



**Pete Ricketts**  
Governor

# STATE OF NEBRASKA

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Mr. President, Mr. Speaker, and  
Members of the Legislation  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature,

I am returning LB 75 without my signature and with my objections.

The bill would allow convicted felons to vote immediately upon the completion of their prison term or end of parole. Under current law, convicted felons can vote two years after completing their criminal sentence.

Despite claims of supporters of the bill, LB 75 does not relate to criminal justice reform. The state's criminal justice reform efforts were adopted by the Legislature in 2015 with the passage of LB 605. Those reforms are currently being implemented and are completely unrelated to felons voting. While the rehabilitation of criminals is an important goal of the criminal justice system, the immediate restoration of voting rights is not the answer.

Many times, those convicted of a felony offense commit another felony within a few years after release from prison. Proponents of LB 75 contend there will be increased civic engagement by felons voting and that will help to reduce recidivism. However, studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates.

States fall along the continuum from no voting restrictions for convicted felons to lifetime prohibitions against voting. It is worth noting that states with no voting restrictions or restrictions less than those in Nebraska have higher recidivism rates than Nebraska, which has a recidivism rate of 31.3%.<sup>1</sup> Vermont allows felons to vote while incarcerated, but has a recidivism rate of 44.1%.<sup>2</sup> Colorado places voting restrictions on convicted felons while incarcerated or on parole and has a recidivism rate of 48.6%.<sup>3</sup>

Requiring convicted felons to wait before allowing them to vote provides an incentive to maintain a clean record and avoid subsequent convictions.

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<sup>1</sup> Nebraska Department of Correctional Services Policy and Research Division

<sup>2</sup> Vermont Department of Corrections. (2016). *Vermont Department of Corrections Annual Report FY2015*. Retrieved from <http://www.doc.state.vt.us/about/reports/fy15-doc-annual-report/view>

<sup>3</sup> Colorado Governor's Office, Performance Management and Operations. Retrieved from <https://www.colorado.gov/pacific/performancemanagement/reduce-recidivism-rate>

More important than the policy considerations that weigh strongly against LB 75, I have constitutional concerns with the bill. Article VI, Section 2 of the Nebraska Constitution states that “[n]o person shall be qualified to vote who . . . has been convicted of . . . a felony under the laws of the state or of the United States, unless restored to civil rights.”

Statutorily restoring the right to vote contradicts the process set out in our Constitution. The sole power to restore civil rights lost by someone who is convicted of a felony is granted to the Board of Pardons under Article IV, Section 13 of the Nebraska Constitution. LB 75 further erodes the exclusive authority vested in the Nebraska Board of Pardons, violating the separation of powers provision found in Article II, Section 1.

Nebraskans are kind-hearted and do not wish to permanently punish convicted felons. The distinction, however, between the restoration of rights versus privileges must be noted. While the Legislature may restore certain privileges, such as driving privileges, to convicted felons, the Legislature may not circumvent the Nebraska Constitution to automatically restore a voting right in state law. Any efforts to restore a civil right explicitly revoked in the Nebraska Constitution requires changing the Nebraska Constitution.

LB 75 is attempting to create the equivalent of a legislative pardon. This is not permissible under the Constitution.

For these reasons, I urge you to sustain my veto of LB 75.

Sincerely,

  
Pete Ricketts  
Governor