

JOINT STATE GOVERNMENT COMMISSION

General Assembly of the Commonwealth of Pennsylvania

VOTING RIGHTS OF THE FORMERLY INCARCERATED: KNOWLEDGE, OUTREACH, AND DATA PATTERNS OF QUALIFIED ELECTORS IN PENNSYLVANIA

Staff Study

July 2024



*Serving the General Assembly of the
Commonwealth of Pennsylvania Since 1937*

REPORT

*2023 House Resolution 47
Voting Rights of the Formerly Incarcerated:
Knowledge, Outreach, and Data Patterns of Qualified Electors in Pennsylvania*

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The Joint State Government Commission was created in 1937 as the primary and central non-partisan, bicameral research and policy development agency for the General Assembly of Pennsylvania.¹

A fourteen-member Executive Committee comprised of the leadership of both the House of Representatives and the Senate oversees the Commission. The seven Executive Committee members from the House of Representatives are the Speaker, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. The seven Executive Committee members from the Senate are the President Pro Tempore, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. By statute, the Executive Committee selects a chairman of the Commission from among the members of the General Assembly. Historically, the Executive Committee has also selected a Vice-Chair or Treasurer, or both, for the Commission.

The studies conducted by the Commission are authorized by statute or by a simple or joint resolution. In general, the Commission has the power to conduct investigations, study issues, and gather information as directed by the General Assembly. The Commission provides in-depth research on a variety of topics, crafts recommendations to improve public policy and statutory law, and works closely with legislators and their staff.

A Commission study may involve the appointment of a legislative task force, composed of a specified number of legislators from the House of Representatives or the Senate, or both, as set forth in the enabling statute or resolution. In addition to following the progress of a particular study, the principal role of a task force is to determine whether to authorize the publication of any report resulting from the study and the introduction of any proposed legislation contained in the report. However, task force authorization does not necessarily reflect endorsement of all the findings and recommendations contained in a report.

Some studies involve an appointed advisory committee of professionals or interested parties from across the Commonwealth with expertise in a particular topic; others are managed exclusively by Commission staff with the informal involvement of representatives of those entities that can provide insight and information regarding the particular topic. When a study involves an advisory committee, the Commission seeks consensus among the members.² Although an advisory committee member may represent a particular department, agency, association, or group, such representation does not necessarily reflect the endorsement of the department, agency, association, or group of all the findings and recommendations contained in a study report.

¹ Act of July 1, 1937 (P.L.2460, No.459); 46 P.S. §§ 65–69.

² Consensus does not necessarily reflect unanimity among the advisory committee members on each individual policy or legislative recommendation. At a minimum, it reflects the views of a substantial majority of the advisory committee, gained after lengthy review and discussion.

Over the years, nearly one thousand individuals from across the Commonwealth have served as members of the Commission's numerous advisory committees or have assisted the Commission with its studies. Members of advisory committees bring a wide range of knowledge and experience to deliberations involving a particular study. Individuals from countless backgrounds have contributed to the work of the Commission, such as attorneys, judges, professors and other educators, state and local officials, physicians and other health care professionals, business and community leaders, service providers, administrators and other professionals, law enforcement personnel, and concerned citizens. In addition, members of advisory committees donate their time to serve the public good; they are not compensated for their service as members. Consequently, the Commonwealth receives the financial benefit of such volunteerism, along with their shared expertise in developing statutory language and public policy recommendations to improve the law in Pennsylvania.

The Commission periodically reports its findings and recommendations, along with any proposed legislation, to the General Assembly. Certain studies have specific timelines for the publication of a report, as in the case of a discrete or timely topic; other studies, given their complex or considerable nature, are ongoing and involve the publication of periodic reports. Completion of a study, or a particular aspect of an ongoing study, generally results in the publication of a report setting forth background material, policy recommendations, and proposed legislation. However, the release of a report by the Commission does not necessarily reflect the endorsement by the members of the Executive Committee, or the Chair or Vice-Chair of the Commission, of all the findings, recommendations, or conclusions contained in the report. A report containing proposed legislation may also contain official comments, which may be used to construe or apply its provisions.³

Since its inception, the Commission has published over 450 reports on a sweeping range of topics, including administrative law and procedure; agriculture; athletics and sports; banks and banking; commerce and trade; the commercial code; crimes and offenses; decedents, estates, and fiduciaries; detectives and private police; domestic relations; education; elections; eminent domain; environmental resources; escheats; fish; forests, waters, and state parks; game; health and safety; historical sites and museums; insolvency and assignments; insurance; the judiciary and judicial procedure; labor; law and justice; the legislature; liquor; mechanics' liens; mental health; military affairs; mines and mining; municipalities; prisons and parole; procurement; state-licensed professions and occupations; public utilities; public welfare; real and personal property; state government; taxation and fiscal affairs; transportation; vehicles; and workers' compensation.

Following the completion of a report, subsequent action on the part of the Commission may be required, and, as necessary, the Commission will draft legislation and statutory amendments, update research, track legislation through the legislative process, attend hearings, and answer questions from legislators, legislative staff, interest groups, and constituents.

³ 1 Pa.C.S. § 1939.



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To Members of the General Assembly:

We are pleased to release *Voting Rights of the Formerly Incarcerated: Knowledge, Outreach, and Data Patterns of Qualified Electors in Pennsylvania* as directed by House Resolution 47 of 2023. Commission staff worked with nearly 9 million voter records and almost 250,000 records of formerly incarcerated people to identify the number of qualified electors who had been incarcerated, their rates of voter participation, the relationship between length of incarceration and participation, and their experiences with exercising the right to vote. The report also looks at knowledge of corrections employees about the relevant laws permitting formerly incarcerated Pennsylvanians to vote.

The report included four recommendations for the General Assembly's consideration: codify the felony disenfranchisement judicial opinion; improve access to voting materials for inmates in county and local jails; require non-governmental organizations providing reentry services to include voting rights education; and add notice of voting rights to criminal court proceedings.

The full report is available at <http://jsg.legis.state.pa.us>.

Respectfully submitted,

Glenn J. Pasewicz
Executive Director

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INTRODUCTION

To ensure that formerly incarcerated Pennsylvanian's are aware of and able to exercise the right to vote and may thus increase community and civic engagement, the Pennsylvania House of Representatives adopted House Resolution 47, P.N. 666, on June 21, 2023. The resolution directs the Joint State Government Commission to publish, within a year, a report on the voting patterns and knowledge about voting rights among formerly incarcerated qualified electors in Pennsylvania.

Specifically, the resolution directed the Commission to review and report on:

- Rates of voter participation among qualified electors who were formerly incarcerated.
- The number of qualified electors who were formerly incarcerated.
- The relationship between length of incarceration and rates of voter participation.
- Self-reported information about future voting intentions from qualified electors who were formerly incarcerated.
- Information relating to the knowledge of corrections employees about the relevant laws permitting formerly incarcerated Pennsylvanians to vote.
- Self-reported experiences with incorrect information about felony or misdemeanor disenfranchisement during a period of incarceration.
- Barriers that formerly incarcerated qualified electors face when attempting to exercise the right to vote.

Two of the above directives involve self-reported experiences of formerly incarcerated electors. In order to try to reach as many formerly incarcerated individuals as possible, staff sent requests via email and U.S. Mail to over 100 reentry programs across the state inquiring as to whether any of their clients would like to offer anonymous statements to assist in this study. Unfortunately, the response was small (approximately 60 individuals), but staff has included any information received regarding those issues in the relevant sections of this report.

The resolution further calls for specific recommendations on how to best improve the civic knowledge of qualified electors who were formerly incarcerated and corrections employees.

While House Resolution 47 is focused on formerly incarcerated individuals who were disenfranchised during their time of incarceration, persons who remain eligible to vote during their period of incarceration may also be unaware of their right to register to vote and voting. Registering to vote and voting while incarcerated may help promote more civil engagement for those individuals both during their incarceration and well as when they begin re-entry into society, and thus are also included in portions of this report and its recommendations.

VOTING RIGHTS AND INCARCERATION IN PENNSYLVANIA

Pennsylvania's election laws and regulations are recorded in multiple government documents. The Constitution established the basic requirements for electors (i.e., people qualified to vote), and delegates the duty to provide additional requirements and regulations for the registration of electors to the General Assembly.⁴ The General Assembly has established election laws in two statutory areas: The first is the "Pennsylvania Election Code" of 1937 which is found in "Laws of Pennsylvania" (aka the Pamphlet Laws), which are the collection of unconsolidated Pennsylvania statutes organized by year and act number.⁵ Pennsylvania began a codification of its statutes in 1970 and the effort is ongoing. In 2002, portions of the state's election law were codified in Title 25 of the Pennsylvania Consolidated Statutes. These are official statutes and are organized by subject matter. The 2002 codification primarily included provisions regarding voter registration.⁶ Regulations regarding election related issues are found in Title 4 of the Pennsylvania Code. Additionally, the Pennsylvania Department of State issues guidance and brochures on various topics.

In General

Pennsylvania's Constitution establishes the basic qualifications of electors. There are four basic requirements set forth in the Constitution:

- The individual must be at least 18 years of age,
- a citizen of the United States for at least one month,
- have resided in Pennsylvania for 90 days immediately preceding the election, and
- have resided in the election district in which he or she wishes to vote for the 60 days preceding the election.

⁴ The Constitution of Pennsylvania, Art. VII, §1.

⁵ Act of Jun. 3, 1937, P.L. 1333, No. 320. Purdon's Pennsylvania Statutes is an unofficial compilation of the unconsolidated statutes organized by subject matter. The 1937 statute can be found at Title 25 of Purdon's Statutes, Chapter 14, beginning at section 2600. 25 P.S. § 2600 et seq.

⁶ Provisions added by the act of January 31, 2002 (P.L.18, No.3).

As permitted in the Constitution, the General Assembly has added additional requirements for registration. The Pennsylvania Voting Rights Act of 1995,⁷ subsequently codified into the Consolidated Statutes, addressed registration of released felons thusly:

25 Pa.C.S. § 1301. Qualifications to register.

(a) Eligibility.--An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and who has resided in this Commonwealth and the election district where the individual offers to vote for at least 30 days prior to the next ensuing election and has not been confined in a penal institution for a conviction of a felony within the last five years shall be eligible to register as provided in this chapter.

However, this provision's imposition of a five-year post release ban on registration of ex-felons was found unconstitutional by the Pennsylvania Commonwealth Court in 2000.⁸ The statute has not been amended to reflect that ruling. Since that ruling, the Pennsylvania Department of State has prepared a brochure detailing the voting rights and restrictions of incarcerated persons.⁹ Additionally, the standard Pennsylvania Voter Registration Application contains the following information on the title page:

In prison or convicted of a felony? If you meet all other requirements, you may register and vote if:

- You are in prison awaiting trial but have not been convicted.
- You are in prison after being convicted of a misdemeanor only.
- You have been released from prison or a halfway house after completing your term of incarceration.
- You are on probation or released on parole.
- You are under house arrest.

You should register at the address where you live, except that you cannot use a prison or half-way house address for your registration. See www.votesPA.com for more information.¹⁰

⁷ Section 501, act of June 30, 1995 (P.L.170, No. 25), codified by the act of January 31, 2002 (P.L.18, No.3), 25 Pa.C.S. § 1301.

⁸ *Mixon v Commonwealth*, 759 A.2d 442 (Pa. Cmwlth 2000).

⁹ Pennsylvania Department of State, "Voting Rights of Convicted Felons, Convicted Misdemeanants and Pretrial Detainees," <https://www.vote.pa.gov/Resources/Documents/Convicted-felon-brochure-English.pdf> (DOS Felon Brochure).

