

**REGAINING THE VOTE:
AN ASSESSMENT OF ACTIVITY RELATING TO
FELON DISENFRANCHISEMENT LAWS**

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OVERVIEW

Since the founding of the country, most states in the U.S. have enacted laws disenfranchising convicted felons and ex-felons. Today, forty-six states and the District of Columbia have disenfranchisement laws that deprive inmates of the right to vote. In thirty-two states, convicted offenders may not vote while they are on parole, and twenty-nine of these states disenfranchise offenders on probation. In fourteen states, ex-offenders who have fully served their sentences nonetheless can be disenfranchised for life. As a result of the dramatic increases in the number of people under the control and supervision of the criminal justice system in recent years, these laws now affect a substantial number of potential voters.

In a 1998 report, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*,¹ Human Rights Watch and The Sentencing Project documented the impact of felon disenfranchisement laws in the United States:

- An estimated 3.9 million Americans, or one in fifty adults, have currently or permanently lost the ability to vote because of a felony convictions.
- 1.4 millions persons disenfranchised for a felony conviction are ex-offenders who have completed their criminal sentence. Another 1.4 million of the disenfranchised are on probation or parole.
- 1.4 million African American men, or 13 percent of the black adult male population, are disenfranchised, reflecting a rate of disenfranchisement that is seven times the national average. More than one-third (36 percent) of the total disenfranchised population are black men.

HIGHLIGHTS

There has been a great deal of activity nationally over the past year on the issue of felony disenfranchisement. This report provides an update on the legal, legislative, and community initiatives undertaken to restore or preserve felons' and ex-felons' voting rights, as well as those initiatives that seek to limit or ban voting rights. It also examines the often confusing and cumbersome restoration procedures in a number of states. The following are some of the highlights found in the report:

¹ Jamie Fellner and Marc Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, Human Rights Watch and The Sentencing Project, October 1998.

State Legislative Activity

- ***Enhanced Voting Rights Activity in Six States***
 - In Alabama, Florida, Pennsylvania, and Nevada, members of the legislature are considering the automatic restoration of ex-felons' voting rights.
 - The Delaware legislature is considering the restoration of voting rights for certain ex-felons after a five-year post-release period.
 - In Virginia, the state legislature appointed a subcommittee to examine issues of disenfranchisement of convicted felonies.
 - In Nevada, initiatives are being undertaken to ensure that information is provided to ex-felons with respect to the restoration of their voting rights.
- ***Measures to Restrict Voting Rights in Three States***
 - Over 80 percent of the Utah electorate voted in favor of disenfranchising inmates in November 1998.
 - In Massachusetts, the state legislature is considering a constitutional amendment that would strip inmates of their voting rights.
 - Until recently the Louisiana Constitution stipulated that “a first offender never previously convicted of a felony” was to be automatically pardoned upon the completion of his or her sentence. In October 1999, the electorate voted in favor of a constitutional amendment effectively limiting this provision to certain felony offenses.

Federal Legislative Activity

- In Congress, the Subcommittee on the Constitution of the House Judiciary Committee held a hearing in October 1999 to consider restoring federal voting rights to ex-felons. Members of the Subcommittee generally supported the policy of permitting ex-felons to vote, but raised questions regarding the constitutionality of proposed legislation.

Litigation

- In New Hampshire, inmates' voting rights have recently been restored after a state constitutional challenge.
- In Washington, a legal challenge has been brought to the *Washington State Constitution* on the grounds that the statute's provision which disenfranchises persons convicted of felony offenses violates the *Voting Rights Act*.

Restoration Process Often Erratic or Cumbersome

- In Alabama, persons convicted of felony offenses are required to provide DNA samples as a condition of obtaining a pardon.
- Under Nevada law, ex-felons are required to wait five years before their voting rights can be restored. However, the letter sent to ex-felons describing this process indicates a period of ten years.
- Under Virginia statute, ex-felons convicted of both violent and non-violent offenses can apply for the restoration of their voting rights five years after the completion of their sentence. For drug offenses, though, the waiting period is seven years.
- An ex-felon who relocates to Virginia can register to vote immediately upon moving to Virginia. But ex-felons convicted in one of the four states that permit inmates to vote can only apply for restoration of voting rights after the five or seven year waiting period.

International Developments

- In the Republic of South Africa, inmates now have the right to vote as a result of a decision by the Constitutional Court.

