

RESTORING VOTING RIGHTS TO PEOPLE WITH CRIMINAL CONVICTIONS

SUMMARY

- An estimated 5.3 million Americans are barred from voting because of a felony conviction.
- Two million of those barred from voting have completed their sentences but are still relegated to permanent second-class citizenship.
- Restoring the right to vote helps reintegrate people with criminal records into society and, by increasing voter participation, strengthens democracy.
- African-American and Latino communities are disproportionately affected by the disenfranchisement of criminal offenders.
- In some states, regaining the right to vote depends on payment of legal financial obligations, which essentially creates a modern-day poll tax.
- Americans strongly support the restoration of voting rights to people with convictions.
- The United States is the only democracy in the world that disenfranchises people who have completed their sentences.
- States are moving to restore voting rights to many citizens with felony convictions.

An estimated 5.3 million Americans are barred from voting because of a felony conviction.

Among these 5.3 million are 676,730 women and 585,355 military veterans. Approximately 4 million of those barred from voting are living in our communities, working, paying taxes, and raising families alongside the rest of us.

Two million of those barred from voting have completed their full sentences but are still relegated to permanent second-class citizenship. In 10 states, a felony conviction can result in a lifetime ban from voting. Of these, two (Kentucky and Virginia) permanently disenfranchise everyone with a felony conviction. Only Maine, Vermont, and Puerto Rico never strip voting rights from their citizens, even when they are incarcerated.

Restoring the right to vote helps reintegrate people with criminal records into society and, by increasing voter participation, strengthens democracy. Voting is integral to the fabric of our democracy – permanently disenfranchised Americans can hardly feel a part of the process. Restoration of voting rights helps people with criminal records become productive members of society and strengthens our institutions by increasing participation in the democratic process.

African-American and Latino communities are disproportionately affected by the disenfranchisement of people with criminal histories. About 1.4 million African-American men are barred from voting. Their 13% disenfranchisement rate is seven times the national average. In six states, more than one in four African-American men are permanently disenfranchised. Similarly, in several states, Latinos have disproportionately higher rates of disenfranchisement compared to their presence in the voting-age population.

In some states, regaining the right to vote depends on payment of legal financial obligations, which essentially creates a modern-day poll tax. Nine states explicitly condition the right to vote on the full payment of fines, fees, restitution, and other costs associated with conviction. These requirements act as a wealth-based qualification for voting.

Americans strongly support the restoration of voting rights to people with convictions. A 2002 Harris Interactive poll found that eighty percent of Americans favor returning voting rights to citizens who have completed sentences for felony convictions. More than sixty percent favor re-enfranchising those on parole or probation.

The United States is the only democracy in the world that disenfranchises people who have completed their sentences. In most European nations, for example, some or all prisoners are entitled to vote; in the remainder (mainly countries of the former Eastern Bloc), prisoners are barred from voting but are generally re-enfranchised upon release.

States are moving to restore voting rights to many citizens with felony convictions. Across the country, there has been significant momentum for reform of disenfranchisement policies. Since 1997, sixteen states have reformed their laws or policies to reduce barriers to voting by people with criminal records.

THE WORK OF THE BRENNAN CENTER

- **Providing legal analysis and legislative counseling.** The Brennan Center offers legal support to state coalitions and officials interested in policy change. We drafted model legislation that restores rights to people with convictions, provides notice to individuals of the loss and restoration of their voting rights, requires criminal justice agencies to provide assistance with voter registration and voting by absentee ballot, and educates affected individuals about the law.
- **Ensuring compliance.** The Center conducts surveys to document noncompliance and follows up with elections officials and other agencies to ensure that eligible voters are able to register and vote.
- **Informing the public.** Through public education and outreach, the Brennan Center informs the debate on felony disenfranchisement in national and local media. We also create easy-to-understand materials that explain who is eligible to vote.
- **Expanding eligibility through litigation.** The Brennan Center also supports litigation against felony disenfranchisement laws at the state and federal level. For example, the Center litigated *Johnson v. Bush*, challenging Florida's permanent disenfranchisement law. Recently, we submitted an amicus brief in a case in Washington state challenging the conditioning of the right to vote on the payment of fines, fees, and other court costs.

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