



Democracy & Voting Policy Priority Brief

Re-Enfranchisement

What is Re-Enfranchisement?

Re-enfranchisement restores voting rights to individuals who previously lost the right to vote due to a criminal conviction and ensures that people who have served their sentences or who have met other specific criteria can regain their ability to participate in the election process.

Re-Enfranchisement in the South

Many people erroneously believe that all convicted felons are permanently restricted from ever voting post conviction and even upon the completion of incarceration. The right to vote post conviction and/or incarceration varies from state to state. Only in the District of Columbia, Maine, and Vermont do felons never lose their right to vote, even while incarcerated.

Virginia upholds permanent disenfranchisement for all people with criminal convictions unless the government approves the restoration of individual rights. In Alabama, Florida, Kentucky, Mississippi, and Tennessee, there is permanent disenfranchisement for at least some people with criminal convictions unless the government approves restoration. In Arkansas, Georgia, North Carolina, South Carolina, Texas, and West Virginia, voting rights are restored upon completion of sentence, including prison, parole, and probation. In Louisiana, voting rights are restored for those on probation or parole after a period of five years. However, in some of these states, many former felons are met with the burden of paying outstanding fines, fees, or restitution for their crimes before their rights can be restored, and may be delayed in paying these fines, restricting them from being able to vote until such time that they have satisfied these financial obligations. Check out our Toolkit on Empowering People Convicted of Felonies to Register to Vote [here](#) on our website.

As a fundamental right protected by the U.S. Constitution, automatic re-enfranchisement upon the completion of a sentence for a criminal conviction promotes rehabilitation and reentry into society and reduces recidivism. The national average incarceration rate is 300.36 per 100,000 people. It must also be noted that in 7 of the 13 Southern states, more than 50% of the prison population is Black (Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia). It must be noted that out of the 10 states with the highest incarceration rates, six

of them are located in the South (Georgia, Kentucky, Texas, Arkansas, Louisiana, and Mississippi), with Mississippi, Louisiana, and Arkansas being the top 3 most incarcerated states with each state incarcerating nearly 600 people per 100,000. Overall, across the U.S., while 13% of the U.S. general population is Black, 37% of incarcerated people are Black. According to The Sentencing Project, in 2022, an estimated 4.4 million Americans (2% of the voting-age population) were ineligible to vote due to restrictions related to felony convictions, including approximately 1.6 million Black Americans.

How Re-Enfranchisement Improves Equity in the South

The disenfranchisement of those convicted of a felony is a vestige of the Jim Crow system that disproportionately affects Black Americans due to the inherent biases built into our current criminal legal systems. Preventing those who have served their time from readily being able to have their voting rights restored sends a message to these individuals that their voice doesn't matter. Including these Americans in our democratic process ensures that diversity of experience and thought is represented at the voting booths. As noted above, many scholars also argue that restoring voting rights can improve public safety as having the right to vote gives citizens the sense that their voice can be heard in the political process and builds a positive identity for themselves as full members of the community.

Legislative Efforts Related to Re-Enfranchisement

On a Federal level, Representative Jasmine Crockett of Texas introduced the Democracy Restoration Act of 2023 which seeks to secure the Federal voting rights of persons when released from incarceration. There has been no action on the bill since July 2023.

On a state level, the 2024 legislative sessions did not see much movement related to re-enfranchisement, but we have noted a few bills on the issue below. We will continue to monitor this issue in the coming legislative sessions and work with policymakers across the South on this important issue.

- 1. Louisiana:** Senate Bill 134 sought to change the current law and completely revoke voting rights from people on probation or parole for a felony offense, reversing a law approved in 2018 that allows people under community supervision to vote. Fortunately, the bill was never heard in committee and died upon the adjournment of the 2024 legislative session.
- 2. Mississippi:** Senate Bill 2368 sought to restore the right to vote upon the completion of any prison time sentenced for a felony conviction in Mississippi. Currently, there is permanent disenfranchisement in Mississippi for certain convictions unless the government approves restoration. The bill died in committee during the 2024 legislative session.

- 3. Tennessee:** House Bill 2415 (and its companion Senate Bill 2867) in Tennessee also sought to establish automatic restoration of voting rights for people who complete their sentences, but was unsuccessful in the 2024 legislative session.