STATE ACTIVITIES

ALABAMA

Under Section 17-3-10 of the *Code of Alabama 1975* any person convicted of offenses cited under Article VIII of the *Constitution of Alabama-1901* is ineligible to vote, whether the conviction is handed down in a state or federal court. The restoration of the right to vote can be obtained only upon pardon.

House Representative Yvonne Kennedy introduced Bill 156 in February 1999, which was defeated in March. Bill 156 sought to require the court of conviction or the state Board of Pardons and Parole to restore a person's citizenship and the right to vote upon satisfactory completion of any sentence, including restitution or other conditions, if any, imposed by the court or the state Board of Pardons and Paroles. On September 1, 1999, Representative Kennedy pre-filed Bill 17, which is identical to Bill 156. Bill 17 should be considered by House Representatives early in the new year.

Section 36-18-24 of the *Code of Alabama 1975* authorizes the Director of the Alabama Department of Forensic Sciences (Director) to create and establish a DNA database for the purpose of assisting federal, state, county, municipal, or local criminal justice and law enforcement officers in the identification, detection, or exclusion of persons who are the subjects of criminal investigations or prosecutions. Pursuant to Section 36-18-25, any person convicted of a criminal offense set out under Section 36-18-24 who has become eligible for pardon or parole can be required to provide the Director with a DNA sample as a condition of the pardon or parole. In the state of Alabama there are 67 counties of which only four are set up to administer DNA testing (Jefferson, Mobile, Madison, and Montgomery).

The Alabama Democratic Conference (Black Political Caucus of Alabama) is working on two legal challenges to Section 36 of the *Code of Alabama 1975*. The first challenge, expected by the end of December 1999, will be brought under Section 5 of the *Voting Rights Act of 1965*. Pursuant to Section 5, a state that seeks to enact or administer any voting qualification or prerequisite to voting is under a statutory obligation to either (1) institute an action in the United States District Court for a declaratory judgment that such qualification or prerequisite does not have the purpose and will not have the effect of denying the right to vote on account of race or color; or (2) submit the proposed voting qualification or prerequisite to the Attorney General for review. The Alabama Democratic Conference contends that the state of Alabama has failed to comply with Section 5, as it has neither submitted Section 36-18 to the Attorney General for review nor instituted an action for declaratory judgment. The second challenge will be brought under the *Constitution of Alabama-1901*, which requires the state to ensure uniformity in voting accessibility. The Alabama Democratic Conference's lawsuit will contend that because there are only four locations in the state of Alabama for DNA testing, the state is in violation of the voting uniformity requirement.

A community outreach initiative is presently under consideration by the Southern Poverty Law Project. The initiative would focus on reaching as many ex-felons as possible to inform them of the steps required to restore their right to vote.

DELAWARE

Delaware is one of fourteen states where ex-offenders who have completed their sentences can lose the right to vote for life, unless their civil rights are restored. In 1998, Bill 219 was passed by the House of Representatives amending the state constitution to allow certain categories of former felons to vote once they have fulfilled all aspects of their sentences and remain crime-free for a period of five years. All persons convicted of a felony offense on the following grounds will *not* be considered for the restoration of voting rights under this bill:

- (1) any felony murder or manslaughter;
- (2) any felony constituting a sexual offense; or
- (3) any felony constituting an offense against public administration involving bribery or improper influence or abuse of office.

In order for the constitutional amendment to take effect, it must be passed by the Senate before the end of its next session (June 30, 2000).

The Coalition for the Restoration of Ex-Felon Voting Rights has and continues to support Bill 219. The Delaware Center for Justice, a member of the Coalition, has been working closely with the Brennan Center at NYU Law School and has decided to await the outcome of the legislative process in the next session before bringing a legal challenge.

FLORIDA

Presently the *Constitution of the State of Florida* specifically bars any person convicted of a felony from being qualified to vote until that person's civil rights, including voting rights, have been restored by way of executive clemency. This executive power is granted to the Governor by the *Constitution of the State of Florida*, under which the additional consent of at least three members of the cabinet must be obtained.

