

## RESTORING VOTING RIGHTS FOR EX-OFFENDERS

### The U.S. stands alone in the world for its extensive restrictions on voting even after individuals complete their prison terms and return to their communities.

Of the world's 45 advanced democracies, only three others<sup>18</sup> have laws that bar citizens from voting after prison, and even then only for certain severe crimes, such as election fraud or terrorism. Having the right to vote is an essential part of a person's rehabilitation and re-integration into society. In places without this right, the restriction becomes a punishing reminder for some that their voices are irrelevant to the society into which they are reintegrating.<sup>19</sup>

Felony disenfranchisement laws were enacted in Mississippi, Alabama, and others to disenfranchise the growing number of black voters post-reconstruction (1847-1890).<sup>20</sup> More than a century later, over two-thirds of our states still have these restrictions. Of the several million citizens the laws disenfranchise, most are still disproportionately black and minority Americans.

Continuing to restrict people on parole or probation restrictions serve no social or community purpose. Voting is rehabilitative. People who vote are more likely to connect, avoid a return to prison, and engage in community affairs. Further, post-release restrictions serve only to confuse voters and election administrators and can lead to an ex-offender inadvertently committing another crime. As one example, last year the state of Texas sent a woman who voted to prison for five years because she was unaware that a past felony conviction still restricted her from voting.<sup>21</sup>

#### How It Works

- 16 states and the District of Columbia allow citizens to register and vote after leaving prison and upon re-entry.
- Many of these states include voter registration and voter education as part of re-entry and re-integration into society.
- 34 other states continue to bar voting for eligible citizens on parole, probation, or in some states for life.

#### Turnout Impact

- Restoring voting rights of ex-offenders would increase voting in two ways.
  - First, it would immediately enfranchise 3-4 million people across the U.S.<sup>22</sup>
  - Second, it would end the fear of punishment for voters with past felonies. One survey showed that 68 percent of all ex-offenders, including those with their rights restored, were confused about their right to vote.<sup>23</sup>
- In light of the voting rates of rights-restored populations being generally lower due to demographics and other factors,<sup>24</sup> percent turnout rates may marginally decrease. On the other hand, if all states shared the same standard of registering ex-offenders upon re-entry, the single standard and lack of confusion could lead to an increase.

<sup>18</sup> Chile, Armenia, and Belgium, <https://felonvoting.procon.org/view.resource.php?resourceID=000289>

<sup>19</sup> Hamilton and Vogel, The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism, Berkeley La Raza Law Journal, Vol. 22, 2012 <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1252&context=blrlj>

<sup>20</sup> Pippa Holloway, "A Chicken-Stealer Shall Lose His Vote": Disfranchisement for Larceny in the South, 1874-1890 Journal of Southern History, Vol. 75, No. 4, pp. 931-962, November 2009, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1508526](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1508526)

<sup>21</sup> Texas woman sentenced to five years in prison for illegally voting in 2016 election, CNN, March 2018 <https://www.cnn.com/2018/03/30/politics/texas-woman-voting-illegally/index.html>

<sup>22</sup> King and Erickson, "Disenfranchising the Enfranchised: Exploring the Relationship Between Felony Disenfranchisement and African American Voter Turnout," *Journal of Black Studies* 47 (8) (2016): 799–821, <http://journals.sagepub.com/doi/abs/10.1177/0021934716659195?journalCode=jbsa>

<sup>23</sup> McCahon, A Legacy of Exclusion: How Felony Disenfranchisement Affects Patterns of Civic Engagement in Ex-Felony Offenders, 2015, <https://escholarship.org/uc/item/74r4186x>

<sup>24</sup> Burch, Turnout and Party Registration among Criminal Offenders in the 2008 General Election, 2011 <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-5893.2011.00448.x>

### Benefits and Attributes

- The Florida Parole Commission found lower recidivism among those whose civil rights had been restored.<sup>25</sup> One study of urban youth also found that ex-offenders are less than half as likely to be re-arrested when they vote.
- Promotes the inherent health and social benefits of civic engagement. Voters are more likely to volunteer, contact elected officials, stay informed about local affairs, and contribute to their neighborhood's social capital.<sup>26</sup>
- Decreases the stigma that ex-offenders without the right to vote face in their communities.<sup>27</sup>
- Ends the confusion for ex-offenders on whether or not they can or can't vote.

### Recommended Practices

- A *single federal standard* that allows all voting-eligible citizens to register and vote upon re-entry and leaving prison.
  - Registration and voting information as part of re-entry.
- In Rhode Island and other re-entry states, the Department of Corrections registers voters as part of its release duties.<sup>28</sup>
- Post-release education for all ex-offenders on their voting rights. Voter education and awareness of voting rights and voter education efforts can increase this group's likelihood to vote in future elections.<sup>29</sup> Only 10 percent of ex-offender respondents self-report being educated about their voting rights by a judge, prison staff, or parole staff.<sup>30</sup>

#### Why Call People Felons?

People with a past felony conviction are routinely called felons or "ex-felons." In reality, they are foremost people or citizens. No one should carry the brand felon for their whole life. The U.S. Department of Justice, calling the term "disparaging," eliminated its official use in 2016. "The labels we affix to those who have served time can drain their sense of self-worth ..." It deters efforts to reduce recidivism, it just makes it harder to re-enter society and gain community respect and employment and amend laws that deny returning citizens the opportunity to vote.

