

# **Policy Research Report:**

## Felony Disenfranchisement in Georgia by the Numbers



**Updated December 2019**

# Fact Sheet on Felony Disenfranchisement in Georgia

*“Felony disenfranchisement prevented over 264k Georgians from voting in 2018. 79% of those unable to vote are living in their community under correctional supervision.”*

## What is felony disenfranchisement?

Individuals in Georgia convicted of a felony criminal offense lose their right to vote until the completion of their sentence and after their release while still on probation or parole, and until they have paid all associated fees.

## What are “crimes involving moral turpitude”?

Georgia law states that anyone convicted of a “crime involving moral turpitude” will lose their voting rights. However, it does not clearly define what “moral turpitude” means. As a result, the loss of civil voting rights is applied to ALL felony offenses.

## How many people are impacted by felony disenfranchisement and why?

*In 2018, over **264,000** Georgians could not vote due to felony disenfranchisement<sup>1</sup>*

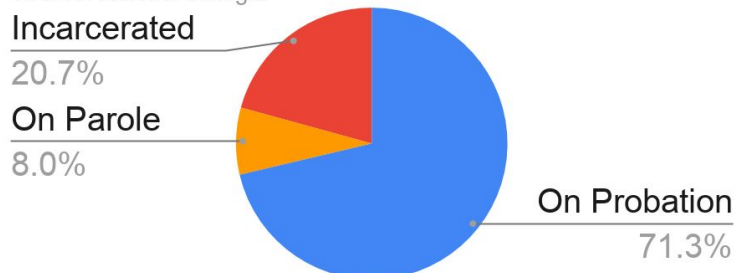
- **209,578** were under correctional supervision (79.3%) while living in their community
  - **188,511** people were on felony probation and living in their community (71.3%)<sup>2</sup>
    - 31.9% (64,579) for felony drug offenses (possession, sale, etc.)
      - 25% for drug possession (50,605)
      - 7% for drug sale
    - 35.4% (71,667) for property offenses (burglary, vehicle theft, fraud, etc)
  - **21,067** Georgians were on felony parole (8%)<sup>3</sup>
  - Probation sentences in Georgia average **6.3 years**, near double the US average<sup>4</sup>
- **54,806** Georgians were disenfranchised due to felony incarceration (20.7%)<sup>5</sup>
  - 47% of 2018 prison admissions (8,575) were non-violent crimes (property, drug)<sup>6</sup>

It is estimated felony disenfranchisement prevented 248,751 Georgians from voting in 2016 and 275,866 in 2010. Georgia has the 10th highest rate of disenfranchisement.

58% of the disenfranchised Georgians were black despite representing only 32% of the state population. Georgia has the 6th largest population of disenfranchised black voters.<sup>7 8</sup>

## Felony Disenfranchisement in Georgia (2018)

Source: Reform Georgia



<sup>1</sup> Total: 202,421 felony probation + 54,806 in prison + 21,067 on parole - 13,910 probationers also in prison or on parole = 264,384

<sup>2</sup> BJS Annual Probation Survey, 2018. Georgia Department of Correctional Supervision. Procured via Open Record Request.

<sup>3</sup> BJS Annual Parole Survey, 2018. Georgia Department of Correctional Supervision. Procured via Open Record Request.

<sup>4</sup> “[Georgia Council on Criminal Justice Reform](#).” Council of State Governments Justice Center. July 2016.

<sup>5</sup> Average Daily Populations for the Period from 01/01/2018 to 12/31/2018. Georgia Department of Corrections.

<sup>6</sup> [Inmate Statistical Profile](#). Inmates Admitted During CY2018. Georgia Department of Corrections. Pg 55. January 2019.

<sup>7</sup> [6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016](#). The Sentencing Project. October 2016.

<sup>8</sup> [State-Level Estimates of Felon Disenfranchisement in the United States, 2010](#). The Sentencing Project. July 2012.

## Part of a larger probation problem

Georgia has the largest correctional supervision population in the nation, over 400,000.<sup>9</sup> Yes, even Texas.