The review process for the majority of felons convicted in Florida state courts is designed to be automatic, and should not require ex-felons to file any application or request. Upon final release of a felon from prison or state supervision, the Department of Corrections is required to submit each individual's name to the Florida Parole Commission. The Commission determines, based on specific criteria, whether a felon is eligible. If the Commission determines that the felon is eligible, and no member of the Board of Executive Clemency objects to the restoration of civil rights, the Clemency Coordinator is

supposed to issue a certificate restoring the felon's civil rights without a hearing. The restoration process is not open to persons convicted of a capital or life felony, or to persons convicted of more than two felonies. Individuals convicted of felonies in other state or federal courts are required to submit an application to the Clemency Board in order to have their civil rights restored.

On March 2, 1999, Senator Hargrett introduced Bill 210 and Joint Resolution 208 in the Florida Senate. The intent behind Joint Resolution 208 was to remove the constitutional bar in Article VI, Section 4 of the *Constitution of the State of Florida* disqualifying a convicted felon from being eligible to register to vote or hold office until his or her civil rights have been restored. It would have replaced it with a requirement that the person's right to vote be restored as provided by law.

The joint resolution was to be implemented through Senate Bill 210, which would have amended a provision of *Florida Statutes* addressing qualifications to register to vote. Bill 210 did maintain portions of the current law disqualifying convicted felons from being eligible to register or vote while incarcerated or otherwise under state supervision. However, the bill also sought to modify the process by which a convicted felon's right to vote is restored. It provided that the right to vote should be automatically restored one year after the date of completion of a felony sentence and satisfaction of all non-monetary components of the sentence imposed, unless a majority of the members of the Board of Executive Clemency object. If there is an objection, the right to register or vote could only be restored by petitioning the Board.

Joint Resolution 208 and Bill 210 were referred to the Ethics and Elections Committee, which made two amendments to each bill. Bill 210 was then forwarded to the Committee on Criminal Justice on March 5 and died in the committee on April 30. Joint Resolution 208 was also forwarded to the Committee on Rules and Calendar on March 5th and died in the committee on April 30. Bill 210 has been re-drafted and Senator Hargrett plans to introduce the revised bill in the Florida State Senate during the current session.

LOUISIANA

Under Section 5 (E) (1) of the *Louisiana Constitution of 1974*, "a first offender never previously convicted of a felony" is automatically pardoned upon completion of his or her sentence, without the need for a recommendation by the Board of Pardons and without action by the Governor. In March 1999, State Senator Malone introduced Bill 217, proposing a constitutional amendment to Section 5 (E) (1) effectively limiting automatic pardons to first offenders convicted of "a non-violent crime or convicted of aggravated battery, second degree battery, aggravated assault, mingling harmful substances, aggravated criminal damages to property, purse snatching, extortion, or illegal use of weapons or dangerous instrumentalities". Bill 217 was passed on June 15, 1999 by a vote of 94 to 3 in the House of Representatives and on June 17, 1999 by a vote of 32 to 4 in the Senate. On October 23, 1999, the electorate voted in favor of the constitutional

amendment. The Department of Justice's Civil Rights Division is examining whether the constitutional amendment violates Section 5 of the *Voting Rights Act*.

MASSACHUSETTS

Massachusetts is one of only four states which allows inmates to vote. In 1997, then acting Governor Paul Cellucci began a crusade to disenfranchise inmates when he became aware that inmates had organized into a political action committee (PAC). Cellucci introduced a constitutional amendment disenfranchising inmates, and signed an executive order directing prison officials to punish inmates participating in the PAC.

In July 1998, a majority of the House of Representatives and the Senate approved, in a joint session, a constitutional amendment, that if enacted, will strip inmates of their voting rights. The amendment is expected to be brought before both the Senate and the House of Representatives for a second vote between January and July 2000. Several community organizations, including the Criminal Justice Policy Coalition and the League of Women Voters, are actively involved in opposing the constitutional amendment.

NEVADA

On February 9, 1999, Assemblyman Wendell Williams, along with 15 other members, introduced Assembly Joint Resolution - No. 6 (AJR 6), which proposed to amend the *Constitution of the State of Nevada* to automatically restore the right to vote to ex-felons who have paid all court-ordered restitution, and have completed their parole or probation terms. On May 18, 1999, the Nevada Assembly approved AJR 6 by a vote of 27 to 14. The resolution was sent to the Senate on May 19. The Senate completed its first reading and referred AJR 6 to the Senate Committee on Judiciary. Before any new amendments can go into effect, AJR 6 must be approved by the Senate in the course of the current session. Following such approval, both houses would have to approve AJR 6 again in 2001, and finally, a referendum would be held in 2002.

