



Re-enfranchising Ex-Felons Assembly Bill 55, State of Nevada, 2003

Overview

The disenfranchisement of ex-felons was thrust into the national spotlight during the debacle in Florida during the 2000 election when the state incorrectly purged thousands of voters from the rolls who had never been convicted of a felony. Since then, many groups have challenged the underlying premise—that people convicted of felonies should not be able to vote even after being released—and have pushed for the restoration of voting rights to ex-felons. The racial justice implications in Nevada are clear: while African Americans make up 7% of Nevada's population, nearly 30% of the state prison population is African American. Approximately one in four African Americans over 25 in Nevada is a former felon, and the bill affects over 40,000 ex-felons across the state.

The Policy

In 2003, the Nevada legislature passed Assembly Bill 55. Highlights of the new law include:

- For people released from parole, prison, or probation before July 1, 2003, the law automatically restores voting rights and the right to serve as a juror in a civil case. These individuals gain the right to run for public office after four years and can serve as a juror in a criminal case after six years. This applies to all former felons, regardless of the number or seriousness of the convictions.
- For people released after July 1, 2003, the bill requires the immediate restoration of these rights only for individuals who have committed a single, nonviolent felony, including a drug offense. Those who have been convicted of a violent felony or who have served for multiple convictions must petition a court for the restoration of their rights.
- The bill also allows ex-felons to hold 26 different occupations from which they were previously banned.

Impact

With over 40,000 people affected by the new policy, the re-enfranchisement of ex-felons could play a major role in the 2004 election in this hotly contested “swing” state. At least 450 individuals have come to the Progressive Leadership Alliance of Nevada (PLAN) for assistance in reclaiming their voting rights, and an unknown number have completed the process on their own. PLAN has helped to coordinate significant outreach efforts in order to maximize the usefulness of the new law. The Election Department of Clark County, the state's largest county, issued a pamphlet in April 2004 explaining the law and listing PLAN as a resource. In September 2004, the Reno Sparks Colony of Indians, a Native American organization, donated a billboard in downtown Reno for PLAN to promote the new law. The organization was flooded with calls from people who saw the billboard's message—“Now that you've done your time, it's

time to vote”—and wanted their voting rights back. The billboard was covered in a segment on *60 Minutes*.

PLAN organizers tell stories of community members who had been disenfranchised for up to 40 years being in tears as they walked out with voter registration cards in their hands. “Entire communities have been disenfranchised by the disproportionate incarceration rate of poor people and minorities,” said PLAN regional director Paul Brown, “and this law helps to put power back in the hands of those people.”¹

Key Players

Leading the campaign for the re-enfranchisement bill, the Progressive Leadership Alliance of Nevada (PLAN) is a statewide progressive coalition of over 40 member groups, including the ACLU, labor unions, LGBT groups, faith-based groups, and civil rights organizations. State Assemblywoman Chris Giunchigliani, a long-time progressive ally of PLAN, introduced the bill and played an important role in gaining the support of anticipated opponents, such as police departments and district attorneys. The NAACP has been an important partner in the implementation by outreaching to individuals who could have their rights restored. Although the bill did face opposition from members of the law enforcement community, such as the Reno District Attorney, it was countered by the support of the Clark County District Attorney and the director of the state Department of Corrections.

Winning the Policy

A policy to extend voting rights to ex-felons in Nevada was first introduced unsuccessfully in 1999, when it was written as a proposed amendment to the state constitution. In 2001, a re-enfranchisement bill was passed that had no implementation mechanism, and PLAN determined that it would have no real impact, so efforts to pass effective legislation continued. Before the 2003 legislative session, Assemblymember Giunchigliani arranged a meeting with PLAN, police departments, district attorneys, and the secretary of state. The groups developed a bill that was amenable to all parties, and this had the effect of bringing expected opponents over to PLAN’s side. The bill passed through the Democratic-controlled Assembly easily. In the Republican-controlled Senate, a pair of senators added amendments so that the bill would only apply to first-time offenders convicted of nonviolent felonies. During the session, PLAN brought people to testify before the Assembly and Senate Judiciary Committees, including ex-felons, who were predominantly people of color. In the last week of session, the bill passed by a wide margin. It had bipartisan support, and it was signed into law by a moderate Republican governor with whom PLAN had a good relationship.

Challenges

PLAN organizers acknowledge that while they were able to win a strong policy, it has its shortcomings. The July 1, 2003 cut-off date arbitrarily places restrictive requirements on recent offenders and has been frustrating as PLAN provides assistance to residents who are going through the process of restoring their voting rights. The bill also requires that ex-felons show documents proving that they received an honorable discharge if they served in the military, although no other state has this requirement. PLAN is seeking to remove these restrictions in the upcoming legislative session

¹ Quoted in “Voting rights ‘blessing’ for ex-felons,” Timothy Pratt, *Las Vegas Sun*, June 18, 2004.

Replicability

Since approximately a dozen states still ban ex-felons from voting, there are definitely opportunities for the bill to be replicated in other states. Community organizations in states that already provide for the re-enfranchisement of ex-felons can replicate the outreach efforts of PLAN by implementing a project to assist ex-felons through the bureaucratic process. Also, the Nevada bill restores the rights to serve on juries, run for office, and hold certain occupations. Organizers can replicate the extension of these rights in other states, as well.