¹⁰ Pennsylvania Department of State, Voter Registration Application, available in English, Spanish, Simplified Chinese, Traditional Chinese, and Vietnamese. https://www.vote.pa.gov/Resources/Documents/Voter_Registration_Application_English.pdf

Disenfranchisement

Pennsylvania defines three types of criminal offenses in its Crimes Code: felonies, misdemeanors, and summary offenses. Only persons actively serving a period of confinement for conviction of a felony may not vote during the period of confinement. One exception to that rule is that persons convicted of a willful violation of the election law are disenfranchised for a period of four years, regardless of the class of violation of which they were convicted.¹¹

Felony

Felonies are divided into three degrees, subject to maximum sentences of 20, 10, and seven years.¹² Persons who are incarcerated for a felony conviction may not vote during the period of incarceration. This period includes persons convicted of a felony who in a community confinement facility or other alternative correctional facility and being held in a pre-release status.¹³

Misdemeanor

A misdemeanor is defined in three degrees, first, second and third, and they are differentiated by their maximum sentences of five, two, and one year.¹⁴ A person who is incarcerated for a misdemeanor may vote from a penal institution.¹⁵ Confinement periods for summary offenses are usually short, maxing out at 90 days and are served in county jails.¹⁶ Pretrial detainees, parolees living in community confinement centers (halfway houses), or under house arrest may also vote. Additionally, persons who were released following completion of their sentence or will be released before election day, or who are on probation or released on parole may vote, regardless of whether the conviction was for a felony or misdemeanor.¹⁷

Place of Incarceration

Pennsylvania residents may be incarcerated in the Commonwealth in the federal Bureau of Prisons, State Correctional Institutions (SCI) and county jails. A total of 71,500 individuals have been identified in these facilities, with SCIs holding the most, at 37,000 individuals, followed by local jails at 29,000 inmates. Federal prisons hold 5,500 individual Pennsylvania residents. Additionally, 171,500 individuals are on probation or parole.¹⁸ The eight percent of incarcerated Pennsylvanians held in federal prisons receive education and information as well as re-entry assistance, including information on voting rights, through the federal Bureau of Prisons under an

¹¹ Section 1852 of the Pennsylvania Election Code of 1937; 25 P.S. § 3552.

¹² 18 Pa.C.S. §§ 106(a) & (b), 1103.

¹³ *Supra*, DOS Felon Brochure.

¹⁴ 18 Pa.C.S. §§ 106(a) & (b), 1104.

¹⁵ *Supra* DOS Felon Brochure.

¹⁶ 18 Pa.C.S. §§ 106 (c), 1105.

¹⁷ *Supra*, DOS Felon Brochure.

¹⁸ Leah Wang, "Punishment Beyond Prisons 2023: Incarceration and supervision by state, May 2023. <https://www.prisonpolicy.org/reports/correctionalcontrol2023.html>

Executive Order issued by President Biden in 2021.¹⁹ Accordingly, this study will not examine the federal system closely.

Persons sentenced to maximum terms of five years or more serve their terms at an SCI. This includes all felony convictions and all first-degree misdemeanor convictions. Generally, maximum terms of two years or less are served at local jails. Persons sentenced to terms of two years or more, but less than five years may be served in an SCI or county jail, under certain circumstances.²⁰

Table 1 Place of Incarceration by Level of Conviction, Pennsylvania				
Type of Crime	Maximum Sentence	Confined at SCI	Confined at County Jail	Option Between SCI and County Jail
Felony 1	20 years	X	--	--
Felony 2	10 years	X	--	--
Felony 3	7 years	X	--	--
Misdemeanor 1	5 years	X	--	--
Misdemeanor 2	2 years	--	X	X
Misdemeanor 3	1 year	--	X	--
Summary Offense	90 days	--	X	--

Source: Table compiled by Joint State Government Commission staff from Pennsylvania Crimes Code, Judicial Code, and other statutes.

As the above chart demonstrates, SCIs may hold persons who are eligible to register to vote or are already registered and eligible to vote who were convicted of first- or second-degree misdemeanors, and virtually everyone held in a county jail could be eligible to register to vote or are already registered and eligible to vote.

Residency

Incarcerated persons who are eligible to vote must register in their home districts. Because of their incarceration, this necessitates online voter registration. Registered incarcerated voters then vote via absentee ballot from their place of incarceration. This includes individuals who were

¹⁹ President Joseph R. Biden, Jr., “Executive Order on Promoting Access to Voting,” Section 9, The White House, March 7, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>

²⁰ 42 Pa.C.S. § 9762(b).

registered to vote prior to their incarceration. In no case may an incarcerated person use the institution where they are incarcerated as their permanent residence address.²¹

Restoration of Voting Rights

Pennsylvania is one of 23 states that automatically restore voting rights after completion of the period of incarceration.²² Only Maine, Vermont, and the District of Columbia never disenfranchise individuals for criminal convictions.²³ See Map 1.

In Pennsylvania's Statewide Uniform Registry of Electors (SURE system), incarcerated persons who are ineligible to vote are not removed from the voter lists, but instead their status is marked as "hold." Once county election officials are advised of a person's release (assuming they are otherwise eligible to vote), their status is changed back to "active." Individuals are responsible for verifying their status as voters. If a person is unable to return to their pre-prison address for any reason, including as a condition of parole, the person would have to provide a change of address to election officials. There is no direct notification from correctional facilities to counties of a prisoner's release; further, a state requirement could only be applied to state and local facilities, but not federal penitentiaries. Persons who are being released due to completion of their sentence or who are paroled are provided with educational materials at that time.²⁴

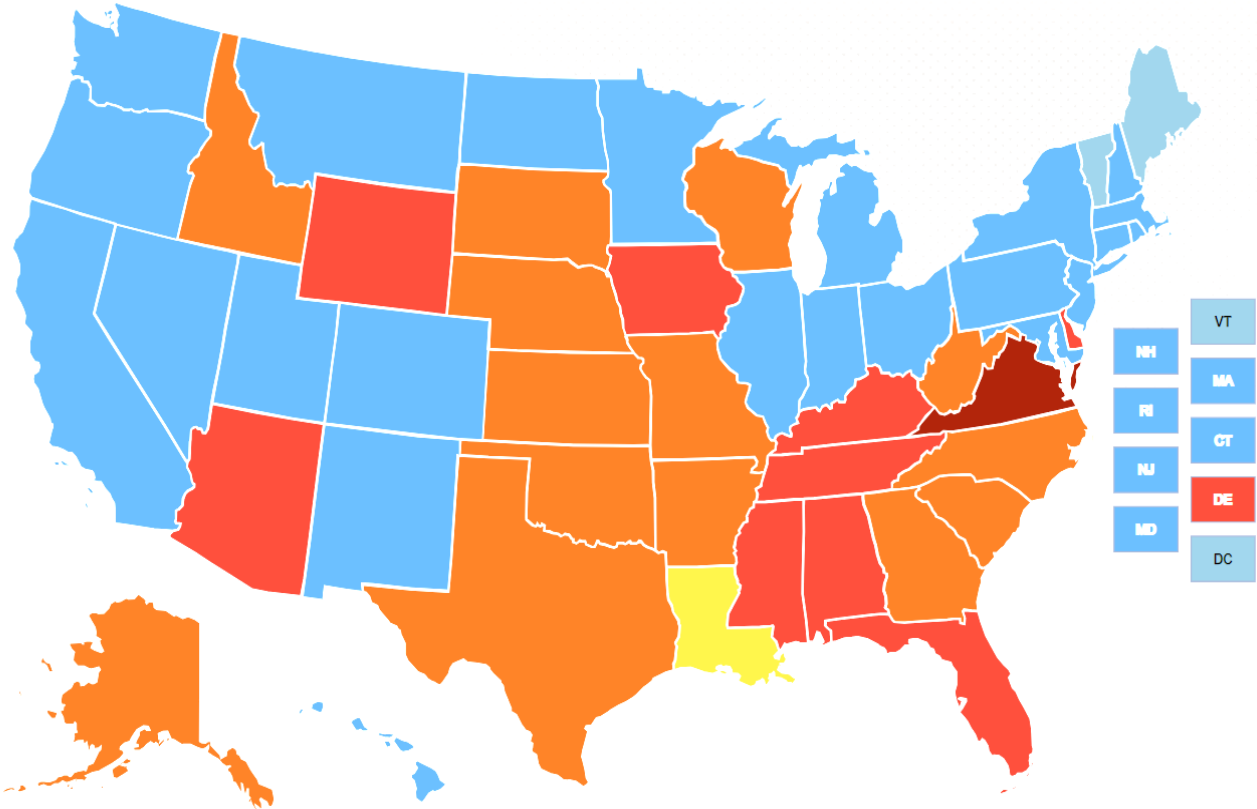
²¹ 25 Pa.C.S. § 1302(a)(3).

²² National Conference of State Legislatures Brief, "Felony Voting Rights," updated April 12, 2024. <https://www.ncsl.org/elections-and-campaigns/felon-voting-rights> See also, U.S. Department of Justice, Civil Rights Division, "Guide to State Voting Rules That Apply After a Criminal Conviction." Guide to State Voting Rules That Apply After a Criminal Conviction (justice.gov) as of June 2022. Those states are California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, and Washington.

²³ Ibid.

²⁴ Information provided during conversation with Department of State employees December 9, 2021, as part of ongoing research of the Election Law Advisory Board, established by the Act of March 27, 2020 (P.L.41, No.12).

Map 1 Criminal Disenfranchisement Laws Across the United States



KEY:

- Permanent disenfranchisement for all people with criminal convictions unless government approves individual rights restoration
- Permanent disenfranchisement for at least some people with criminal convictions unless government approves restoration
- Voting rights restored upon completion of sentence, including prison, parole, and probation
- Voting rights restored for those on probation or parole who have not been incarcerated during the last five years
- Voting rights restored automatically upon release from prison
- No disenfranchisement for people with criminal convictions

Source: The Brennan Center for Justice, Disenfranchisement Laws, site visited May 9, 2024. <https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-rights-restoration/disenfranchisement-laws>. Note to map: On April 17, 2024, Nebraska enacted a law that will automatically restore voting rights upon completion of sentence, including prison, parole, and probation. Because the law will not go into effect until July 18, 2024, that change is not reflected on the map below.

DATA AND STATISTICS

Methodology

Commission staff collected data from the Department of Corrections detailing releases from SCIs dating from January 2000 to October of 2023. Commission staff checked these records against names, birthdays, and prison ID numbers to form a unique list of reentrants. The names and birthdates of the individuals in the DOC file were matched with county voting records of the 9,415,312 registered voters for the past 40 elections (approximately 20 years of data) as provided by the Department of State. Records have been filtered by age and prison status so only those able to participate in a particular election are used to calculate voter turnout. The list of registered voters has not been adjusted by expected mortality or for reentrants who may have moved out of state. This being the case, the data represent the maximum number of reentrants included in the file. Because prison records are being compared against the most recent registration status, older records of released prisoners who may have voted in the past but have been removed from county voting rolls would not be captured. Voters who were released from state prison more than 23 years ago would not be captured by these records.

General Population Voting

The data provided by DOC and DOS were used to describe the Commonwealth's voting population at the time HR47 was adopted. These data have not been updated for 2024 to make comparisons between the data sets less difficult.