Under the current statute, probationers can apply for restoration of their voting rights six months following the discharge of their probation. With respect to parolees, the parole board has the discretion to restore parolees' civil rights upon discharge of their parole. If the parole board does not award restoration at that time, parolees can request restoration five years after their discharge. Felons who complete their full sentence in prison can also apply for the restoration of their civil rights after five years.

During the Senate Committee on Judiciary hearings regarding AJR 6, Assemblyman Williams informed the Committee that, although the current statute provides for five years before voting rights can be reinstated, the letter sent to ex-felons indicates a period of ten years. Carlos Concha, Chief of the Division of Parole and Probation, addressed this discrepancy by stating that, following a request by the Chairman of the Assembly

Committee on Constitutional Amendments, he provided a directive to all his staff advising them to provide each parolee or probationer, upon discharge, with a document outlining who they have to call, what they need to do, and the specific applicable statutes regarding the restoration of civil rights upon discharge. The African-American Political Caucus is presently working with the Governor to draft and issue an executive order ensuring that the Division of Parole and Probation adhere to the statute and inform ex-felons of their ability to restore their civil rights.

NEW HAMPSHIRE

In October 1998, a state trial court found that two state laws which prohibited felons from voting while in prison violated the state's constitution. The state appealed the decision of the trial court judge to the New Hampshire Supreme Court. Both the state and David Fischer, the plaintiff in the case, have presented their arguments to the Supreme Court and a decision is pending.

Following the trial court's decision, members of the legislature undertook a variety of initiatives to ensure the disenfranchisement of inmates. Only one initiative thus far has been successful. A law has been passed specifying that any inmates voting must use their "old hometown" as their voting place. Some believe, including former state Supreme Court Justice Chuck Douglas, that if the Supreme Court upholds the trial court's decision, the New Hampshire Legislature will probably draft a constitutional amendment banning inmates voting rights.

OREGON

Until recently, state legislation in Oregon prohibited only state inmates from voting, and the 1,800 federal inmates housed in the new Federal Correctional Institution in Sheridan, Oregon, had the right to participate in the electoral process. However, officials were worried about the political ramifications of 1, 800 federal inmates pooling their voting power in the city of Sheridan, where there are only 1,662 registered voters. In response to this concern, Governor John Kitzhaber has signed a law which prohibits federal prisoners from voting in local elections.

PENNSYLVANIA

In Pennsylvania, inmates are denied the right to vote, and inmates who complete their prison term are subject to a five-year post-release ban on restoration of voting rights. At the legislative level, the Chairman of the Crime and Corrections Subcommittee of the House Judiciary, Rep. Birmelin, attached an amendment to Bill 1981 which would repeal the five-year post-release ban. The amendment failed by a vote of 160-40. Rep. Strittmatten led the opposition, questioning whether released felons could be entitled to

vote without having completed parole or paid court costs and restitution. Rep. Birmelin and Rep. Carn have indicated that they will propose a new amendment clarifying that released felons would have to have completed parole and paid court costs and restitution prior to being entitled to the restoration of their voting rights. In addition, Jon Yount, a state inmate, recently filed a lawsuit in state court petitioning for the restoration of voting rights for inmates.

UTAH

Until recently, the state of Utah was one of four states in which inmates had the right to vote. In January 1998, House Representative Carl Saunders (R - South Ogden) sponsored two bills initiating the disenfranchisement of inmates. The first bill, which passed 64 to 5, placed the question of whether inmates should retain the right to vote on the November 1998 general election ballot. The second bill, passing 66 to 4, provided the legislature with the power to set standards for deciding under what circumstances voting rights could be restored. In November 1998, over 80% of the Utah electorate voted in favor of disenfranchising inmates. Rep. Saunders indicated that the restoration of voting rights is automatic after inmates complete their prison term.

VIRGINIA

Currently under Virginia statute, once felons have completed their full sentence, including all periods of probation or parole, and have paid all fines and court costs, they can apply to the Governor for restoration of the right to vote five years after the completion of their sentence, or seven years after sentence completion for drug offenses. The Richmond *Times-Dispatch* has reported that felons are not informed of their right to apply for restoration of voting rights when they are released from the criminal justice system.