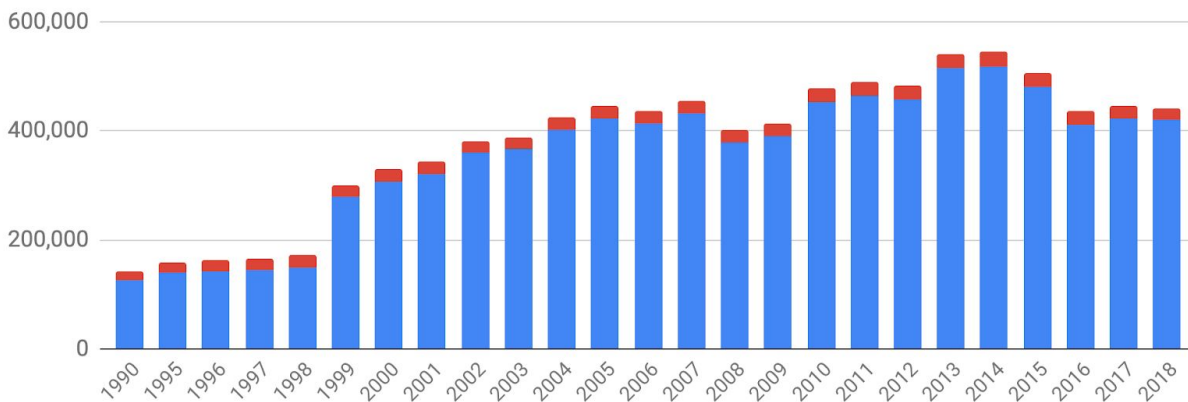
**Average felony probation sentences in Georgia are 6.3 years, near double the US average.** Over 37% of individuals have a probation sentence longer than 10 years.<sup>10</sup>

The chart below illustrates that the growth in the number of Georgia residents under correctional supervision is largely the result of growth in our probation system. The number of parolees has also increased and can be more easily discerned in the breakout chart below.

### Community Supervision Population (Probation + Parole)

Source: Bureau of Justice Statistics: 1995-2016. GA DCS: 2017-2018. Data gathered by Reform Georgia.

■ State Parole Population (as of Jan 1) ■ Total State Probation Population, Felony+Misd. (as of Jan 1)



It's important to remember that the total probation population includes both misdemeanor and felony offenses and while misdemeanor probation does not impact voting eligibility, it does reflect the state's trend toward increased probation sentencing.

On December 31, 2018 there were 202,421 individuals on felony probation, about half the state's total probation system. About 9,900 individuals on felony probation were also incarcerated and about 4,000 individuals were also on parole, so they were not counted in the calculation above regarding those disenfranchised as a result of probation.

The state's parole population has been on an upward trend since the early 2000s, as shown in the graph below depicting historical data since 1990. Yet over the last decade (2008-2018) it has declined 9% to its lowest count since 2003. It is therefore unsurprising that we have also seen a downward trend in the number of entries since 2013.

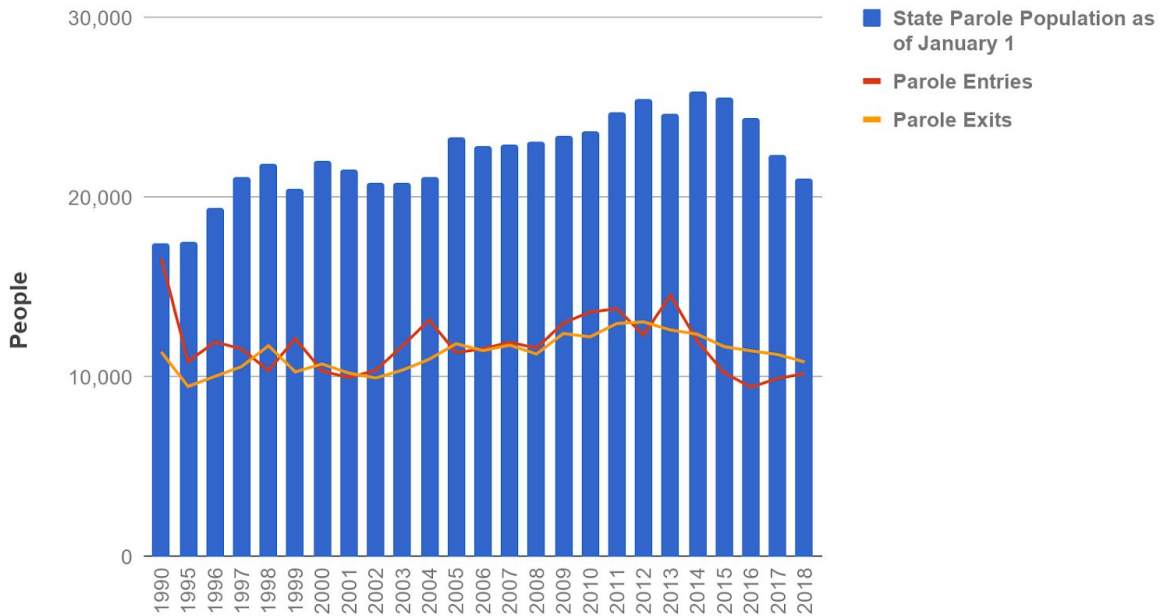
However, an upward trend in entries that began after 2016, along with a decline in exits, as evidenced in the graph below, suggests populations may tick back upward. The total system population appears to be on a mild downward trend.

