



REMOVING THE WAIT: DISENFRANCHISEMENT IN NEBRASKA

February 2017

REPORT FINDINGS

1. Nebraska disenfranchises more than 7,000 citizens with felony convictions who have completed their sentence. The total number of disenfranchised Nebraskans totals more than 17,500 residents.
2. Nebraska is one of 12 states with the most restrictive disenfranchisement laws in the country. It is one of only three states that impose a waiting period after persons have completed their criminal sentence.
3. One of every 18 (5.6%) black Nebraskans is disenfranchised, compared to 1 of every 81 (1.2%) total adults in the state.

NEBRASKA DISENFRANCHISEMENT POLICY NATIONAL

Nebraska is one of three states (including Delaware and Wyoming) which impose a waiting period after completion of sentence before restoring the right to vote. Prior to 2005 Nebraska had an indefinite ban on voting rights for those with felony convictions. However, in 2005 the legislature replaced that this policy with a two year waiting period for voting rights restoration.

PUBLIC SAFETY AND RESTORATION POLICIES

Restoring civil rights, such as the right to vote, may encourage greater stability among formerly incarcerated individuals. Expanding the franchise to persons with felony convictions can assist their transition back into the community as well as promote public safety. By disenfranchising individuals with felony convictions, we are further isolating them from participation in civil society. Voting can instill a sense of obligation and responsibility to one's community. Individuals who feel a connection to their fellow community members are less likely to victimize others.¹ In one study, among individuals who had been arrested previously, 27% of non-voters were rearrested, as opposed to only 12% of voters.²

NEBRASKA IN THE NATIONAL CONTEXT

Nebraska is one of 12 states that disenfranchises people after they have completed their sentence. The proportion of the population ineligible to vote is 1.23%, or one out of every 81 residents. This felony disenfranchisement dilutes democracy, making it imperative we actively work to have all voting aged people participate in this civic duty.

¹ M. Mauer (2002). The Disappearing Voters, in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, edited by M. Mauer and M. Chesney-Lind

² C. Uggen and J. Manza (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36 (1), 193-215.

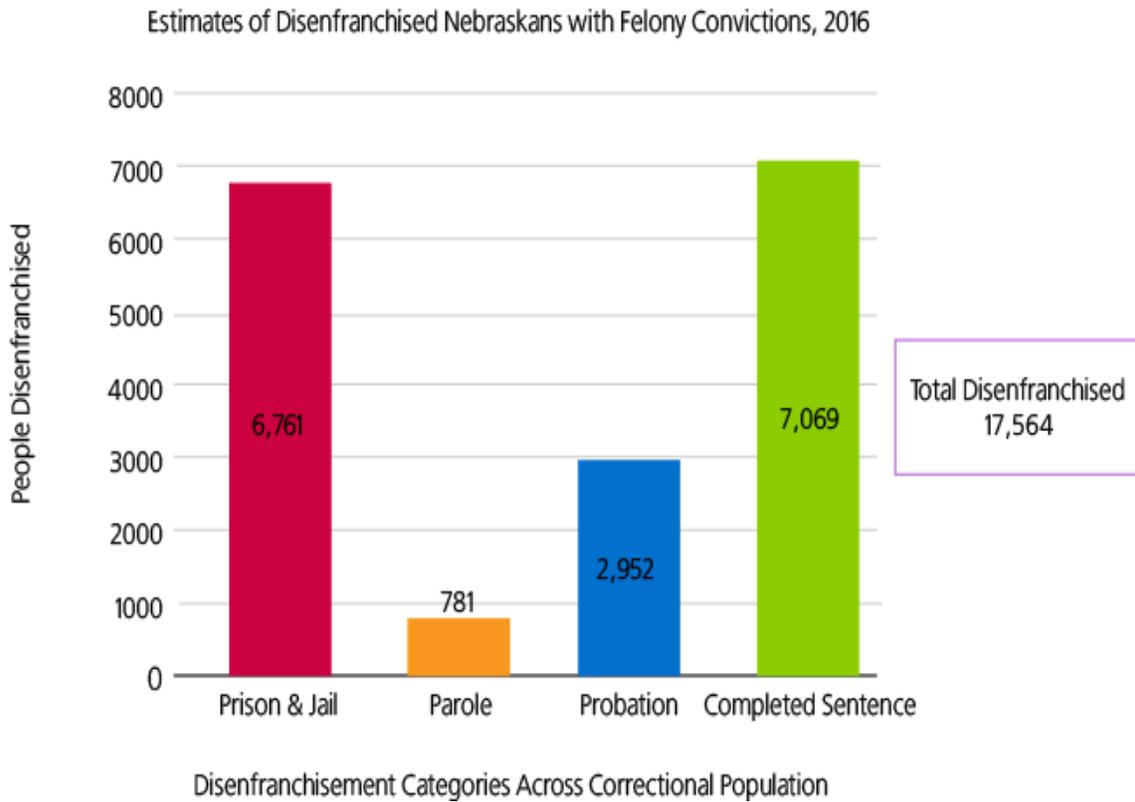
Nebraskans Disenfranchised



1 in 81

WHO IS DISENFRANCHISED IN NEBRASKA?