Felons convicted in states where there is an automatic restoration of the right to vote upon the satisfactory completion of their sentence are not subject to the five or seven year post-release ban, and are eligible to register to vote immediately upon their return to Virginia. However, felons convicted in one of the four states where felons retain the right to vote during their incarceration *are* required to go through the procedural steps established in Virginia to restore their voting rights.

On January 20, 1999, a joint resolution was introduced in the House of Delegates and the Senate to establish a joint subcommittee examining felony voting rights. On February 26, 1999, another joint resolution was introduced in the Senate broadening the scope of the study. The Joint General Assembly Subcommittee Studying Elections Law Innovations (JGASSELI) was directed to explore methods to improve voter knowledge of and participation in the electoral process. Within this mandate, the JGASSELI is required to examine issues of disenfranchisement of persons convicted of felonies, as

well as effective procedures to restore their civil rights. On July 1, 1999, the *Richmond Times-Dispatch* reported that the JGASSELI had agreed to devote the bulk of its study for the current year to restoring the voting rights of felons. The JGASSELI is expected to release the results of its study in December 1999. The Senate and the House of Delegates are expected to address the subcommittee's report during the next legislative session in January 2000.

In the fall of 1998, Virginia auditors found that the State Board of Elections' voter rolls listed 11,000 ineligible felons and 1,500 dead people. The number of ineligible felons represented less than one percent of the 3.6 million Virginians qualified to vote. State officials now say that the initial count may have overstated the problem. Hugh Key, Deputy Secretary of the State Board of Elections, estimates that the actual number of ineligible voters registered to vote could be as low as 1,000 statewide. Despite these low numbers, in July 1999, a Loudoun County grand jury indicted 15 people on charges of lying about their criminal records on voter registration forms.

WASHINGTON

The *Washington State Constitution* disenfranchises any person convicted of an "infamous crime," defined as any crime punishable by death or imprisonment, and has been construed to include felony conviction in this definition. The disenfranchisement of felons is automatic. A weekly report of felony convictions is produced and sent to the county auditor where the offender resided prior to his or her conviction. This process triggers the offender's disqualification.

Plaintiffs in the case of *Farrakhan, et. al. v. Locke, et. al.* claim that felony disenfranchisement in Washington violates the *Voting Rights Act (VRA)* under the premise of vote denial. The plaintiffs will be amending their complaint to include a "procedural" claim directed at attacking the present process of reinstatement of voting rights in Washington. The plaintiffs will be requesting (1) the automatic reinstatement of offenders upon the completion of their sentences using a similar weekly report as the one used to disenfranchise them; (2) the development and implementation of educational and assistance programs to inform offenders about the reinstatement process and aid them in restoring their rights; and (3) the allowance for automatic reinstatement for ex-felons who demonstrate a good faith effort in satisfying the monetary component of the sentence.

Co-counsels for the plaintiffs, Gonzaga University Legal Assistance and Dennis Cronin of Maxey Law Offices, have successfully challenged the defendants' motion to dismiss in Federal District Court. The case is presently in discovery, and is expected to go to trial in the early months of the year 2000.

FEDERAL ACTIVITIES

On March 2, 1999, Rep. Conyers (D-MI), along with 37 co-sponsors, introduced the *Civic Participation and Rehabilitation Act of 1999 (CPRA)*. The Act was referred to the House Committee on the Judiciary on the same day. On March 6, the Act was referred to the Subcommittee on the Constitution.

The *CPRA* seeks to secure the Federal voting rights of persons who have been released from incarceration even if they are prohibited from participating in state elections. The *CPRA* would authorize the Attorney General, in a civil action, to obtain a declaratory or injunctive relief to remedy a violation. The *CPRA* would also empower persons aggrieved by any violation of the Act to provide written notice of the violation to the chief election official of the State so that the violation may be remedied within a prescribed time frame.

During a Subcommittee hearing, held on October 21, 1999, Chairman Canady, Congressman Conyers and Ranking Member Watt heard testimony from six experts: Roger Clegg, Vice President and General Counsel for the Center for Equal Opportunity; Viet Dinh, Associate Professor of Law at Georgetown University Law Center; Todd Gaziano, Senior Fellow in Legal Studies at The Heritage Foundation; Marc Mauer, Assistant Director of The Sentencing Project; Gillian Metzger, Staff Attorney for the Brennan Center; and Hilary Shelton, Director of the Washington Bureau of the NAACP. The Subcommittee members were receptive to a policy that permits ex-felons to participate in elections. Their questions focused primarily on whether Congress has the constitutional authority to legislate the enfranchisement of non-incarcerated offenders for federal elections.