As of July 2023:

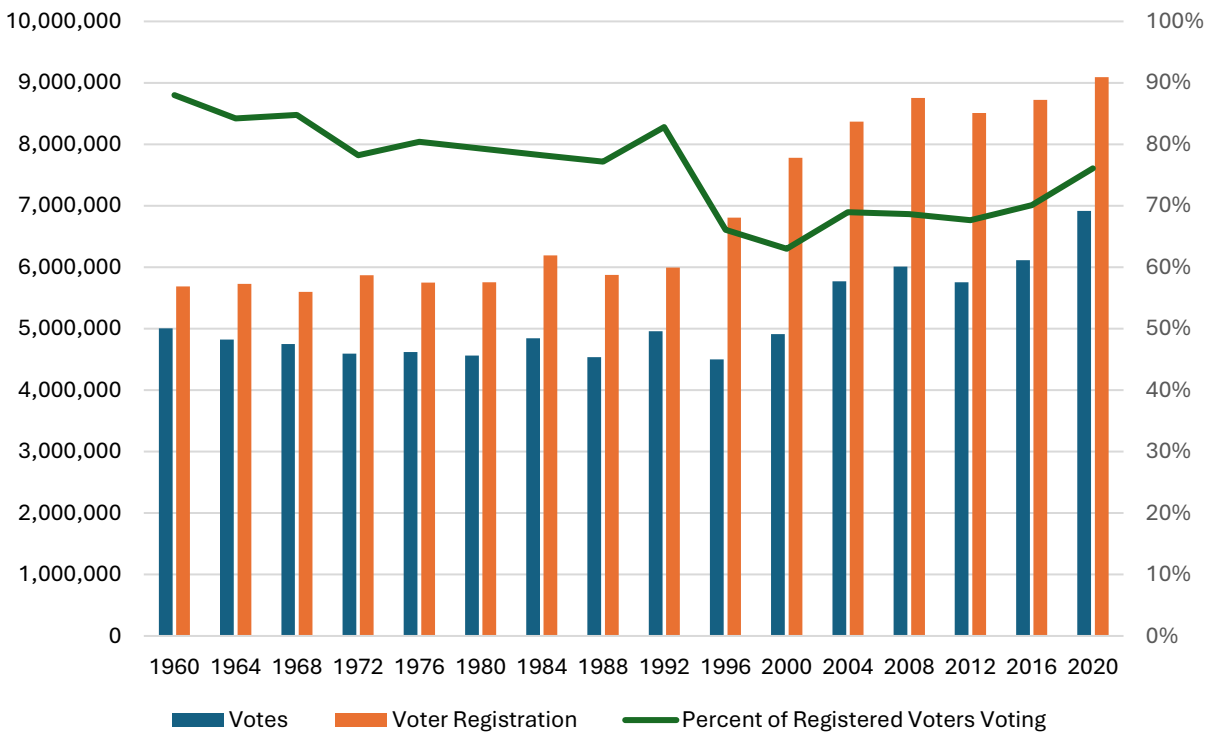
- Pennsylvania's population was estimated at 12,961,683²⁵
- 20 percent were under the age of 18
- The voting age population was 10,343,400
- 8,601,338 were registered to vote²⁶

²⁵ United States Census, QuickFacts, Pennsylvania, <https://www.census.gov/quickfacts/fact/table/PA/PST045222>

²⁶ Pennsylvania Department of State, Bureau of Elections, May 16, 2023.

For comparison with later sections, information on the average voting population has been represented in Graph 1 for the 60 year period of 1960 – 2020. Despite an increase in the number of registered voters of about 3.4 million over the past 60 years, the percentage of registered voters who cast ballots was at its highest in 1960, when close to 90 percent voted. Since then, the percentage of registered voters has decreased over time and reached a low of 63 percent in 2000, a drop of nearly 40 percent since 1960. There had been an increase of 17 percent between 2000’s low point to the 2020 elections. Despite the increase, however, the percent of registered voters who voted in the 2020 presidential election was still 16 percent lower than it was in 1960. What has changed since the previous century is a greater percentage of the population is registered to vote, even if they vote less frequently.

Graph 1
Pennsylvania Votes and Registration in Presidential Elections
1960-2020



Source: Pennsylvania Department of State, “Voting & Election Statistics,” Accessed June 4, 2024. <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Pages/VotingElectionStatistics.aspx>.

Formerly Incarcerated Voter Count

As noted elsewhere in the report, all people released from state prison who have completed their sentences and not violated any provision of the Election Code are eligible to vote regardless of a prior felony conviction. Some individuals might be in a pre-release status and will finish their sentences in halfway houses. Despite not being housed in an SCI, these individuals cannot vote until their sentences are completed. Nearly all the released inmates the Commission collected data on would be eligible to vote, except in cases where they have moved or died. Because of these limitations, reentrants' voter turnout was calculated based on a comparison of registered voters rather than the entire voting age population of reentrants.

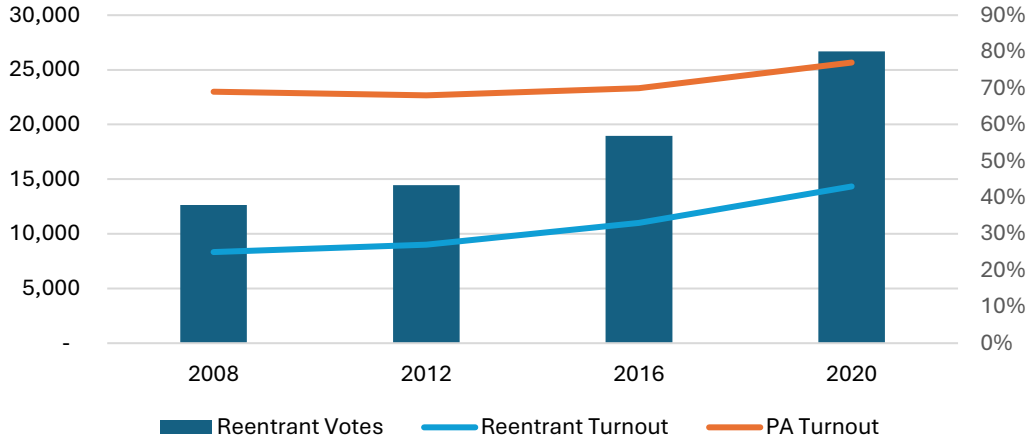
Based on data from the Pennsylvania Department of Corrections, there could be up to 203,409 people who were released from state prison between January 2000 and October 2023 that would be eligible to vote. Of those released, 66,056 reentrants matched county voting records. An estimated 53,932, or 82 percent, had an active registration status with the county they lived in. All told, reentrants make up less than 0.8 percent of registered Pennsylvania voters.

If voting records show that a person had not voted in the previous five years, their voter registration will indicate inactive status. This status change will prompt a notification from the Department of State that could lead to an inactive status if the department does not receive a response from the voter. Nonetheless, their registration remains valid and they can still vote. Their status will become active upon voting.

Formerly Incarcerated Voter Participation Rates

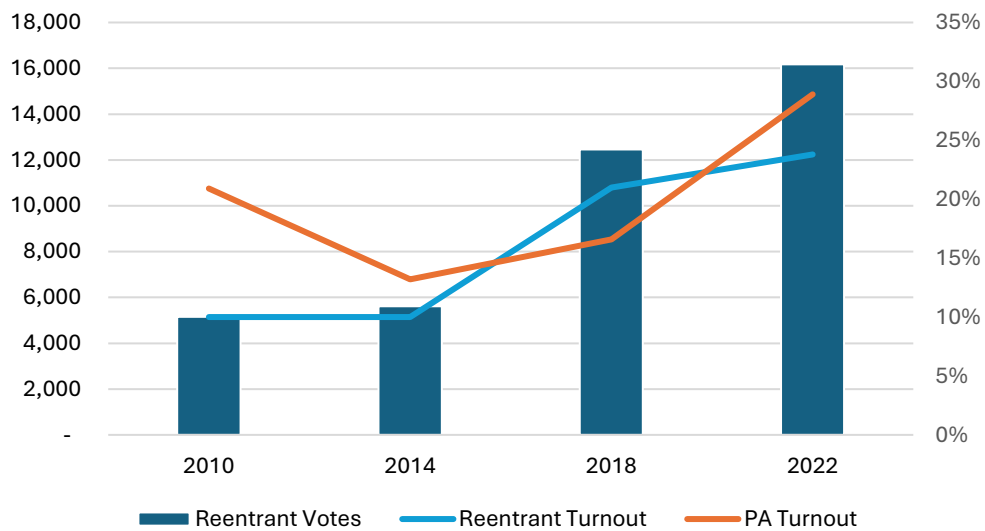
Below are graphs for formerly incarcerated voters have cast in presidential elections since 2008 as well as the percent of turnout of registered reentrant voters compared with that of the general population. While ideally voting-age population turnout for both groups would be used, instead registration status was chosen because reentrant numbers could not be verified. Registered turnout may examine a smaller number of voters, but we believe it may be more accurate. Despite this, limitations of the data still exist, as Pennsylvania counties do not have unified practices for how they update their voter registration rolls. State turnout and comparisons between counties may result in inaccuracies.

Graph 2
Reentrant Voters in Presidential Elections
2008-2022



Typically it appears that reentrant voters have a turnout 30 percent lower than average state voters for presidential elections. Graph 2 shows that reentrant turnout is increasing, and with 18 percent increase in turnout between 2008 and 2020. Comparing the 2008 and 2020 presidential elections shows that the number of former inmates who have voted has doubled.

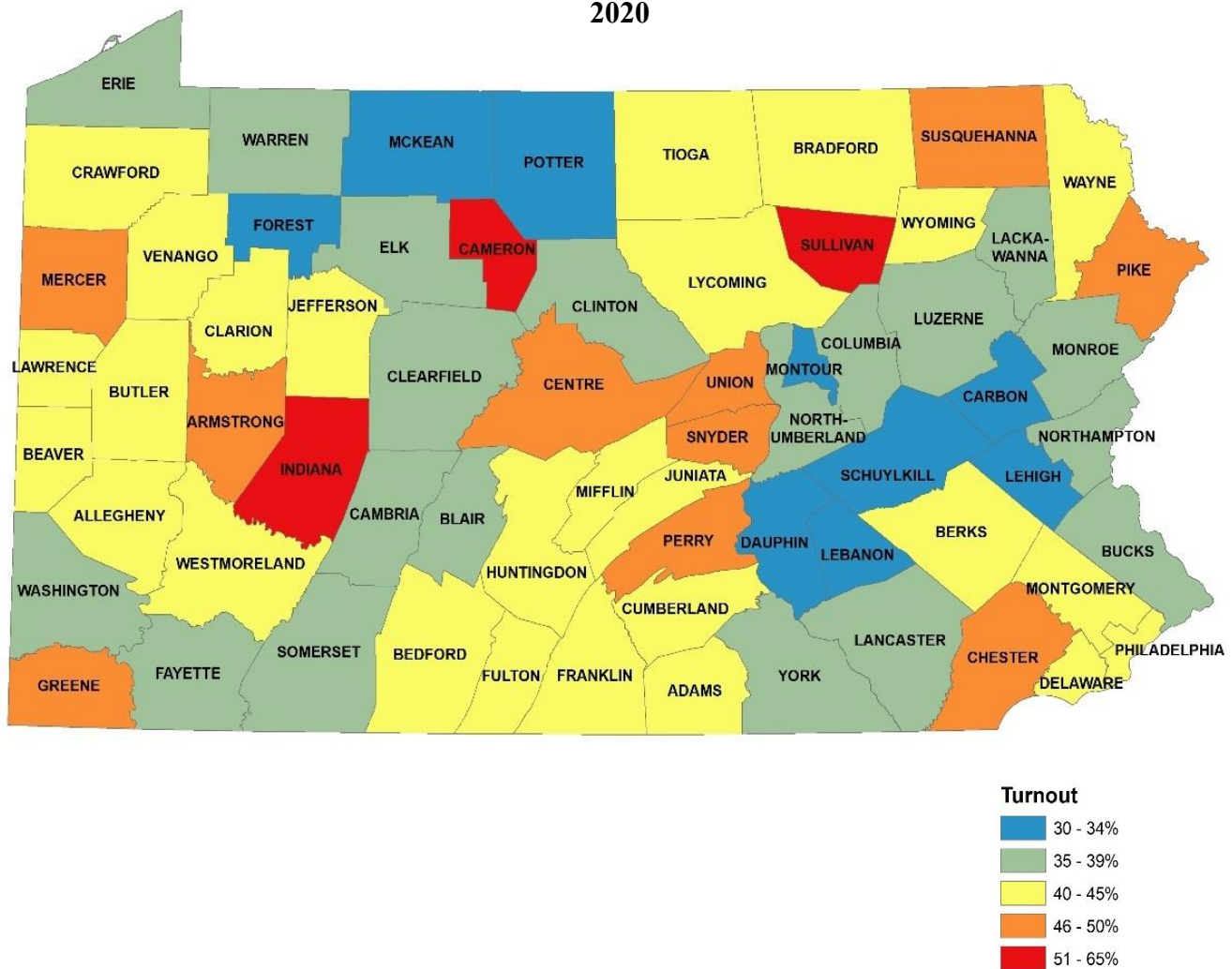
Graph 3
Reentrant Voters in Midterm Elections
2010-2022



Graph 3 shows the same data for mid-term elections. Compared to the Presidential elections, there is less disparity between the turnout of reentrants and average Pennsylvania voters. While it is expected that presidential and midterm elections to have differing turnout rates, both are trending upward for reentrant voters. In the 2018 Midterm election, reentrants show a higher turnout than the general public. For the midterm elections from 2010 to 2022, the number of votes cast by reentrants has tripled.