<sup>9</sup> [Georgia Profile](#). Prison Policy Initiative. 2018.

<sup>10</sup> ["Georgia Council on Criminal Justice Reform."](#) Council of State Governments Justice Center. July 2016.

## Georgia Parole Population, Including Entries and Exits (1990-2018)

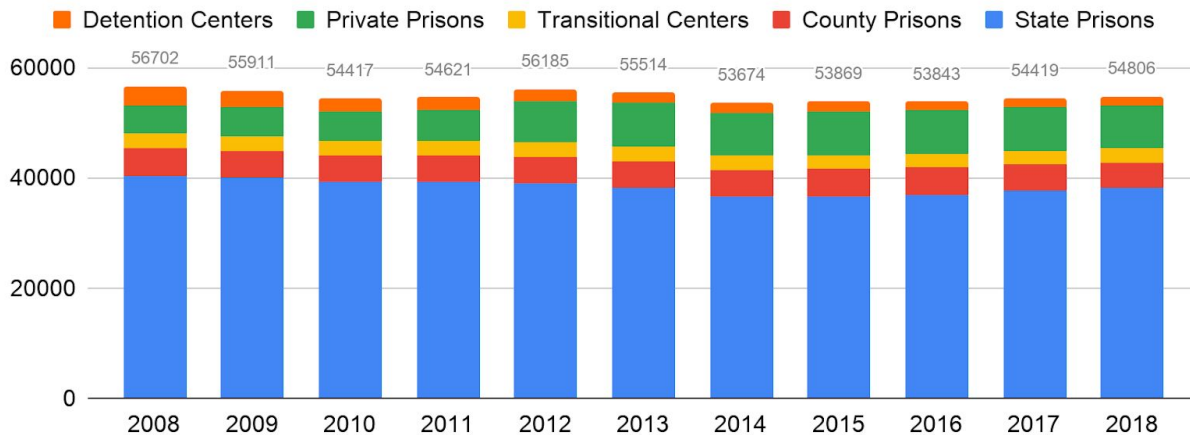
Source: "Probation and Parole Series," Bureau of Justice Statistics (1990-2018). Data gathered by Reform Georgia.



So while Georgia's overall correctional supervision population has been on a steady incline, Georgia's incarcerated population for felony-related offenses has actually been on a slight downward trend over the last decade, illustrating that the state is keeping fewer people behind bars and handing out more extended probation sentences.

## Georgia State Correctional Population (2008-2018)

Source: GA Department of Corrections. Data compiled by Reform Georgia.