Professor Dinh testified that prescribing franchise qualifications, even for federal elections, is generally a power the Constitution leaves within the prerogative of the states². However, Gillian Metzger of the Brennan Center informed the members of the Subcommittee that there are at least three potential constitutional bases for Congress' authority to enfranchise non-incarcerated felons for federal elections.

Ms. Metzger indicated that the first basis for Congress' constitutional authority is found under the Elections Clause of Article I, S. 4. She stated that at present it is unclear whether Congress' supervisory power over federal elections includes the ability to establish qualifications for voters, but indicated that an argument could be made that it does.

The second basis identified by Ms. Metzger is found under the 14th Amendment, which stipulates that Congress has the authority to intervene where states have enacted laws that have a discriminatory intent and impact. She argued, based on extensive case law, that

² Article I, S. 2, cl. 1 (for U.S. Representatives), 17th Amendment, cl.1 (for U.S. Senators), and Article II, S. 1, cl. 2 (for the President).

"Congress's power to enfranchise criminal offenders does not depend on whether all disenfranchisement laws are discriminatorily motivated and is not undermined by the fact that some disenfranchisement laws originally enacted with discriminatory intent have since been reenacted for nondiscriminatory purposes." She further stated that there is historical evidence, which demonstrates the utilization of felon disenfranchisement laws to deny voting rights to people of color and that these laws have a discriminatory impact.

Ms. Metzger is of the opinion that under the 14th Amendment, Congress also has the authority to enforce the Amendment's prohibition against arbitrary and irrational state classification. Ms. Metzger stated that CPRA's findings support a congressional determination that criminal disenfranchisement laws operate in an arbitrary and irrational fashion³.

The third constitutional basis for Congress' constitutional authority for the CPRA identified by Ms. Metzger is found under Section 2 of the 15th Amendment, which empowers Congress "to enact measures intended to protect against racial discrimination in voting." She informed the Subcommittee members that based on the history of the use of criminal disenfranchisement laws as a means to deny African-Americans the right to vote, as well as the discriminatory impact of these laws, "Congress has the authority under its 15th Amendment enforcement powers to enfranchise non-incarcerated offenders in federal elections".

Professor Dinh stated that under prevailing constitutional interpretations, Congress' power to set the time, place, and manner of congressional elections, to preserve the integrity of national institutions, or to protect the privileges and immunities of national citizenship do not extend to prescribing voter qualification.

With respect to the 14th Amendment, Professor Dinh indicated that a court is unlikely to find that Congress' current discriminatory findings provide adequate support for the CPRA to enable Congress to exercise the power to enfranchise ex-felons on the basis that it is enforcing the 14th Amendment. According to Professor Dinh, currently the use of the CPRA to enforce the 14th Amendment is only supported by findings that "State disenfranchisement laws disproportionately impact on ethnic minorities", without reference to the required discriminatory intent. He stated that a facially neutral law that has a racially disparate impact does not constitute a violation of the Equal Protection Clause under current Supreme Court precedent.

Professor Dinh concluded that in order for Congress to alleviate the constitutional infirmity of CPRA, it would need to establish that racially discriminatory intent was the substantial factor behind the states' felony disenfranchisement laws. This could be

³ CPRA's findings include, "(A) there is no uniform standard for voting in Federal elections which leads to an unfair disparity and unequal participation in Federal elections based solely on where a person lives; (B) laws governing the restoration of voting rights after a felony conviction are unequal throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently."

achieved by compiling historical literature demonstrating that some states had enacted or amended felony disenfranchisement laws with discriminatory purpose.

INTERNATIONAL -- REPUBLIC OF SOUTH AFRICA

On April 1, 1999 the Constitutional Court of South Africa, the country's highest court, ruled that inmates should be allowed to vote in the country's June 2 elections. In a unanimous judgment, Judge Sachs stated, "the vote of each and every citizen is a badge of dignity and personhood. Quite literally everybody counts." The Constitutional Court judges overturned a lower court ruling that inmates had forfeited their voting rights by committing crimes, making 146,000 South African inmates eligible to register and vote. The Constitutional Court ordered the Electoral Commission, Minister of Home Affairs, and Minister of Correctional Services to make necessary arrangements to enable inmates to register for and to vote at the June election.