Despite increasing reentrant turnout overall, there is still significant variation in voter turnout by county. Map 1 shows the participation of reentrant voters in the 2020 elections by county. While no county has a reentrant turnout rate to equal or exceed the state average, there is still significant variation with a range between 30 to 65 percent turnouts. The highest rates of voter participation by reentrants were in Indiana, Cameron, and Sullivan Counties. Overall, many rural counties had higher rates of reentrant voter participation than urban counties, however some of the counties with the lowest population densities also had low turnout.

Map 2
Registered Reentrant Participation in the 2020 Presidential Election
by Pennsylvania County
2020



Recent studies have shown that many voters participate intermittently, with only 37 percent of the US voting age population voting in each of the three previous elections despite the 2018 and 2022 midterm elections having historically high turnouts.²⁷ Compared to the general US population participation rates, Pennsylvania reentrant voters exhibit lower rates, with only 13 percent voting in each of the last three elections. See Table 2. Initial data suggest that just under half of Pennsylvania reentrants who are registered to vote have done so in the last three elections. Looking further back, it appears that 40 percent of the registered reentrants have not voted in at least 15 years.

Table 2 Pennsylvania Reentrants Who Voted in Multiple Elections Compared to U.S. Voting Age Population 2018-2022		
Elections	PA Registered Reentrants	U.S. Voting-Age Population
2018, 2020, 2022	13%	37%
2020 Only	17	12
2018 and 2020	6	8
2020 and 2022	9	8
2018 and 2022	1	5
None of the Last Three Elections	48	30

Source: Pew Research Center, Staff Calculations.

Length of Incarceration and Voter Participation

The relationship between the length of incarceration and voter participation rates after reentry to the general population have not been explored substantially. Previous studies have focused on more limited time periods, which tracked voter habits in the elections immediately before and after their incarceration.²⁸ This study is discussed further later in the report.

Part of the difficulty of studying the effect of incarceration on voting lies in isolating the variable of incarceration length from others that impact voting habits. Economic status, gender, age, and race and ethnicity all play a role in determining a person’s likelihood of voting.²⁹ Polls

²⁷ Nadeem, Reem. “1. Voter Turnout, 2018-2022.” Pew Research Center, July 12, 2023. <https://www.pewresearch.org/politics/2023/07/12/voter-turnout-2018-2022/>.

²⁸ Alan S. Gerber, Gregory A. Huber, Marc Meredith, Daniel R. Biggers, and David J. Hendry, “Does Incarceration Reduce Voting? Evidence about the Political Consequences of Spending Time in Prison,” *The Journal of Politics*, Vol. 79, No. 4 (October 2017), 1130-1146

²⁹ Kulachai, Waiphot, Unisa Lerdtomornsakul, and Patipol Homyamyen. 2023. "Factors Influencing Voting Decision: A Comprehensive Literature Review" *Social Sciences* 12, no. 9: 469.

suggest that voter disillusionment with government may be one of the largest reasons people do not vote.³⁰

Table 3 provides a list of voter turnout of Pennsylvania’s registered voter population sorted by total duration of prison time across their lives. In 2008 there appears to be little variation in voting patterns based on time served, but the difference becomes more pronounced in later elections. Overall reentrants who served over ten years in prison vote at a rate somewhat higher than the average reentrant. Those reentrants who had served over twenty years in jail have an even greater likelihood of voting. By the presidential election 2020 people who had served over 20 years in prison were 9 percent more likely to have voted than average reentrants. Because long term reentrants were a small minority of the population, the data representing them may be more sensitive to changes.

<i>Election</i>	<i>Presidential</i>				<i>Midterm</i>			
Total Prison time (in years)	2008	2012	2016	2020	2010	2014	2018	2022
<1	26%	26%	32%	43%	10%	9%	20%	25%
1-2	26	27	33	43	10	10	21	25
2 to 5	26 %	27 %	33 %	42 %	10 %	10 %	21 %	24 %
5 to 10	24	27	33	42	10	11	21	23
10 to 20	26 %	32 %	36 %	45 %	13 %	13 %	24 %	27 %
>20	27	31	48	52	15	22	34	42
Average	25 %	27 %	33 %	43 %	10 %	10 %	21 %	24 %

Source: Commission staff calculations from data provided by PA Department of Corrections and PA Department of State.

While these figures may show an initial step, more study is needed to isolate incarceration length from other factors that may affect voting patterns. It is well documented that age is a major factor in how often a person votes. For example, in the 2016 presidential election voters over the age 45 in the U.S. were at least 9 percent more likely to vote than someone between the ages of 30

³⁰ Mallory Newall and Sara Machi, “Why Don’t People Vote?,” Ipsos, December 15, 2020, <https://www.ipsos.com/en-us/news-polls/medill-npr-nonvoters-2020>.

to 44.³¹ Those reentrants who served over 20 years in state prison were on average 15 years older than those who served under one year. Recidivism is another factor affecting reentrants, and research has yet to determine whether many shorter periods of incarceration rather than a single long one are more disruptive to voter participation.

Table 4
Additional Voter Disenfranchisement Information
2022

Topic	STATES							
	US	PA	NY	MD	WV	NJ	OH	DE
Imprisonment Rate Per 100k Residents	355	292	159	252	331	135	385	272
Disenfranchised Population	4,405,499	42,976	36,553	16,587	14,215	13,999	47,010	7,721
Felony Disenfranchisement Rate	2%	0%	0%	0%	1%	0%	1%	1%
Disenfranchised Black Population	1,419,185	19,531	18,115	11,678	1,575	8,281	20,192	4,016
Black Felony Disenfranchisement Rate	3%	2%	1%	1%	3%	1%	2%	3%
Disenfranchised Latino Population	504,719	4,029	8,748	771	90	2,341	1,309	423
Latino Felony Disenfranchisement Rate	1%	1%	0%	0%	1%	0%	1%	1%

Source: Christopher Uggen, Ryan Larson, Sarah Shannon, and Robert Stewart. “Locked Out 2022: Estimates of People Denied Voting Rights – The Sentencing Project.” The Sentencing Project, October 26, 2022. <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>.

³¹ “Election Voter Turnout Rate by Age in the United States,” Our World in Data, n.d., <https://ourworldindata.org/grapher/voter-turnout-rate-by-age-usa>.

Data Conclusions

Using the total number of SCI release records as a maximum estimate, it is possible that under a third of those released from prison are registered voters. In this scenario, as few as 13 percent of the people released from SCI's in the last 20 years voted in 2020 presidential election. While it is likely that efforts to increase voter registration of this group would lead to greater voter turnout, it is not a panacea for all issues relating to low participation. Even among registered reentrant voters, only 40 percent participated in the last presidential election. More effort is needed to reach registered reentrant voters and determine specific barriers which prevent them from voting. While there are concerns that prolonged contact with the prison system can have a negative effect on voting, those who have spent longer durations of time in the prison system typically vote in higher proportions than those who spent a year or less, likely due differences in the age of both groups. While the former prison population appears to diverge substantially from the patterns of the average Pennsylvania voter, future comparisons should be made against those of a more similar demographic profile.

KNOWLEDGE OF CORRECTIONS PERSONNEL REGARDING VOTING RIGHTS OF FORMERLY INCARCERATED ELECTORS

As indicated in Table 1 at page six of this report, all persons who have been convicted of felonies in Pennsylvania under the Pennsylvania Crimes Code are incarcerated in State Correctional Institutions. There are no felony incarcerated held in county or local jails, and a small number reside in federal institutions under the Bureau of Prisons. The number of individuals in Pennsylvania SCIs who were disenfranchised for felony convictions represents the largest number of persons affected by the disenfranchisement law. Barring other disqualifications, upon release these individuals' voting rights are automatically restored upon release.

One of the directives of HR 47 is to examine the knowledge of corrections personnel with respect to voting rights of formerly incarcerated persons. Corrections personnel knowledge and training can vary based on the level of government in which they are employed and their job categories.

Training Requirements

Pennsylvania Department of Corrections

Corrections Officers

The Pennsylvania Department of Corrections does not hire novice corrections officers. Persons wishing to be a corrections officer must first apply for a position as a corrections officer trainee and participate in formal training sessions and on-the-job assignments under the direct supervision of a corrections officer.³² Newly hired trainees are required to attend a five-week program at Department of Corrections Training Academy in Elizabethtown. A review of the 2024 basic training course descriptions includes several courses that could incorporate voting rights information into the curriculum:

- Legal Aspects of Corrections
- Overview of Probation and Parole Law
- Reentry Simulation
- Sentencing in PA³³

It is not clear, however, that these courses currently include voting rights.

³² "Open Jobs," PA Employment, database search conducted May 21, 2024.

<https://www.employment.pa.gov/Pages/jobopportunities.aspx>

³³ PA Department of Corrections Training Academy, Bureau of Training and Staff Development, "2024 Basic Training Course Descriptions."

<https://www.cor.pa.gov/Facilities/Documents/Course%20Description%20Booklet.pdf>

State Parole Agents

The Pennsylvania Commission on Sentencing is responsible for establishing guidelines for parole of DOC-supervised offenders,³⁴ while the Board of Parole makes the ultimate decision as to who may be paroled and the conditions of parole.³⁵ Trained DOC employees known as “parole agents” provide the supervision of parolees.³⁶ Parole Agent 1 is a trainee working with a trained parole agent in providing supervision of parolees or counseling clients in preparation for release from and SCI. Following a 12-month training period, the individual becomes a Parole Agent 2. Parole agents must have a minimum combination of experience and training that essentially amounts to four years of education and/or paraprofessional work experience. Agents are required to attend the DOC’s Basic Training Academy for up to 12 weeks.³⁷ The same courses listed for corrections officers above could apply to parole agents.

County-Level Corrections

Wardens and Sheriffs

Supervision of inmates in county correctional institutions (aka correctional facilities, prisons, and jails) varies depending upon the size of the county. In second class counties, the county jail oversight board is responsible for the operation of the institution.³⁸ The chief executive of the county appoints a warden, subject to confirmation of the board, who may employ deputies, assistants, and other personnel.³⁹ Correctional institutions in counties of the second class A, third, fourth, or fifth class are governed by the board of inspectors of the jail or county prison.⁴⁰ The board of inspectors appoints a warden and the warden may appoint deputies, assistants, or corrections officers.⁴¹ Jails or county prisons are under the supervision of the county sheriff in counties of the sixth, seventh, and eighth class, who may appoint officers and employees for the prison.⁴²

All county correctional institutions are governed by minimum standards established in regulations issued by DOC. Training standards for personnel at county prisons include a requirement for the receipt of basic training from a program approved by DOC within 12 months of assuming their duties. Further, annual training is for staff development.⁴³ While not specified, minimum requirements for admission, release, and orientation of inmates could be amended to include information on voting rights.⁴⁴ Additionally, county jail standards address inmate mail privileges and access to legal resources, both of which could have an impact on voting rights.⁴⁵

³⁴ 42 Pa.C.S. § 2154.5.

³⁵ 61 Pa.C.S. § 6132.

³⁶ 61 Pa.C.S. Ch. 61, Subchptr F (relating to the Supervision of Offenders), § 6171 et seq.

³⁷ PA Department of Corrections, “Parole Agent 1 Employment Information,” accessed June 4, 2024, <https://www.cor.pa.gov/Employment/Documents/Parole%20Agent%201%20Info.pdf>

³⁸ 61 Pa.C.S §§ 1721-1728

³⁹ 61 Pa.C.S. § 1726.

⁴⁰ 61 Pa.C.S. §§ 1731-1736

⁴¹ 61 Pa.C.S § 1733.

