote to individuals on probation, as many in this group have never been to prison.

Disenfranchising them only imposes an unnecessary barrier to success.

## OPPORTUNITY FOR REFORM

Although felony disenfranchisement policies have been in effect for more than two centuries, a concerted effort to examine the wisdom and impact of these laws began only recently. As a result, 23 states have enacted reforms to what are now seen as antiquated or ineffective restrictions on the right to vote.

In 2016, the Louisiana Committee on House and Governmental Affairs voted 8-0 to move a re-enfranchisement bill onto the House floor for a full vote. The full chamber did not pass the bill.<sup>7</sup>

There is substantial public support for reform, particularly around community supervision. Several public opinion surveys show that nearly two-thirds of the public support voting rights for those on community supervision.<sup>8</sup> Policymakers in Louisiana now have the opportunity to enact reforms that will be consistent with community values, and can provide pathways to full citizenship for individuals with felony convictions.

---

<sup>7</sup> Louisiana State Legislature, HB 598 (2016); <http://www.legis.la.gov/legis/BillInfo.aspx?s=16RS&b=HB598&sb=y>.

<sup>8</sup> See, for example, Jeff Manza, Clem Brooks, and Christopher Uggen, “Public Attitudes toward Felon Disenfranchisement in the United States.” *Public Opinion Quarterly*. Vol. 68.



# Disenfranchisement of Individuals on Community Supervision in Louisiana

February 2017

