



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Released: July 12, 2024

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

A Staff Study

To ensure that formerly incarcerated Pennsylvanians 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 a report on the voting patterns and knowledge about voting rights among formerly incarcerated qualified electors in Pennsylvania.

The report examines when and how persons involved in the criminal justice system lose their right to vote and how those rights can be restored. In general, only a felony conviction can cause you to lose your voting rights in Pennsylvania, and the disenfranchisement is automatically revoked upon completion of your sentence of incarceration.

Using data supplied by the Pennsylvania Department of State and the Department of Corrections, the report examines the number of qualified voters who were formerly incarcerated, their rates of voter participation, and the relationship between length of incarceration and rate of voter participation.

Studies and self-reported information regarding voting behavior among formerly incarcerated persons, including demographic distinctions affecting attitudes such as age, gender, sex, and race were also examined.

Knowledge and training of corrections personnel on voting rights were examined, and misinformation regarding voting rights among incarcerated individuals and corrections officers was also reviewed. Ways to improve civic knowledge of both these groups were also considered.

Barriers to voting encountered by formerly incarcerated individuals were discussed, including legal, systemic, and psychosocial hurdles. Four recommendations were included:

1. Codify the felony disenfranchisement judicial opinion. A person looking at Pennsylvania's statutes would find a disenfranchisement provision that bars persons who were incarcerated for a felony from voting for five years following the end of their period of incarceration. This provision was found unconstitutional and no longer applies. But it remains in Pennsylvania law, creating confusion for those seeking a simple answer to the question of whether an individual convicted of a felony can vote.
2. Improve access to voting materials for inmates in county and local jails.
3. Require non-governmental organizations providing reentry services to include voting rights education.
4. Add notice of voting rights to criminal court proceedings.

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