⁴² 61 Pa.C.S. § 1741.

⁴³ 37 Pa.Code § 95.221.

⁴⁴ 37 Pa.Code §§ 95.222 and 95.223.

⁴⁵ 37 Pa.Code §§ 95.234 and 95.236.

Sheriffs and deputy sheriffs are subject to separate education and training requirements. The Sheriff and Deputy Sheriff Education and Training Board is responsible for implementing the Sheriff and Deputy Sheriff Education and Training Program under the supervision of the Pennsylvania Commission on Crime and Delinquency. Sheriffs must receive not less than 160 hours of appropriate training and complete not less than 20 hours of continuing education every two years.⁴⁶ Newly hired deputy sheriffs must undergo similar training and continuing education.⁴⁷ The basic training curriculum for sheriffs and deputy sheriffs includes areas that could encompass voting rights, such as criminal justice system and law enforcement, related social services, and related legal issues.

Probation and Parole Officers

County probation and parole officers are guided by the operating standards for adult probation and parole departments issued by the Pa. Commission on Crime and Delinquency (PCCD) and developed by the County Adult Probation and Parole Advisory Committee.⁴⁸ These officers are appointed by the county court of common pleas and the county department of probation and parole.⁴⁹ Entry level officers are required to possess a minimum of a bachelor's degree or have completed a career development program that includes work-related experience, training, or college credits providing an equivalent level of achievement.⁵⁰ The training program standards do not address areas that could include voting rights, the standards are a minimum and there is room to include information relating to voting.

Federal Bureau of Prisons

At the entry level of correctional officer in the federal system, completion of a four-year course of study leading to a bachelor's degree from an accredited college or university is required; experience can be substituted but must include at least three years of full-time general experience. Experience examples revolve around the ability to interact with people, lead, supervise, and instruct others, and be decisive and self-confident. In lieu of the three years of general experience, one year of specialized experience is acceptable, which essentially is either law enforcement or mental health facility employment. At higher ranks the educational and specialized experience requirements increase.⁵¹

⁴⁶ 61 Pa.C.S. Chptr 74, Subchptr C (relating to sheriff and deputy sheriff education and training) §§ 7421-7431.

⁴⁷ 37 Pa.Code § 421.3.

⁴⁸ § 6.1(h)(3) and (5) of the act of November 22, 1978, P.L. 1166, No.274, referred to as the Pennsylvania Commission on Crime and Delinquency Law, as amended by the act of December 18, 2019, P.L. 771, No.114). See also, Commonwealth of Pennsylvania, Commission on Crime and Delinquency, "Operating Standards for Adult Probation and Parole Departments in Pennsylvania," Second Edition, December 8, 2021.

<https://www.pccd.pa.gov/AboutUs/Documents/Oper%20Stds%20for%20Co%20Adult%20Prob%20%20Parole%20Depts%20in%20PA%20ND%20EDITION%2012-20-21%20vv.pdf>

⁴⁹ 42 Pa.C.S. §§ 9911-9914.

⁵⁰ Commonwealth of Pennsylvania, Commission on Crime and Delinquency, "Operating Standards for Adult Probation and Parole Departments in Pennsylvania," Second Edition, December 8, 2021. p. 12.

⁵¹ Federal Bureau of Prisons, "Correctional Officer: Qualifications."

<https://www.bop.gov/jobs/positions/index.jsp?p=Correctional%20Officer>

New employees receive introductory training at the facility to which they are assigned. Within 60 days of their appointment, new employees are sent to the Staff Training Academy in Georgia to complete the second phase of introductory training. All employees serve a one-year probationary period and receive 16-40 hours of specialized training annually.⁵²

Incarcerees' Experiences

Two of the directives of HR 47 request information on self-reported experiences on future voting intentions of qualified voters who were formerly incarcerated, and self-reported experiences with incorrect information about felony or misdemeanor disenfranchisement during a period of incarceration. Staff searched the Pa 2-1-1 online clearinghouse to identify reentry programs around the Commonwealth.⁵³ The search identified over 100 programs, and staff contacted these programs seeking comments by formerly incarcerated persons regarding four topic areas:

- Self-reported information about future voting intentions from qualified electors who were formerly incarcerated;
- Self-reported experiences with incorrect information about felony or misdemeanor disenfranchisement during a period of incarceration;
- Barriers that formerly incarcerated qualified electors face when attempting to exercise the right to vote; and
- Information relating to the knowledge of corrections employees about the relevant laws permitting formerly incarcerated Pennsylvanians to vote.

Commission staff received two responses. One agency received one response to a query for information among its clients, who had reported no issues. The other response was from the Pennsylvania Association for Rational Sexual Offense Laws (PARSOL), a 501(c)(3) formed in 2021. PARSOL surveyed its members and received responses from 61 formerly incarcerated members. Fifty-six of the respondents were required to register under Megan's Law. Of 32 respondents, 25 percent stated that they were told that their criminal history prevented them from voting. When asked about interactions with correctional facility employees, parole officers, or probation officials, 73.08 percent (19) responded that these officers correctly told them that they could vote. 26.92 (7) percent responded that they were told they could not vote. One person responded that an employee or officer helped them registered to vote.⁵⁴

⁵² Federal Bureau of Prisons, "Our Hiring Process." https://www.bop.gov/jobs/hiring_process.jsp

⁵³ PA 211, Ex-Offender Reentry Programs, visited June 21, 2024. <https://www.pa211.org/get-help/reentry-resources/ex-offender-reentry-programs/>

⁵⁴ PA Association for Rational Sexual Offense Laws (PARSOL), White Paper, "Voter Disenfranchisement High Among Reentrants with Sex-Related Offenses," May 2024. <https://parsol.org/survey-results-voter-disenfranchisement-high-among-reentrants-with-sex-related-offenses/> PARSOL Voting Survey raw data shared with Commission staff via email on May 11, 2024.

BARRIERS TO VOTING BY FORMERLY INCARCERATED ELECTORS

Barriers to voting come in a variety of forms, some obvious, and others extremely subtle. This report divides them into three categories: legal, systemic, and psychosocial.

Legal Barriers

An 18-year-old U.S. citizen residing in Pennsylvania faces only one true legal barrier to voting, and that is being incarcerated for a felony conviction. That said, other laws can impact and restrict an individual's ability to vote in person.

Pennsylvania uses public buildings, public schools, churches, private clubs, fire stations, veterans and other civic organization buildings, fraternal clubs, senior citizen centers, community buildings, and other locations as polling places.⁵⁵ While there is not a blanket restriction prohibiting formerly incarcerated persons from accessing any polling place, conditions of probation and parole may prevent in-person voting at some locations. Proximity restrictions, for example, may be imposed on registered sex offenders as part of their parole, especially with regard to school buildings. Additionally, an individual may be subject to a protection order that prohibits contact with specific election officials or workers, persons electioneering near polling places, or employed in buildings that contain polling sites. These in-person legal barriers are all intended to protect victims of abuse and violence from coming into contact with registered sex offenders and perpetrators of violence or intimidation. The PARSOL survey found that 23 percent of its respondents indicated that they would be in violation of the terms of their supervised release if they attempted to vote at their designated polling place.⁵⁶

Systemic Barriers

Systemic barriers have a greater impact on voting by persons who are incarcerated but not disenfranchised by reason of their criminal conviction. Procedures for registration and ballot casting become more complicated if the voter is in jail. Verification of registration status, meeting registration deadlines, accessing registration forms, and in-house mail systems can all add hurdles

⁵⁵ §§ 527-529.1 of Election Code of 1937. 25 P.S. §§ 2727-2729.1. While the statute specifically talks about municipal buildings and schoolhouses, a review of the lists of polling places from Bucks, Beaver, Dauphin, Lancaster, and Mifflin Counties reveals the variety of locations utilized.

⁵⁶ Supra, note 41.

to voter registration. While mail-in ballots are an option for incarcerated persons in Pennsylvania, access to voter guides, candidate information, and potential delays caused by the necessity of using both the jail mail system and the USPS can make voting a challenge.⁵⁷ Lack of internet access from jail can be another barrier. The logistics of attempting to “cure” a ballot or access voter outreach teams are also a potential barrier.⁵⁸

Other barriers can include a lack of formal prison policy to information otherwise eligible incarcerated persons. In a survey sponsored by the Leadership Conference Education Fund and conducted by All Voting is Local, the Committee of Seventy, and Common Cause, 75 percent of Pennsylvania county jails responded to the group’s request for information regarding jail voting policies. Seven counties (15 percent) were found to have detailed, written policies. Thirteen counties (28 percent) had brief policies with “vague” language, and 26 counties (57 percent) were found to have no written policy regarding jail voting.⁵⁹

Psychosocial Barriers

Misunderstanding voting rights, lack of basic civic knowledge, and social situations and attitudes that discourage voting can create barriers to encouraging all eligible individuals to register and vote. Many of the demographics of persons entering incarceration coincide with the demographics of persons who never vote in general. Poor, Black, young, single and undereducated people do not tend to vote. These disparities have been identified in numerous studies. The Pew Charitable Trusts, in a 2022 survey of voters found that white persons made up three-quarters of voters, while 55 percent of white persons were nonvoters. Hispanic and Black adults accounted for nine percent for their respective racial/ethnic groups but had larger shares of nonvoters (18 percent Hispanic and 15 percent Black). Adults with college degrees made up 43 percent of voters, but only 25 percent of nonvoters. Those without college degrees made up 56 percent of voters, but 74 percent of nonvoters.⁶⁰ Following the 2016 presidential election, the Knight Foundation sponsored a survey of 14,000 voting eligible Americans to deeply examine non-voting behavior. While supporting the findings regarding race and education, the study also identified notable disparities in income, age, and marital status between voters and nonvoters, with nonvoters most represented among young, single, lower-income individuals.⁶¹ These same people are overrepresented in the prison and jail system.

⁵⁷ Ginger Jackson-Gleich and Rev. Dr. S. Todd Yeary, “Eligible, but excluded: A guide to removing the barriers to jail voting,” *Prison Policy Institute*, October 2020. https://www.prisonpolicy.org/reports/jail_voting.html

⁵⁸ Christina Das and Jackie O’Neil, “DEMOCRACY DETAINED: FULFILLING THE PROMISE OF THE RIGHT TO VOTE FROM JAIL”, *Legal Defense Fund – Thurgood Marshall Institute*, June, 2023. https://tminstituteldf.org/wp-content/uploads/2023/06/Voting-in-Jails-Brief_PDF-FINAL-1.pdf

⁵⁹ All Voting is Local, Committee of Seventy, and Common Cause, “Ballots for All: Holding Pennsylvania County Jails Accountable for Providing Ballot Access,” 2021. *Ballots for All: Holding Pennsylvania County Jails Accountable for Providing Ballot Access - All Voting is Local.*

⁶⁰ Hannah Hartig, Andrew Daniller, Scott Keeter and Ted Van Green, “Republican Gains in 2022 Midterms Driven Mostly by Turnout Advantage: An examination of the 2022 elections, based on validated voters,” Pew Research Center, July 12, 2023, pp 15-16. <https://www.pewresearch.org/politics/2023/07/12/republican-gains-in-2022-midterms-driven-mostly-by-turnout-advantage/>

⁶¹ The 100 Million Project, “The Untold Story of American Nonvoters,” A Knight Foundation Study, 2020, pp 34-35. https://knightfoundation.org/wp-content/uploads/2020/02/The-100-Million-Project_KF_Report_2020.pdf

The most recent U.S. Census tables indicate that Pennsylvania’s population is 74.4 percent white, and 10.5 percent Black, with Hispanic and Asian individuals making up the majority of the rest.⁶² However, the Department of Corrections SCI population report for May 2024 identifies 50.9 percent of the state prison population as white, while 48.3 percent is Black, with 0.8 percent “other.” The average age was reported as 42.⁶³ A study by the Prison Policy Initiative confirmed that some of Pennsylvania’s poorest counties have high incarceration rates, consistent with national findings that lower income tends to coincide with likelihood of incarceration.⁶⁴

Nonvoting Prior to Incarceration

While the demographics of incarcerated persons align with those of non-voters, the question remains as to why these individuals do not vote, and whether incarceration has any impact on future voting behavior after release. A survey of 3,763 U.S. citizens of voting age conducted in Spring 2016 found that over 60 percent of both registered and nonregistered voters reported that they had never been asked to register to vote. 16 percent of unregistered voters and 18 percent of registered voters were asked to vote under some form of “motor voter” law, which was the largest “asked” group.⁶⁵

Somewhat surprisingly, apathy carried this particular survey, as demonstrated by the reasons cited for failure to register in the following charts.⁶⁶

⁶² United States Census Bureau, American Community Survey, Demographic and Housing Estimates, cited visited June 19, 2024. Pennsylvania population demographics - Census Bureau Tables.