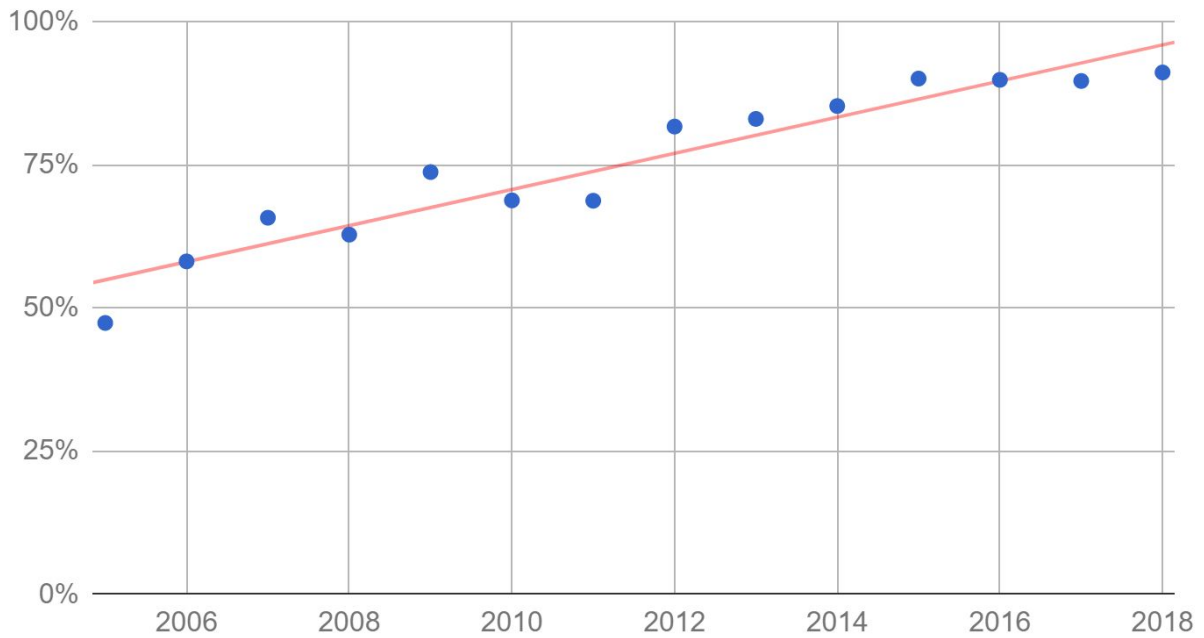


As an example, the sentencing for probation to follow marijuana-related felony incarceration has continued to rise from 47% in 2005 to a near universally applied rate of 91% in 2018.<sup>11</sup>

<sup>11</sup> FBI Uniform Crime Reporting Program (2005-2018). Collected by Reform Georgia.

## Percentage of Felony Marijuana Crime Sentences Followed by Probation

Source: FBI Uniform Crime Reporting Program (2005-2018), Collected by Reform Georgia

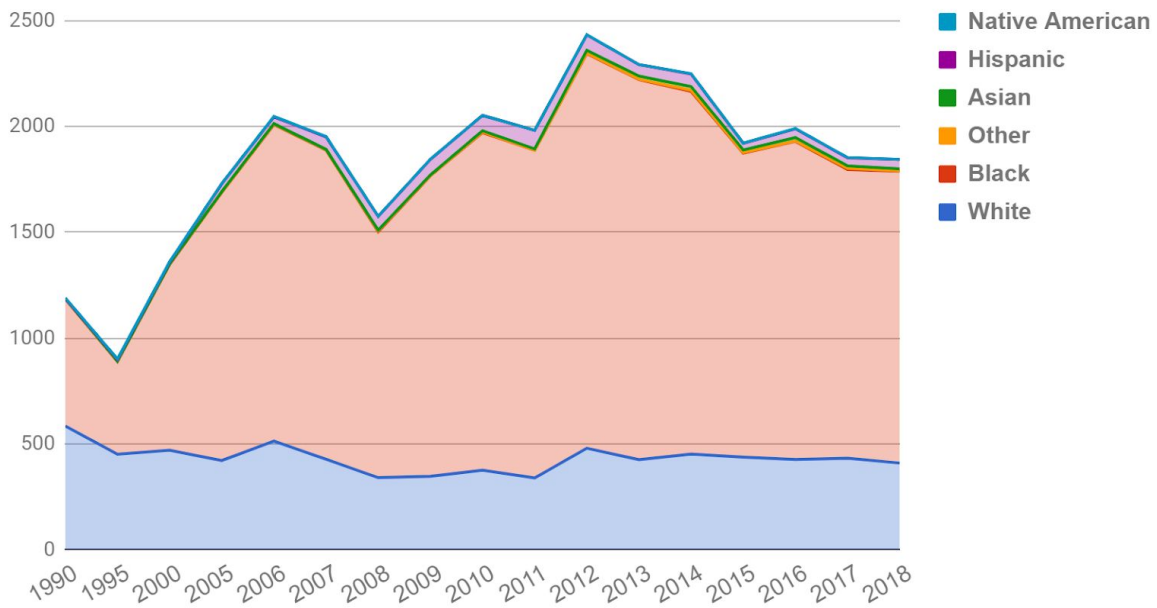


Despite the overall decline in the incarcerated population, offenses like marijuana have seen an increase in probation and prison admissions. Meanwhile, the length of stay in prison for such an offense has declined to an average of 4 months. That stay is almost guaranteed to be followed by a probation sentence that is on average, nearly double the duration of the national average.