Due to the two year waiting period requirement as of 2016 there were an estimated 7,069 people who had completed their sentence but were disenfranchised.



RACIAL IMPACT

While whites comprise 89.1% of Nebraska’s population,³ and African Americans make up 4.6% of the population, 26.9% of the Nebraska prison population is African American.⁴ Moreover, racial disparity in Nebraska’s criminal justice system outpaces national rates. While the average rate of black male incarceration in the United States is 1 in 26, the average in Nebraska is 1 in 22. Nebraska also has a higher state average rate of overall black adult incarceration. The national incarceration rate, per 100,000 is 1,408 while Nebraska’s average is 1,650. However, Nebraska is below the state average for Hispanic incarceration with 359 per 100,000 as opposed to the state average of 378.⁵

NEBRASKANS WITHOUT THE VOTE

There are thousands of Nebraskans who were not able to vote in the recent election. One was Shakur Abdullah who was released in 2016 after forty years in prison. In an interview, Mr. Abdullah stated “[I] feel as though I am a second class citizen or not on equal footing with others due to my criminal conviction.” Mr. Abdullah added as someone who had completed his sentence that “He participates in every other aspect of society like all others with the exception of voting.”

**“[I] feel as though I am a second class citizen
or not on equal footing with others due to my
criminal conviction.”**

-Mr. Shakur Abdullah, Returning Citizen

“When we [are incarcerated] we become a number, and when we leave prison we face many challenges including problems with employment.” said Katrina Thomas, a Nebraskan resident with a conviction history who is registered to vote.

Ms. Thomas, who works with justice involved persons stated, ““If I was not able to vote, I wouldn’t be as involved as I am.” She added, “People don’t know they can vote, even after two years.”

RESTORATION POLICY

Nebraska residents are granted their voting rights two years after the completion of all terms of their sentence, including probation or parole. This restoration requirement changed in 2005 from a lifetime ban to a shorter two-year waiting period. The policy change returned the right to vote to more than 50,000 residents.⁶ Upon completion of all the terms of one’s sentencing, including probation or parole, as well as the two year waiting period one’s right to vote is restored. Under current law, upon the completion of the two year waiting period individuals should be contacted and

³ U.S. Census Bureau. (2015, July1). State & county Quickfacts: Nebraska. Retrieved December 13, 2016, from <http://www.census.gov/quickfacts/table/PST045215/31>

⁴ A. Nellis (2016). The Color of Justice: Racial and Ethnic Disparity in State Prisons. available online: <http://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

⁵ Ibid.

⁶ N. Porter (2010). Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2010. available online: <http://www.sentencingproject.org/wp-content/uploads/2016/01/Expanding-the-Vote-State-Felony-Disenfranchisement-Reform-1997-2010.pdf>

informed they are now allowed to vote and asked to fill out a voter registration application. The only exception to this process is for the crime of treason under Nebraska law or the law of the United States, which requires the restoration of civil rights prior to voting rights being restored.

SUPPORT FOR LEGISLATIVE CHANGES

Since 1997, 24 states including Nebraska have enacted changes in policy and practice to expand voting rights for persons with felony convictions.⁷ Texas⁸ and Delaware⁹ repealed waiting periods in 1997 and 2013 respectively. During 2016, Virginia's governor restored voting rights to 70,000 persons using his executive authority.¹⁰

Additionally, public support for expanding the vote without a waiting period is growing. Public opinion surveys report that eight in ten United States residents support voting rights for citizens who have completed their sentence, and nearly two-thirds support voting rights for those on probation or parole.¹¹ Recently, heightened public awareness of felony disenfranchisement has resulted in successful state-level reform efforts, from legislative changes expanding voting rights to grassroots voter registration initiatives targeting people with felony convictions.

CONCLUSION

Voting is the most fundamental expression of citizenship. The expansion of the franchise to include all Americans regardless of race, ethnicity or sex is one of the great successes in the evolution of American democracy. Breaking down barriers to reentry, including those for employment, public benefits and voting will improve public safety and reduce recidivism.

Nebraskans for Civic Reform believes that every citizen of Nebraska should have the right to vote. We seek to boost citizen participation in our state's electorate through voting, including persons with felony convictions who have completed their sentence.

In light of conclusions in this report and the broad base for reform, it is especially important in Nebraska to repeal the waiting period for persons convicted of a felony so that restoration becomes automatic upon completion of sentence.

⁷ Porter, *supra* note.

⁸ Texas Election Code § **Sec. 11.002**

⁹ Delaware House Bill 10. 147th General Assemb. Reg. Sess. 2013. (D.E. 2013)

¹⁰ Associated Press (September 29, 2016). McAuliffe says he's restored voting rights to 60,000. Retrieved December 13, 2016: <http://www.washingtontimes.com/news/2016/sep/29/mcauliffe-says-hes-restored-voting-rights-to-60000/>

¹¹ J. Manza, C. Brooks, C., & C. Uggen . (2004). Public attitudes towards felon disenfranchisement in the United States. *Public Opinion Quarterly*, 68 (2), 275-286. Retrieved from

http://sociology.as.nyu.edu/docs/IO/3858/Public_Attitudes_Towards_Felon_Disenfranchisement_Laws_in_the_US.pdf