⁶³ Pennsylvania Department of Corrections, Monthly Institutional Profile, May 31, 2024. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/current%20monthly%20profile.pdf>

⁶⁴ Emily Widra and Benjamin Geffin, “Where people in prison come from: The geography of mass incarceration in Pennsylvania,” The Prison Policy Project, September 2022. <https://www.prisonpolicy.org/origin/2020report.html>

⁶⁵ Heather Creek and Kyle Ueyama, “Why Are Millions of Citizens Not Registered to Vote?,” The Pew Charitable Trusts, June 2017. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote>

⁶⁶ Ibid, p.3.

Lack of Interest is the Most Common Reason That Eligible Citizens Are Unregistered

Percentage of Respondents Selecting Each Reason

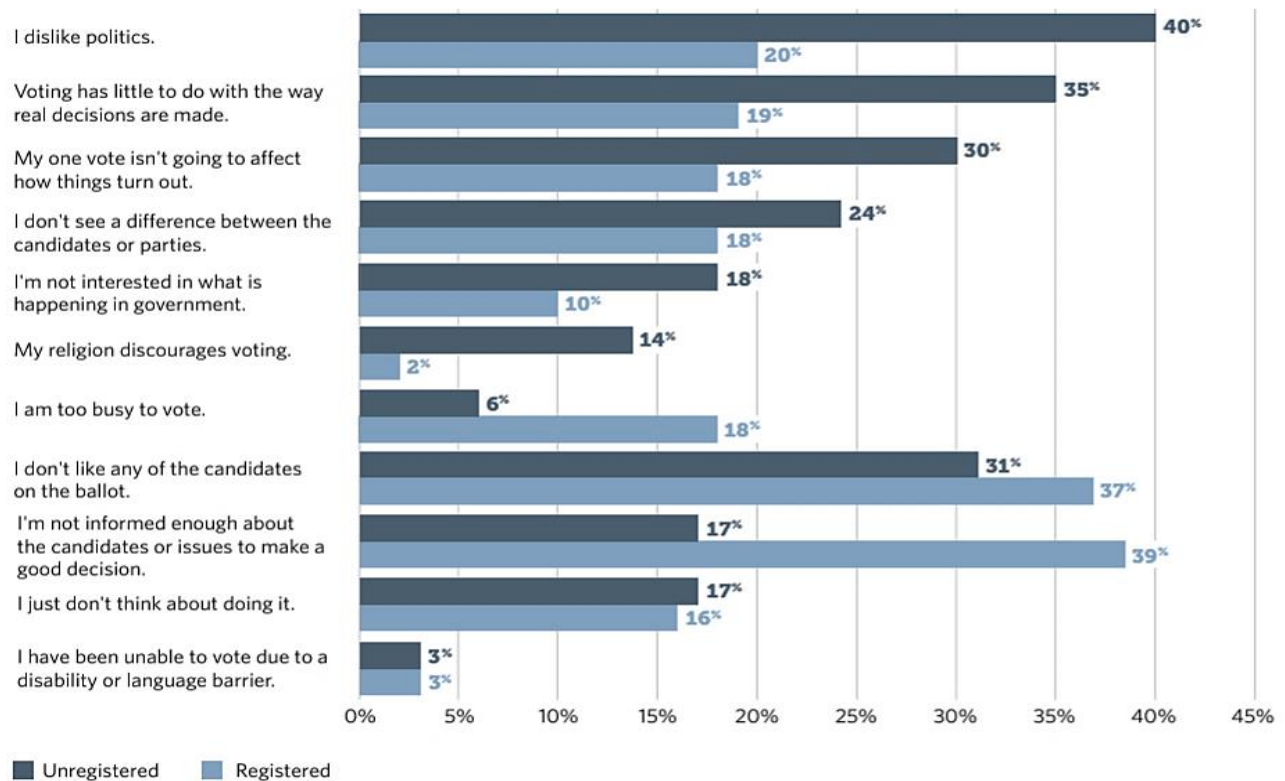
Response	Percent
I don't want to vote, so I don't need to register	44
I intend to register, but haven't gotten around to it	27
There has not been a candidate or issue that has inspired me to register	25
I don't want to register for privacy or security reasons	11
It's not convenient	9
I don't know how to register	6
I am not eligible due to a felony conviction	5
Registration opportunities are not available in my preferred language or in a format that is accessible to me	1

Forty-four percent of eligible unregistered individuals say they do not want to vote. Another 27 percent say they intend to register but haven't done so yet, and 25 percent say they are unregistered because they have not been inspired by a candidate or issue. Eleven percent do not want to register due to privacy or security reasons. The survey was conducted before revelations in fall 2016 that hackers had targeted data from state voter registration systems, so the results do not reflect the public concern about the security of voter data that developed late in the campaign.

Source: Pew Voting Frequency Survey © 2017 The Pew Charitable. Notes: Respondents could select more than one answer. See Appendix B in the full report for more details about the survey questions.
[Trustshttps://www.pewtrusts.org/~media/assets/2017/06/ei_why_are_millions_of_citizens_not_registered_to_vote.pdf](https://www.pewtrusts.org/~media/assets/2017/06/ei_why_are_millions_of_citizens_not_registered_to_vote.pdf)

Additionally, the survey found that people who are not registered to vote experience this apathy more intensely than registered voters who vote infrequently or not at all.

The Unregistered Have Different Reasons From Infrequent and Nonvoters for Not Voting Percentage Of Respondents Selecting Each Reason, By Registration Status



The unregistered are more likely to indicate a broad distaste for the electoral system than registered individuals, who tend to give election-specific motives for nonvoting, such as disliking the candidates or not knowing enough about the issues. Forty percent of the unregistered say their aversion to politics is a major reason they don't want to vote, and 35 percent say voting has little to do with the way real decisions are made, compared with 20 and 19 percent of registered but infrequent voters, respectively. 45% Previous research has found that many unregistered students feel they should not vote because they are insecure about their political knowledge. However, this survey found that only 17 percent of the unregistered population chose not to vote because they are too uninformed about the candidates or issues to make good decisions, compared with more than twice that amount—39 percent—of registered infrequent voters.

Source: Pew Voting Frequency Survey © 2017 The Pew Charitable. Notes: The question was asked of unregistered individuals who said they do not want to vote as well as registered individuals who said they do not vote often. Respondents could select more than one major reason that they do not vote. See Appendix B in the full report for more details about the survey questions. [Trustshttps://www.pewtrusts.org/~media/assets/2017/06/ei_why_are_millions_of_citizens_not_registered_to_vote.pdf](https://www.pewtrusts.org/~media/assets/2017/06/ei_why_are_millions_of_citizens_not_registered_to_vote.pdf).

Other findings include a lack of understanding of government, a belief that voting has less of an influence on government, and that unregistered individuals are rarely involved in civic activities or volunteerism.⁶⁷

The Effect of Incarceration on Attitudes Toward Voting

Studies have found mixed results regarding the effect of incarceration on attitudes toward voting. Some have argued that incarceration is likely to reduce interest in voting, while others have found the opposite. Some of the studies pre-date the Covid-19 pandemic and the Presidential election of 2020, both of which have been speculated to have changed people's opinions regarding the value and importance of voting. Some of the studies used in this section are older studies, and so review of their findings should be considered in light of the different world facing voters in a post-2020 world.

A 2004 study conducted in New York, Connecticut, and Ohio before the fall general election found that prior to incarceration an average of 50 percent of the study participants (persons with a felony conviction) had been registered to vote and 39.7 percent had voted at least once.⁶⁸ During their period of incarceration, respondents indicated that 66.4 percent intended to register once they became eligible and 53.4 percent indicated that they intended to vote in the upcoming presidential election. However, of individuals surveyed after release from incarceration, only 29.2 percent indicated that they were currently registered to vote.⁶⁹ The report further found that there was significant misinformation about voting rights concerning when the period of disenfranchisement was complete and rights to restore eligibility.⁷⁰

A study lead by a pair of Yale University professors looked at over 12,000 Pennsylvania residents who were first imprisoned and then released between the 2008 and 2012 presidential elections. The authors noted that prior work in this field has shown that former incarcerated vote at lower rates than those who have not been incarcerated. These researchers expressed concern that the relationship between incarceration and voting has not been definitively identified as causal.

It is difficult to ascertain, however, whether the negative association between serving time and political participation reported in prior work is causal. Those who spend time in prison are different from those who do not in myriad ways that also likely correlate with political participation. If any of the many factors that jointly affect who serves time in prison and who votes are not fully accounted for, then the observed negative associations between incarceration and voting may be a mere consequence of selection bias. Because many of the same factors that predict the increased risk of incarceration (e.g., low socioeconomic status) are also associated with lower probabilities of voting, selection bias will tend to produce a

⁶⁷ Ibid., p. 4.

⁶⁸ Ernest Drucker and Ricardo Barreras, "Studies of Voting Behavior and Felony Disenfranchisement Among Individuals in the Criminal Justice System in New York, Connecticut, and Ohio," The Sentencing Project, September 2005, p. 6. https://www.prisonpolicy.org/scans/sp/fd_studiesvotingbehavior.pdf

⁶⁹ Ibid., p. 7.

⁷⁰ Ibid., p. 10.

negative association between incarceration and voting that is larger than the true causal effect.⁷¹

Using three separate approaches, the authors generally found that spending time in prison did not have a large negative effect on registration and voting after release. While the authors note that formerly incarcerated persons voted at lower rates, many of the factors that contribute to lower voting participation in the general population, such as area of residence, income, education, criminal history, and demographic differences can confound the effort to find a causal relationship to incarceration alone.⁷²

In late 2019, the Marshall Project conducted a survey of incarcerated persons to determine their views on American politics. Fifty-seven percent of the over 8,000 respondents had never voted. Half of the respondents said that incarceration had increased their motivation to vote, while 12 percent said it had decreased their motivation. “Many said that watching the news for the first time, becoming sober, talking to their cellmates, receiving an education, or simply growing older had increased their political awareness.”⁷³ These responses, especially those about education and aging are consistent with the demographic differences between voters and non-voters discussed at the beginning of this section.

A meta study released in 2021 drew several conclusions from a review of multiple studies of the relationship between contact with the carceral state and people. The carceral state is described as police stops, arrest, conviction, or incarceration, in essence, any encounter with the punitive side of the state. The author states that factually, people who have contact with the carceral state are less likely to vote than those who have not.⁷⁴ Another finding was that short periods of incarceration, such as pretrial detention, have a causal effect on voting, particularly among people who are Black or low-income.⁷⁵ The author further suggests that there is less evidence that long-term prison sentences reduce voting.⁷⁶ Additionally, the author finds that there is very limited research on nonvoting.⁷⁷

⁷¹ Alan S. Gerber, Gregory A. Huber, Marc Meredith, Daniel R. Biggers, and David J. Hendry, “Does Incarceration Reduce Voting? Evidence about the Political Consequences of Spending Time in Prison,” *The Journal of Politics*, Vol. 79, No. 4 (October 2017), 1130-1146, p. 1131.

⁷² *Ibid.*, p. 1144.

⁷³ Nicole Lewis, Aviva Shen and Anna Flagg, “What Do We Really Know About the Politics of People Behind Bars?” *The Marshall Project*, <https://www.themarshallproject.org/2020/03/11/what-do-we-really-know-about-the-politics-of-people-behind-bars>

⁷⁴ Ariel R. White, “Political Participation Amid Mass Incarceration,” *Annual Review of Political Science*, 2022. Vol. 25: 111-130, 114. <https://doi.org/10.1146/annurev-polisci-051120-014809>.