[bit.ly/DeptofJusticeonuseoffelon](http://bit.ly/DeptofJusticeonuseoffelon)

<sup>25</sup> Status Updated: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010, Florida Parole Commission

<sup>26</sup> <https://www.nonprofitvote.org/how-it-works/why-voting/>

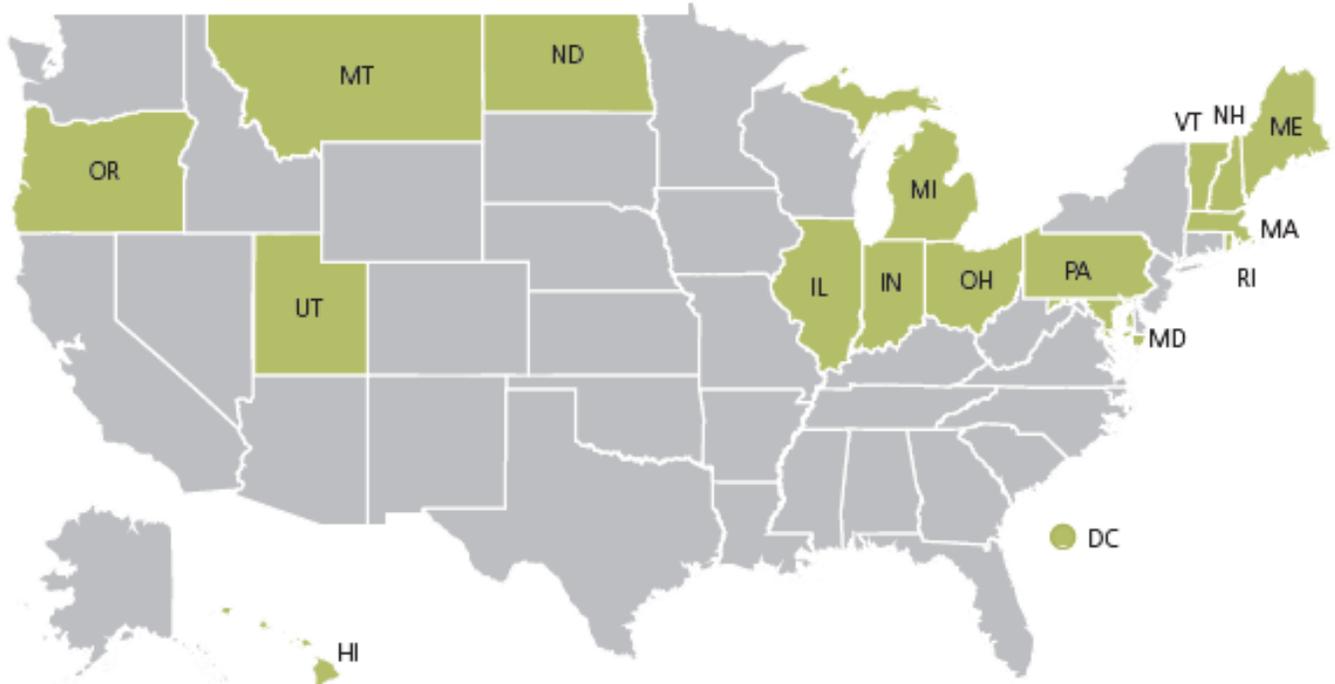
<sup>27</sup> Hamilton and Vogel, "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism," Berkeley La Raza Law Journal, Vol. 22, 2012 <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1252&context=blrj>

<sup>28</sup> <http://ccresourcecenter.org/state-restoration-profiles/rhode-island-restoration-of-rights-pardon-expungement-sealing/>

<sup>29</sup> McCahon, "Combating misinformation in the ex-felon population: The role probation and parole agencies can play to facilitate civic reintegration in the United States," Probation Journal, 2015. <https://journals.sagepub.com/doi/abs/10.1177/0264550515620690>

<sup>30</sup> Ibid

STATES RESTORING VOTING RIGHTS POST-RELEASE



Source: Nonprofit VOTE

● States Restoring Voting Rights Post-release

- Hawaii
- Illinois
- Indiana
- Maryland
- Massachusetts
- Michigan
- Montana
- New Hampshire
- North Dakota
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- District of Columbia
- Maine\*
- Utah
- Vermont\*

\* Maine and Vermont have no restrictions and allow voting rights while in prison

For full list of states that prohibit voting while on parole, probation or longer see:  
[www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/](http://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/)