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democracy for all Nebraskans.

Issue Summary

Voting Rights for Former Felons

The two-year waiting period

In Nebraska, someone who is convicted of a felony loses the right to vote for the duration of their sentence. Once the individual has completed their sentence and gone completely “off paper,” meaning they have completed parole, supervised release, etc., the individual must then wait an additional two years before their right to vote is restored. This two-year waiting period was included as a compromise to advance the initial legislation out of committee in 2005.¹ This arbitrary waiting period serves no meaningful policy purpose, and there is substantial evidence to indicate it is counter-productive to encouraging pro-social behavior in returning citizens, and may in fact encourage the commission of additional crimes upon release. LB 83 seeks to eliminate the two-year waiting period.²

Current policy encourages recidivism

The justification of this two-year waiting period was that it would encourage good behavior until the right to vote is restored. After 13 years of this policy, the only available research indicates the exact opposite - that withholding the right to vote upon completion of a sentence encourages criminal behavior and makes it more difficult to successfully reintegrate into society. Disenfranchisement cannot, by definition, encourage behaviors associated with successful reintegration. Restricting the right to vote is considered by many experts to be a substantial barrier to successful rehabilitation.³

Taxation without representation

Current policy is depriving tax-paying citizens who have completed their sentences from their right to vote. Of the 17,564 Nebraskans currently disenfranchised, over 40% (app. 7,069) are individuals who have already completed their sentence. These Nebraskans pay taxes, contribute to our communities, and have successfully completed their sentences and paid their debt to society.⁴

Nebraska's current policy is one of the strictest in the country.

Nebraska is one of only five states to disenfranchise all convicted felons beyond the length of their sentence, including probation and parole.⁵ Our current policy is extreme. Eliminating the two-year waiting period will bring Nebraska more in line with the rest of the nation, while still maintaining a measured, moderate approach to criminal justice and voting rights. We should not continue to deny Nebraskans representation **beyond** their sentence.

Policy Recommendation

We encourage the adoption of LB83. Our current policy of withholding the right to vote for two additional years has been in place for 13 years with no evidence of encouraging successful reintegration. The only evidence available indicates that withholding voting rights encouraging criminal behavior. If we are going to withhold someone's right to vote after they have completed their sentence, we ought to have strong evidence to support that decision. We simply do not. It's time to eliminate the two-year waiting period.

1. Senator Dianna Schimek, testimony on LB75. March 1, 2017.

2. Focht-Perlberg, J., Two Sides of One Coin - Repairing the Harm and Reducing Recidivism: A Case for Restorative Justice Reentry in Minnesota and Beyond, Hamline Journal of Public Law and Policy, Vol. 31 219-232 (2009).

3. Uggen, C. & Manza, J., Voting and Subsequent Crime and Arrest: Evidence from a Community Sample, Columbia Human Rights Law Review Vol. 36 193-196 (2004).

4. “Removing the Wait: Disenfranchisement in Nebraska,” report by Nebraskans for Civic Reform. February 2017.