⁷⁵ *Ibid.*, 114-115.

⁷⁶ *Ibid.*, 115-117.

⁷⁷ *Ibid.*, 120-121.

The survey conducted by PARSOL found that 87.93 percent of the participants had been registered to vote prior to their incarceration. Following their release, 93 percent indicated that they planned to vote. Of the participants, 65.52 percent of the participants said that their involvement with the in the justice system increased their desire to participate in the electoral process.⁷⁸

⁷⁸ PA Association for Rational Sexual Offense Laws (PARSOL), White Paper, “Voter Disenfranchisement High Among Reentrants with Sex-Related Offenses,” May 2024. <https://parsol.org/survey-results-voter-disenfranchisement-high-among-reentrants-with-sex-related-offenses/>

OUTREACH AND EDUCATION EFFORTS TO INCREASE KNOWLEDGE OF VOTING RIGHTS

Corrections personnel received both training and continuing education in several areas. However, civil rights, and voting rights in particular, are not emphasized in these training modules. Lack of training in these areas can be addressed in curriculum at the training academies and with continuing education providers. It is important to inform and remind incarcerated and formerly incarcerated individuals of their rights, as it is ultimately their personal responsibility to register to vote.

Notice by Courts

When a person facing criminal charges pleads guilty or nolo contendere (no contest) as part of a plea or plea agreement, Pennsylvania’s rules of criminal procedure require that the court ascertain that the defendant understands and voluntarily makes the plea decision. In cases of a plea of guilty or nolo contendere, the judge must make that determination after inquiry, which is required to appear on the record.⁷⁹ If a plea agreement is entered, the judge is required to “conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or plea of nolo contendere is based.”⁸⁰ This inquiry is commonly referred to as a “colloquy.” In October 2023, Philadelphia expanded its colloquy form to include a notification of voting rights. This notice is reproduced below.

Voting Rights

I understand that if convicted of a felony offense and sentenced to a term of confinement in a penal institution, I will not be eligible to vote during that period of confinement and that my voting rights will be restored once I am released from confinement, unless I am convicted of any violation of the Pennsylvania Election Code, which will make me ineligible to vote for a period of four years following my conviction.

I understand that I will not be eligible to register or vote if: (A) I will be confined in a penal institution for a felony and will not be released from confinement before the next election as a result of this plea; or (B) I will be in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the date of the next election as a result of this plea.⁸¹

⁷⁹ 234 Pa.Code Rule 590(a)(3).

⁸⁰ 234 Pa.Code Rule 590(b)(2).

⁸¹ First Judicial District of Pennsylvania, Philadelphia Court of Common Pleas, Notice to the Bar, Trial Division – Criminal, New Guilty/Nolo Plea Form, October 31, 2023. <https://www.courts.phila.gov/pdf/notices/2023/NTB-Trial-Division-Criminal-New-Guilty-Nolo-Plea-Form.pdf>

Reentry Programs

Reentry programs provide services to formerly incarcerated persons as they adjust to life outside of prison. There are reentry programs at both the state and local level in Pennsylvania. At the Commonwealth level, persons incarcerated in SCIs have greater opportunities and processes available for voter registration. In September 2022, Governor Tom Wolf issued an Executive Order to expand the availability of voter registration materials in state agencies beyond those mandated by the federal National Voter Registration Act of 1993 and the PA Election Code of 1937. Among other agencies, the order adds the Bureau of Community Corrections at the Department of Corrections as a designated voter registration distribution agency.⁸² The BCC operates community corrections centers for inmates who are nearing their release from state prison.⁸³ DOC, in collaboration with the Department of State, develops education materials on voting rights and the process to register upon release. Registration forms are made available and mandated signage is provided to parole offices and community corrections centers. Additionally, the agencies are developing a video to play on the inmate channel as a public service announcement from time to time.⁸⁴ These efforts do not appear to be directed at enabling current incarcerated persons to vote during their confinement, even if they are eligible to do so.

The Department of Corrections and the Parole Board are jointly charged with administering the Safe Community Reentry Program. The department and the board are authorized to contract with community organizations and other entities to provide community reentry programs and services. Contracted services may include:

Providing education, job training, English as a second language programs, work experience programs, self-respect and life skills training, and other skills needed to achieve self-sufficiency for a successful transition from incarceration.⁸⁵

The Department of Corrections and the Parole Board jointly produce “Your Parole Handbook,” which is designed to explain the parole process to incarcerated persons. The Handbook contains a short reference to additional community resources via PA 2-1-1 which is a clearinghouse of services and resources available for people in need.⁸⁶ Top resources sought include housing, utilities, food, employment and expenses, health and mental health. PA 2-1-1 lists over 100 reentry programs across the state, but few identify voter registration as a service.⁸⁷

⁸² Commonwealth of Pennsylvania, Governor’s Office, Executive Order 2022-03. September 7, 2022. <https://www.oa.pa.gov/Policies/eo/Documents/2022-03.pdf>

⁸³ PA Department of Corrections, Bureau of Community Corrections homepage. https://www.cor.pa.gov/community-reentry/BCC_Operations/Pages/default.aspx

⁸⁴ Email correspondence with the Pennsylvania Department of Corrections, August 10, 2023.

⁸⁵ 61 Pa.C.S. § 4904(a)(8).

⁸⁶ PA Department of Corrections and Pennsylvania Parole Board, “Understand the Process: Your Parole Handbook,” January 2021, p. 7.

⁸⁷ PA 211, Ex-Offender Reentry Programs, visited June 21, 2024. <https://www.pa211.org/get-help/reentry-resources/ex-offender-reentry-programs/>

There are reentry programs offering services in every county in the Commonwealth, but many do not cite voting rights or voter registration as areas of assistance. Housing and shelter, employment, healthcare, food assistance, childcare services, and substance use disorder treatments are most commonly available. In light of the assistance needed for daily survival, it is not surprising that voting is not a high priority, even though voting can have an impact on how all those needs are met. In Allegheny County, the Corrections Collective is a community-based advocacy group that works with the county's Jail Oversight Board.

The Connections Collective identifies problems and strategies for change by involving affected individuals, families, and communities, and collaborates with community organizations, corrections leadership, and elected officials. It provides education, consultation, and advocates for system change that serve the interests of society.⁸⁸

The Collections Collective produces an annual guide to a broad array of services in the county. This guide is available on the Allegheny County Controller's website.⁸⁹ In another example, The League of Women Voters of Greater Pittsburgh maintains a webpage with links and plain language descriptions of the voting rights of incarcerated and reentering citizens.⁹⁰

Since 2011, at the state level, PCCD has encouraged the creation of County Reentry Coalitions. These coalitions are composed of local stakeholders including government agencies, non-profit service providers, and people with lived expertise that meet regularly to identify the complex needs of returning citizens, assess reentry practices, identify service gaps, and develop policies, procedures, and projects to improve outcomes for returning citizens. To guide this work, County Reentry Coalitions develop reentry strategic plans. PCCD awards grants to assist in the reentry strategic planning process.⁹¹

In 2017, the Governor and Attorney General created the Pennsylvania Reentry Council (PARC) to identify new strategies to expand reentry opportunities.⁹² PARC and PCCD created minimum operating standards for county reentry coalitions.⁹³ The Attorney General's website identifies reentry coalitions in 21 counties. These include Allegheny, Berks, Butler, Carbon, Centre, Chester, Dauphin, Erie, Fayette, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Lycoming, McKean, Mifflin, Northampton, Philadelphia, Westmoreland, and York.⁹⁴ Three

⁸⁸ Allegheny County Controller, Jail Oversight Board. <https://alleghenycontroller.com/the-controller/jail-oversight-board/>

⁸⁹ Corrections Collective Resource Guide, 2024. <https://alleghenycontroller.com/wp-content/uploads/2024/03/Corrections-Collective-Resource-Guide-Revise-2.28.2024.pdf>

⁹⁰ League of Women Voters of Greater Pittsburgh, Voting Rights for Reentering and Incarcerated Citizens. https://lwvpg.org/content.aspx?page_id=22&club_id=554754&module_id=638217

⁹¹ PA Commission on Crime and Delinquency, Criminal Justice, Criminal Justice Programs, Preparing People to Return Home. https://www.pccd.pa.gov/criminaljustice/advisory_boards/Pages/PCCD-Preparing-People-to-Return-Home.aspx

⁹² PA Attorney General, Office of Public Engagement, Pennsylvania Reentry Council.

<https://www.attorneygeneral.gov/office-of-public-engagement/pennsylvania-reentry-council/>

⁹³ PA Attorney General. <https://www.attorneygeneral.gov/wp-content/uploads/2021/10/PCCD-Reentry-Coalition-Minimum-Operating-Standards.pdf>

⁹⁴ PA Attorney General, County Coalitions. Visited June 21, 2024.

<https://www.attorneygeneral.gov/reentry-council/county-coalitions/>

additional counties have been identified as having coalitions and they are Bucks,⁹⁵ Delaware,⁹⁶ and Pike.⁹⁷ While the minimum operating standards do not specify which services should be included in the offerings of each coalition member, some county coalitions provide at least minimal reference to voting rights. The Bucks County Reentry Coalition, for example, provides a short section on voting rights with links to the Department of State information.⁹⁸

The Connecticut Experiment

In October 2012, a group of researchers prompted the Connecticut Secretary of State to send letters to newly released felons reminding them that they were eligible to register to vote. The letters did not mention the individual's incarceration history but stated that the Secretary believed that the person was eligible. The study found that both persons who were registered prior to incarceration and persons who were never registered were more likely to register after receiving a single letter reminding them of their right to vote, although the increase was greater among persons who have been registered to vote prior to their incarceration.⁹⁹

Proposed Legislation in Pennsylvania

One of the areas that receives a lot of attention in reentry programs is assisting people in acquiring legal identification, including driver's licenses. House Bill 1601 would add a Chapter to Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes. New chapter 49A would require the Department of Corrections, in collaboration with the Department of Health and the Department of Transportation, to establish the Identification Upon Reentry Program. The program would require the DOC in conjunction with DHS and PennDOT to assist persons prior to their release from a state correctional institution in obtaining a birth certificate, Social Security card, photo identification card, or driver's license. HB1601 passed the House (102-99) on March 27, 2024, and was referred to the Senate Judiciary Committee on April 5, 2024. Several bills have also been introduced to assist in other areas of reentry, such as avoiding homelessness and applying for government benefits, including medical assistance.

⁹⁵ Bucks County Reentry Coalition, visited June 21, 2024. <https://bucksreentry.com/>

⁹⁶ Kathleen E. Carey, "Delaware County launches Reentry Coalition to better help those returning to the community," *Delco Times*, May 23, 2023. <https://www.delcotimes.com/2023/05/20/delaware-county-launches-reentry-coalition-to-better-help-those-returning-to-the-community/>

⁹⁷ Pike County PA, Reentry Coalition, visited June 21, 2024.

https://www.pikepa.org/living__working/reentry_coalition/index.php

⁹⁸ The Bucks County Reentry Coalition, "A Guide to Successful Reentry in Bucks," March 3, 2023, p. 14. https://bucksreentry.com/wp-content/uploads/2023/03/Bucks-County-Reentry-Resource-Guide_Complete_Revised-3.03.23.pdf

⁹⁹ Alan S. Gerber, Gregory A. Huber, Marc Meredith, Daniel R. Biggers, and David J. Hendry, "Can Incarcerated Felons be (Re)integrated into the Political System? Results from a Field Experiment," *American Journal of Political Science*. 59, (4), pp. 912-926.2015. DOI: 10.1111/ajps.12166.

RELATED ISSUES

Proposals in other states would increase voting by incarcerated and formerly incarcerated persons by removing legal restrictions, streamlining registration, and providing for voting in jail. Any of these proposals could be considered as an appropriate means to encourage greater participation by persons who are or have been involved with the criminal justice system.

