

HAVE A PAST CRIMINAL RECORD?  
CURRENTLY INCARCERATED?

## KNOW YOUR VOTING RIGHTS IN GEORGIA

### WHAT ARE THE GENERAL QUALIFICATIONS FOR VOTING IN GEORGIA?

#### TO REGISTER TO VOTE IN GEORGIA YOU MUST:

- Be a citizen of the United States;
- Be a legal resident of the county;
- Be 18 years old by Election Day;
- Have not been found mentally incompetent by a judge; and
- Not be serving a sentence for a felony (see below).

### CAN I VOTE IF I WAS CONVICTED OF A MISDEMEANOR?



**YES, SO LONG AS YOU MEET THE GENERAL QUALIFICATIONS FOR VOTING AND ARE REGISTERED.**

#### This is **true even when:**

- You are currently incarcerated on a misdemeanor conviction;
- You are on probation for a misdemeanor; or
- You still owe fines and fees related to a misdemeanor case.

### CAN I VOTE IF I HAVE BEEN CONVICTED OF A FELONY?



**TYPICALLY, YOU CANNOT VOTE UNLESS YOU HAVE COMPLETED YOUR FELONY SENTENCE(S) (EXPLAINED BELOW).**

#### WHEN WILL I HAVE COMPLETED THE TERMS OF MY FELONY SENTENCE?

As noted in the question above, if you have completed your felony sentences(s), you can vote. This means that if you have a past felony conviction, you can vote if you have done all of the following:

- You completed all required terms of incarceration;
- You completed all required terms of probation;
- You completed all required terms of parole; and
- You paid all fines, or the unpaid fines have been cancelled (for example, when the fines were imposed "as a condition of probation," they are automatically cancelled when the person completes the term of probation).

**\*\*\*If you meet the above criteria, you have completed your felony sentence and can vote, even if you still have other outstanding monetary obligations, like unpaid restitution, fees, costs, or surcharges.**

#### I COMPLETED MY FELONY SENTENCE. DO I HAVE TO SHOW ANY PAPERS TO PROVE THAT I CAN REGISTER TO VOTE?

- No. You do not need to provide anything to prove that you are done with your sentence. Your right to vote is automatically restored once your sentence is complete. **(If an election official tells you that you need to prove that you are done with your sentence, please contact the Southern Center for Human Rights at the address, email or telephone number below.)**

## 2020: IMPORTANT ELECTION DATES

02/24/2020	Voter registration deadline for presidential primary
03/20/2020	Absentee ballot applications for the presidential primary must be received by the registrar's office in your county by this date
03/24/2020	Presidential primary election; Absentee ballots must be received before 7 P.M.
10/05/2020	Voter registration deadline for general election
10/30/2020	Absentee ballot applications for the general election must be received by the registrar's office in your county by this date
11/03/2020	General election; Absentee ballots must be received before 7 P.M.

## CAN I VOTE IF I HAVE BEEN CONVICTED OF A FELONY? (CONTINUED)

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### HOWEVER, THERE ARE EXCEPTIONS TO THIS RULE. YOU CAN VOTE IF:

- You pled nolo contendere (“no contest”), even if you are still serving a felony sentence. (O.C.G.A. § 17-7-95); or
- You were sentenced under the First Offender Act AND your sentence has not been revoked. (O.C.G.A. § 42-8-60).
- You were sentenced under the Conditional Discharge statute AND your sentence has not been revoked. (O.C.G.A. § 16-13-2).

## CAN I VOTE IF I AM INCARCERATED?

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### IT DEPENDS.



### YOU CANNOT VOTE IF:

- You are serving a sentence for a felony conviction AND do not fall under one of the exceptions above (i.e., you did not plead “no contest” OR you were not sentenced under the First Offender Act or the conditional discharge statute).

*Typically, people in state prisons cannot vote.*



### IF YOU MEET THE QUALIFICATIONS TO VOTE AND ARE REGISTERED, YOU CAN VOTE IF:

- You are being held awaiting trial (pre-trial); or
- You are serving a misdemeanor sentence.

#### How can I vote if I’m incarcerated and eligible to vote?

- If you are incarcerated at election time, you have to vote by absentee ballot. (O.C.G.A. § 21-2-385.)

#### How do I request an absentee ballot?

- You can request an absentee ballot by:
  - » Submitting a grievance, inmate request form, or the jail’s equivalent form requesting an absentee ballot application;
  - » Writing to your county board of elections; or
  - » Asking a friend or family member to send you an application, available here: [https://sos.ga.gov/admin/files/Absentee\\_Ballot\\_Application\\_2018.pdf](https://sos.ga.gov/admin/files/Absentee_Ballot_Application_2018.pdf).
- On the absentee ballot application, write down the jail’s address if you will be in jail at election time and you want your absentee ballot sent there.

#### Where and by when should I submit my absentee ballot request?

- Mail your absentee ballot request to your county registrar’s office.
- Send your application in as soon as you can and keep in mind that it can take time for your application to arrive in the mail.

## WHAT IF I HAVE OTHER QUESTIONS ABOUT VOTING?

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- General information about voting is available on the Georgia Secretary of State website, <https://sos.ga.gov/index.php/elections>.
- If someone you know is having trouble voting because of a conviction or having trouble getting a ballot or application to vote in jail, please contact **Sarah Geraghty** at (404) 688-1202 or [sgeraghty@schr.org](mailto:sgeraghty@schr.org).