The chart below illustrates the growth in admissions for marijuana-related felonies. Almost all of the growth in admissions has been of black Georgians.

## Total Admissions to GA State Corrections for Marijuana Crimes, Segmented by Race

Source: FBI Uniform Crime Reporting Program (1990-2018), Collected by Reform Georgia



# Potential Impact of Proposals to Restore Voting Rights

In the consideration of possible proposals to restore voting rights to certain individuals with felony sentences, below are potential options and their anticipated impact in terms of the number of individuals who would see their voting rights restored. The percentages indicated represent the portion of the total current disenfranchised population that would see the restoration of their rights.

## **A. Complete Restoration, i.e. elimination of felony disenfranchisement**

This proposal would represent a complete elimination of the practice of felony disenfranchisement and would mean that no Georgia resident loses their eligibility to vote for any reason relating to correctional involvement. Individuals serving a felony sentence would have the right to vote in all relevant elections, regardless of whether they are incarcerated or under correctional supervision, serving a probation or parole sentence, or if they have outstanding fines/fees.

- 264,384 Georgians approx. **(100%)**

## **B. Restoration for those living in society while on probation or parole, regardless of offense**

This proposal would restore voting rights to those who are still serving a felony probation or parole sentence, i.e. under correctional supervision but living in the community. This would not impact those who are currently incarcerated in a state correctional facility for a felony offense.

- 209,578 Georgians approx. **(79.3%)**

## **C. Restoration of rights for those on probation and parole only for offenses classified as “non-violent” (i.e. property and drug crimes, etc.)**

This approach would restore voting rights only to those serving out probation sentences for offenses considered to be “non-violent”. This would exclude felony offenses categorized as “violent” or “sexual”, including domestic violence.

- 167,051 Georgians approx. (63.2%)
  - Property Offenses: 76,375 (28.9%)
    - 71,667 on probation (27.1%)
    - 4,708 on parole (1.8%)
    - Under state classification, this includes burglary, larceny, motor vehicle theft, fraud, and other property offenses.
  - Drug Offenses: 71,478 (27%)
    - 64,579 on probation (24.4%)
    - 6,899 on parole (2.6%)
    - Based on 2017 data, a little over 75% of drug-related probation cases were for possession, with the rest being for sales.
  - DUI Offenses (probation): 1,723 (0.7%)

- Weapon offenses (parole): 1,180 (0.4%)
- Other Offenses: 15,226 (5.8%)
  - 14,389 on probation (5.4%)
  - 837 on parole (0.3%)
- Unknown: 1069 (0.4%)
  - 979 on probation (0.37%)
  - 90 on parole (0.03%)

TABLE: Georgia Correctional Supervision Statistics (1990-2016)

Source: Bureau of Justice Statistics. Data Gathered by Reform Georgia.

YEAR	1990	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Community Supervision Population	142,584	158,199	162,388	164,603	171,878	299,151	329,689	342,963	380,846	388,171	423,855
<b>State Probation Population</b>	<b>125,147</b>	<b>140,694</b>	<b>142,954</b>	<b>143,457</b>	<b>149,963</b>	<b>278,669</b>	<b>307,686</b>	<b>321,407</b>	<b>360,037</b>	<b>367,349</b>	<b>402,694</b>
Probation Entries	76,042	69,102	71,241	65,452	60,206	183,322	94,636	203,155	193,915	230,686	217,100
Probation Exits	66,349	67,228	70,038	60,489	58,304	154,944	93,978	166,532	187,067	173,650	200,400
<b>State Parole Population</b>	<b>17,437</b>	<b>17,505</b>	<b>19,434</b>	<b>21,146</b>	<b>21,915</b>	<b>20,482</b>	<b>22,003</b>	<b>21,556</b>	<b>20,809</b>	<b>20,822</b>	<b>21,161</b>
Parole Entries	16,611	10,862	11,959	11,567	10,360	12,149	10,339	9,975	10,376	11,738	13,178
Parole Exits	11,402	9,479	10,036	10,587	11,749	10,290	10,728	10,223	9,948	10,391	10,995

