

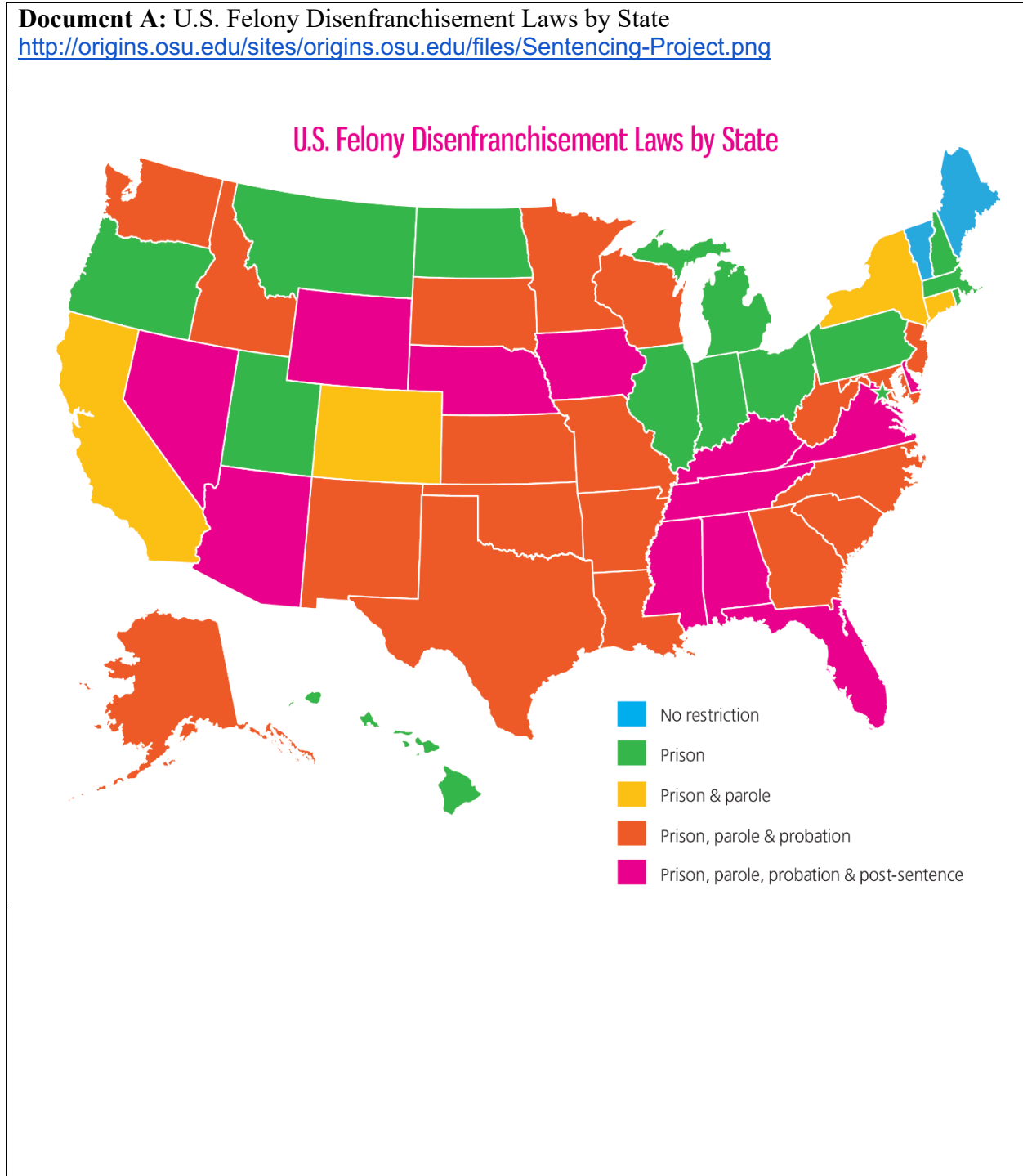


**Sources**

**Racial Patterns in Felony Disenfranchisement**

**Document A: U.S. Felony Disenfranchisement Laws by State**

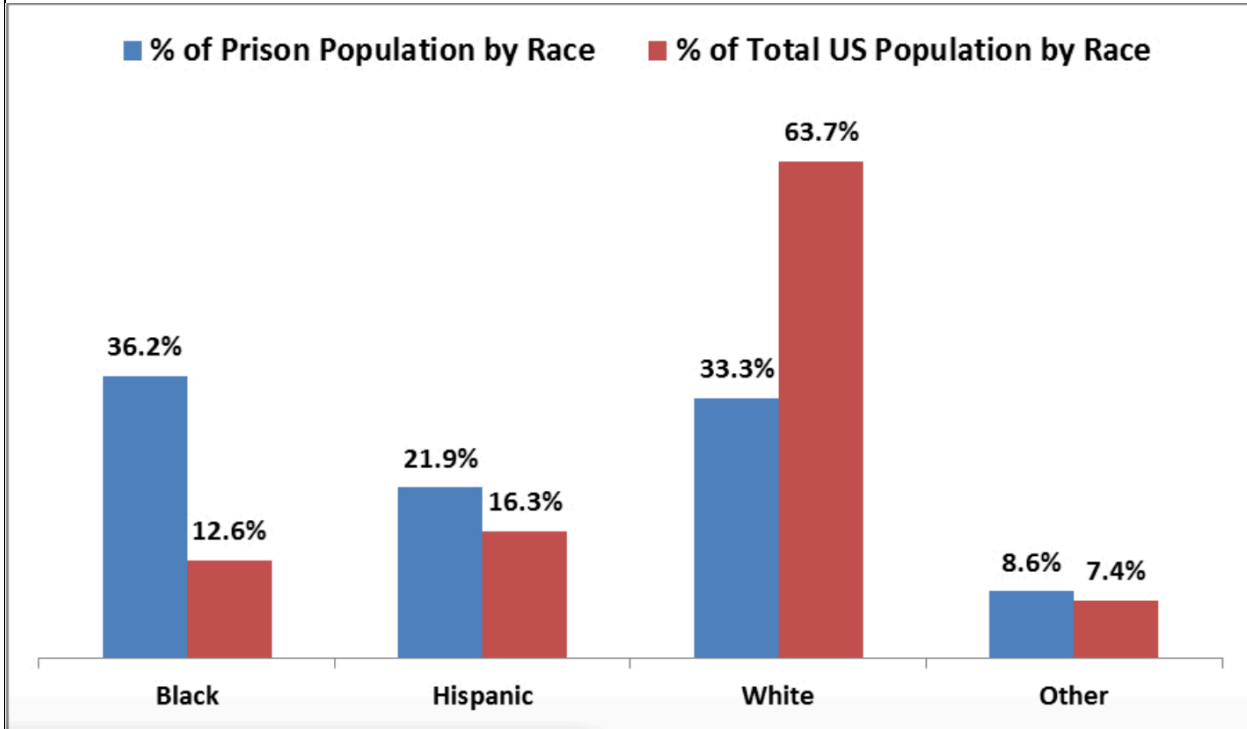
<http://origins.osu.edu/sites/origins.osu.edu/files/Sentencing-Project.png>





**Document B:** Percent of U.S. Prison Population by Race

<https://felonvoting.procon.org/questions/are-felon-disenfranchisement-laws-a-form-of-racial-discrimination/>





**Document C: Felony Disenfranchisement: A Primer**

<https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

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**Impact of Felony Disenfranchisement**

The political impact of the unprecedented disenfranchisement rate in recent years is not insignificant. One study found that disenfranchisement policies likely affected the results of seven U.S. Senate races from 1970 to 1998 as well as the hotly contested 2000 Bush-Gore presidential election.<sup>24)</sup> Even if disenfranchised voters in Florida alone had been permitted to vote, Bush's narrow victory "would almost certainly have been reversed."<sup>25)</sup>

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Furthermore, restoring the vote to persons leaving prison could aid their transition back into community life. The revocation of voting rights compounds the isolation of formerly incarcerated individuals from their communities, and civic participation has been linked with lower recidivism rates. In one study, among individuals who had been arrested previously, 27 percent of non-voters were rearrested, compared with 12 percent of voters.<sup>26)</sup> Although the limitations of the data available preclude proof of direct causation, it is clear that "voting appears to be part of a package of pro-social behavior that is linked to desistance from crime."<sup>27)</sup>



**Document D:** How Systemic Racism Keeps Millions of Black People from Voting  
<https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-black-people-from-voting>

Last year, we wrote about an increasing number of states working to restore voting rights for people with felony conviction histories.