Repeal Criminal Disenfranchisement Laws

House Bill 1757, Printer's No. 2136 was introduced and referred to the House State Government Committee on October 16, 2023. This bill would repeal the felony disenfranchisement law in its entirety. Currently only the states of Maine and Vermont, and the District of Columbia, impose no disenfranchisement on any criminal conviction.¹⁰⁰

Automatic Voter Registration

Under the National Voting Rights Act, enacted in 1993, states are required to offer the opportunity to register to vote when applying for or renewing their driver license (motor voter), and at other designated government entities when applying for federally funded benefits. According to the National Conference of State Legislatures, 23 other states and the District of Columbia have expanded on this concept to create various forms of automatic registration. Basically, there are two methods: front-end opt out and back-end opt out. In front-end opt out, every customer is offered the option of registering to vote, and the person can register or decline to register at that time. In back-end opt out, the person is automatically registered at the point of service and then receives notification of the registration via a post-transaction mailer. If the person does not actively respond to the mailer to decline registration, they are registered to vote.¹⁰¹ Prior to 2023, persons registering to vote while obtaining or renewing their driver license had the option to decide if they wanted to be automatically registered. In the fall of 2023, Governor Shapiro announced a change in policy that cause voters to be automatically registered, with the option of requesting to not be registered.¹⁰²

¹⁰⁰ See Chart on page 9, *infra*.

¹⁰¹ National Conference of State Legislatures, "Summary: Automatic Voter Registration," updated February 12, 2024. <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration>

¹⁰² Commonwealth of Pennsylvania, Governor's Office Newsroom, "Governor Shapiro Implements Automatic Voter Registration in Pennsylvania, Joining Bipartisan Group of States That Have Taken Commonsense Step to Make Voter Registration More Streamlined and Secure," September 19, 2023. <https://www.pa.gov/en/governor/newsroom/press-releases/governor-shapiro-implements-automatic-voter-registration-in-penn.html>

Automatic registration could be used to register formerly incarcerated persons upon their release from confinement. Recent legislation enacted in Michigan and scheduled to take effect on June 30, 2025, requires the Secretary of State and Michigan Department of Corrections to coordinate to ensure eligible individuals are registered to vote when released from incarceration.¹⁰³

Jail Voting Initiatives

House Bill 1756, Printer's No. 2135, was introduced and referred to the House State Government Committee on October 16, 2023. The bill specifically includes incarcerated persons as eligible absentee voters. This bill does not change the felony disenfranchisement provisions of existing law. The bill would require the Departments of State and Corrections to establish uniform policies for civic education in State and county correctional institutions. Further, at least one individual (not an inmate) must be designated to help inmates vote, including providing access to election resources and ballots and ensuring the registration forms and absentee ballots.

Colorado became the first state to authorize in-person voting in its county jails. Under the new law, effective upon signed on May 31, 2024, counties must provide up to six hours of in-person voting prior to Election Day. Policies and procedures are outlined, as well as education and training requirements.¹⁰⁴

¹⁰³ Michigan Public Act 268 (2023). State of Michigan, Executive Office of the Governor, "Governor Whitmer Signs Historic Election Bills Package to Ensure Every Vote Can be Cast and Counted," November 30, 2023. <https://www.michigan.gov/whitmer/news/press-releases/2023/11/30/whitmer-signs-election-bills-to-ensure-every-vote-can-be-cast-and-counted#:~:text=House%20Bill%204983requires%20the%20Secretary%20of%20State%20to,an%20instruction%20on%20how%20to%20decline%20that%20registration>

¹⁰⁴ Colorado SB24-072 (2024), effective upon signature on May 31, 2024. Seth Klamann, "Colorado enacts first-in-nation law making in-person voting available inside all jails," *The Denver Post*, June 4, 2024. <https://www.denverpost.com/2024/06/04/colorado-jails-oversight-jared-polis/>

RECOMMENDATIONS AND PROPOSED LEGISLATION

1. Codify the felony disenfranchisement judicial opinion.

To begin to help clarify confusion over the state of Pennsylvania's disenfranchisement law, it is imperative that the statutory law reflects the current status of the law. A person trying to find Pennsylvania's law on the subject currently needs to read the statute in conjunction with the *Mixon case*, which found the five-year post-incarceration disenfranchisement for felony convictions unconstitutional. This state of the law can only create confusion. Pennsylvania's voter registration provisions for formerly incarcerated individuals should be updated to reflect these judicially mandated standards. This proposal addresses formerly incarcerated persons who apply to register to vote for the first time following their release. It does not address individuals who were registered to vote prior to their incarceration, who have had their voting rights suspended during the duration of the incarceration.

Amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in changes in records, further providing for qualification of convicted felons to register to vote.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1301(a), 1325(b)(4) and 1327(a)(4) of Title 25 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1301. Qualifications to register.

(a) Eligibility.--An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and who has resided in this Commonwealth and the election district where the individual offers to vote for at least 30 days prior to the next ensuing election [and has not been confined in a penal institution for a conviction of a felony within the last five years] shall be eligible to register as provided in this chapter. An individual who has been convicted of a felony shall not be eligible to register to vote if the individual is:

(1) Currently confined in a penal institution for conviction of a felony if you will not be released from confinement before the next election; or

(2) Currently residing in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the date of the next election.

* * *

§ 1325. Government agencies.

(b) Forms.--An agency designated in subsection (a) shall provide a form for office visits or, if the agency provides services to persons with disabilities, for home visits which contains all of the following:

(4) The statement "In order to be qualified to register to vote, you must be at least 18 years of age on the day of the next election, you must have been a citizen of the United States for at least one month prior to the next election and have resided in Pennsylvania and the election district where you plan to vote for at least 30 days prior to the next election [and you must not have been confined in a penal institution for a conviction of a felony within the last five years]. You are not qualified to vote if you are currently confined in a penal institution for conviction of a felony and you will not be released from confinement before the next election or you are in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

* * *

§ 1327. Preparation and distribution of applications.

(a) Form.--

* * *

(4) A voter registration application shall be printed on stock of good quality and shall be of suitable uniform size. Nothing in this part shall prohibit the design and use of an electronic voter registration application which includes the applicant's digitized or electronic signature. The registration application shall contain the following information; however, the information may be provided on a separate form for voter registration made under section 1323 or 1325:

* * *

(iii) Notice that the applicant must be a citizen of the United States for at least one month prior to the next election and a resident of this Commonwealth and the election district for at least 30 days and must be at least 18 years of age by the day of the next ensuing election [and has not been confined in a penal institution for a conviction of a felony within the last five years].

(iv) Notice that the applicant is not qualified to vote because the applicant is currently confined in a penal institution for conviction of a felony and will not be released from confinement before the next election or is in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

The notice required in this subparagraph shall be in print identical to the declaration under subsection (b).

(b) Registration declaration.--

(1) The official voter registration application shall contain a registration declaration. On the declaration, the applicant shall state all of the following:

(iv) The applicant [has not been confined in a penal institution for a conviction of a felony within the last five years] is not qualified to vote because the applicant is currently confined in a penal institution for conviction of a felony and will not be released from confinement before the next election or is in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

2. Improve access to voting materials for inmates in county and local jails.

A lack of knowledge regarding voting rights can be a substantial barrier for incarcerated persons. One point that needs to be stressed and shared among county and local jails is that, with rare exceptions, every inmate in those jails is entitled to register to vote and should be granted the opportunity to register and vote via absentee or mail-in ballot. At a minimum, the Department of State, through the county boards of election, should provide signage and make applications to register to vote and/or for absentee ballots available to the jails for their inmates, similar to the existing requirements for community corrections centers. Access to the jails for non-profit organizations sponsoring voter registration drives to assist inmates should also be considered.

3. Require non-governmental organizations providing reentry services to include voting rights education.

This can be achieved by amending 61 Pa.C.S. § 4904(a)(8) to read:

Providing education, job training, English as a second language programs, work experience programs, self-respect and life skills training, and civic education, including voting rights and other skills needed to achieve self-sufficiency for a successful transition from incarceration.

4. Add notice of voting rights to criminal court proceedings.

The Supreme Court of Pennsylvania should consider amending the rules of court for all state courts to include notice of voting rights in the guilty and nolo contendere colloquies in a manner similar to the Philadelphia rules.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 47 Session of
2023

INTRODUCED BY KAZEEM, SANCHEZ, PROBST, HOHENSTEIN, HILL-EVANS,
YOUNG, BURGOS, PARKER, DELLOSO, WAXMAN, KINSEY, MADDEN,
CEPEDA-FREYTIZ, WARREN, KRAJEWSKI, CONKLIN, HOWARD, BELLMON,
KHAN AND FLEMING, MARCH 27, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 27, 2023

A RESOLUTION

1 Directing the Joint State Government Commission to conduct a
2 study on voting patterns and knowledge about voting rights
3 among formerly incarcerated qualified electors in
4 Pennsylvania and submit a report of its findings and
5 recommendations to the House of Representatives.

6 WHEREAS, The Department of Corrections operates facilities
7 where more than 36,000 incarcerated Pennsylvanians reside; and

8 WHEREAS, State law provides that individuals with a felony
9 conviction may exercise their right to vote upon release from a
10 correctional facility; and

11 WHEREAS, This Commonwealth is one of 21 states where former
12 felons regain the right to vote upon release; and

13 WHEREAS, Confusion over the laws of different states and
14 changes in Commonwealth law in recent decades may lead some
15 formerly incarcerated Pennsylvanians to believe they have
16 permanently lost the right to vote; and

17 WHEREAS, Some states disenfranchise individuals convicted of
18 misdemeanors, causing uncertainty among Pennsylvanians who are

1 not informed about the Commonwealth's voting laws; and

2 WHEREAS, A 2005 report published by The Sentencing Project
3 found that 37% of local officials surveyed in several states
4 were unfamiliar with their state's voting eligibility law or
5 unable to describe it correctly; and

6 WHEREAS, A lack of recent information about the voting
7 patterns of qualified voters who were formerly incarcerated in
8 this Commonwealth clouds the ability of the General Assembly to
9 act to ensure that all qualified electors are aware of their
10 right to vote and able to exercise it; and

11 WHEREAS, Ensuring that formerly incarcerated Pennsylvanians
12 are aware of and able to exercise the right to vote may increase
13 community and civic engagement; and

14 WHEREAS, Collecting data about the voting habits and
15 awareness of formerly incarcerated Pennsylvanians will help
16 policymakers identify problems, address existing knowledge gaps
17 and increase voter engagement; therefore be it

18 RESOLVED, That the House of Representatives direct the Joint
19 State Government Commission to conduct a study on voting
20 patterns and knowledge about voting rights among formerly
21 incarcerated qualified electors in Pennsylvania and submit a
22 report of its findings and recommendations to the House of
23 Representatives; and be it further

24 RESOLVED, That the study conducted by the Joint State
25 Government Commission include, but not be limited to, the
26 following:

27 (1) Rates of voter participation among qualified
28 electors who were formerly incarcerated.

29 (2) The number of qualified electors who were formerly
30 incarcerated.

1 (3) The relationship between length of incarceration and
2 rates of voter participation.

3 (4) Self-reported information about future voting
4 intentions from qualified electors who were formerly
5 incarcerated.

6 (5) Information relating to the knowledge of corrections
7 employees about the relevant laws permitting formerly
8 incarcerated Pennsylvanians to vote.

9 (6) Self-reported experiences with incorrect information
10 about felony or misdemeanor disenfranchisement during a
11 period of incarceration.

12 (7) Barriers that formerly incarcerated qualified
13 electors face when attempting to exercise the right to vote.

14 (8) Recommendations to improve the civic knowledge of
15 qualified electors who were formerly incarcerated and
16 corrections employees;

17 and be it further

18 RESOLVED, That the Joint State Government Commission accept
19 and review oral or written comments, documents and other
20 information from individuals seeking to provide input regarding
21 this study; and be it further

22 RESOLVED, That the Joint State Government Commission issue a
23 report of its findings and recommendations to the House of
24 Representatives no later than one year after the adoption of
25 this resolution.