YEAR	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Community Supervision Population	446,891	437,260	455,394	402,315	413,349	477,600	489,500	478,800	536,200	539,500	502,200	430,800
<b>State Probation Population</b>	<b>423,547</b>	<b>414,409</b>	<b>432,436</b>	<b>379,204</b>	<b>389,901</b>	<b>453,887</b>	<b>464,773</b>	<b>457,217</b>	<b>515,896</b>	<b>518,507</b>	<b>481,339</b>	<b>410,964</b>
Probation Entries	215,500	213,600	281,252	227,084	228,318	222,208	232,104	230,474	290,462	283,648	257,482	-
Probation Exits	216,200	205,200	278,327	213,867	225,531	218,935	239,736	245,630	291,881	329,168	312,381	294,357
<b>State Parole Population</b>	<b>23,344</b>	<b>22,851</b>	<b>22,958</b>	<b>23,111</b>	<b>23,448</b>	<b>23,709</b>	<b>24,723</b>	<b>25,489</b>	<b>24,673</b>	<b>25,931</b>	<b>25,577</b>	<b>24,413</b>
Parole Entries	11,366	11,580	11,935	11,621	13,008	13,622	13,810	12,342	14,565	12,002	10,249	9,434
Parole Exits	11,859	11,473	11,782	11,284	12,427	12,240	12,985	13,070	12,627	12,386	11,696	11,461

TABLE: 2017 & 2018 Felony Probation and Parole Populations

Source: BJS Probation/Parole Survey (2017, 2018), GA Dept. of Community Supervision

YEAR	2017	2018
Total Population Under Community Supervision for Felony Offenses	<b>233,041</b>	<b>226,325</b>
<b>State Felony Probation Population</b>	210,655	205,568
Probation Entries	38,440	38,881
Probation Exits	44,730	42,028
<b>State Parole Population</b>	22,386	21,067
Parole Entries	9,925	10,200
Parole Exits	11,260	10,841

# TABLE: Georgia Department of Corrections Facility Average Population Counts

Source: Georgia Department of Corrections. Data gathered by Reform Georgia.

Type of Facility	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
<b>State Prisons</b>	38103	37,538	36,876	36,655	36,497	38,112	38939	39177	39205	39984	40,433
Pre Release Centers	0	0	0	0	0	0	558	1270	1248	1158	1,440
<b>County Prisons</b>	4691	4,800	4937	4,905	4,865	4,873	4929	4969	4813	4,868	4,962
<b>Transitional Centers</b>	2553	2,609	2621	2,631	2,648	2,662	2622	2652	2820	2,796	2,614
Inmate Boot Camps	1	0	0	0	0	0	87	148	235	107	276
<b>Private Prisons</b>	7793	7900	7892	7,885	7,864	7,902	7449	5567	5155	5,165	5,175
Diversion Centers	0	0	0	0	0	0	0	0	0	0	432
<b>Detention Centers</b>	1666	1572	1517	1,793	1,800	1,965	2246	2256	2424	3,098	3,518
Probation Boot Camps	0	1	8	11	14	18	28	53	62	59	142
Parole Revocation Camps	71	141	176	182	187	19	403	423	419	426	426
RSAT Centers	1746	1714	1695	1,635	1,273	1,232	1074	766	762	713	568
<b>Incarcerated Total</b> (exclusive of pre-release centers, boot camps, diversion centers, revocation camps, and RSAT centers)	<b>54806</b>	<b>54,419</b>	<b>53,843</b>	<b>53,869</b>	<b>53,674</b>	<b>55,514</b>	<b>56185</b>	<b>54621</b>	<b>54417</b>	<b>55911</b>	<b>56,702</b>





TABLE: Disenfranchised Georgia Voter Estimates by Form of Correctional Involvement, Total Population and African American Population, Years 2016 and 2010.

Source: The Sentencing Project

Year	Prisoners	Parolees	Probation	Jail	TOTAL	% Total
2016	50,900	23,545	170,194	4,112	248,751	100%
AA '16	31,814	13,927	98,470	64	144,546	58%
2010	49,164	25,091	197,013	4,597	275,866	100%
AA '10	30,729	14,842	114,300	71	159,942	58%

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**Research Recognition:**

Research was conducted in partnership with University of Georgia research professor, Dr. Andrea Swartzendruber, graduate student Megan Bramlett, and others.

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