That trend seems to be continuing in 2018. According to the Brennan Center for Justice, as of late January this year legislators in seven states—Alabama, Arizona, Florida, Mississippi, Nebraska, New Jersey, and Virginia—had introduced bills to restore some voting rights.

An estimated 2.5 percent of Americans—or 6.1 million voters—are disenfranchised due to past felony convictions. In many states, this includes people who have served their time, yet can't vote because they are still on probation or parole. In four states—Florida, Iowa, Kentucky, and Tennessee—regaining the right to vote is so onerous that formerly incarcerated people are essentially barred for life from exercising this civic right. A February 2017 report by the League of Women Voters of Kentucky found that, due to the state's lifetime ban on voting for people with felony convictions, more than 300,000 residents were disenfranchised, an increase of 68 percent since 2006—including more than a quarter of its black population, the highest such rate in the nation.

The burden of felony disenfranchisement does not fall equally on all Americans. These laws have a significant disproportionate impact on black people, who are overrepresented in the criminal justice system. An estimated one in 13 black Americans does not have the right to vote due to past convictions—four times the rate of other Americans.

This disproportionate impact on black people is no accident: it has its roots in systemic racism that dates back to the Reconstruction Era. Many states already had disenfranchisement laws in place in some form at the end of the Civil War. However, following the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments—which, respectively, banned slavery, except for people who have been convicted of a crime; established birthright U.S. citizenship; and gave black men the right to vote—states passed a flood of new or amended bans. These were in addition to other voting restrictions, such as poll taxes and literacy tests. According to a report by The Sentencing Project, some states tailored their laws specifically to apply to crimes thought to be committed more often by black people—and excluded crimes thought to be committed more often by white people.

Additionally, states with a higher proportion of black residents—like Mississippi and South Carolina—were more likely to pass harsher restrictions. Together with enforcement practices that caused more black Americans to be involved in the criminal



justice system to begin with, these laws had a significant negative impact on black voting power from the late Nineteenth century onward.

Today, the legacy of these laws lives on, and black people comprise 38 percent of all Americans who have been stripped of their voting rights due to conviction histories, though they are only 13 percent of the country's population. While poll taxes and literacy tests were abolished with the signing of the Voting Rights Act of 1965, felony disenfranchisement laws in some form remain on the books in 48 states. As America continues to grapple with its history of racial oppression and the impact of mass incarceration, the states that are working to restore voting rights for people with felony convictions are moving in the right direction.



**Document E:** What Would Happen if Felons in the U.S. Could Vote?

<https://qz.com/784503/what-would-happen-if-felons-could-vote/>

## It's about more than just about numbers

Hillary Clinton has actively sought to give felons the right to vote since 2005, when she co-sponsored a bill called “Count Every Vote,” which died in Congress. “I think if you’ve done your time, so to speak, and you’ve made your commitment to go forward, you should be able to vote and you should be able to be judged on the same basis,” Clinton [said in 2015](#). “You ought to get a second chance.”

Although we can only hypothesize whether giving ex-felons and felons the right to vote would sway the pendulum in the Democrats’ direction, research shows that it is likely. But felony disenfranchisement has consequences beyond the final vote tally.

Losing one’s voting rights perpetuates feelings of alienation, distrust of government and a feeling of powerlessness. It makes the disenfranchised less likely to engage with or contribute to their community. Weaver and Lerman found that wherever individuals are deprived of voting rights, their families, neighbors, fellow church members don’t go to the polls on election day either. That six million population who doesn’t vote because of its involvement with the criminal justice system can become much bigger.

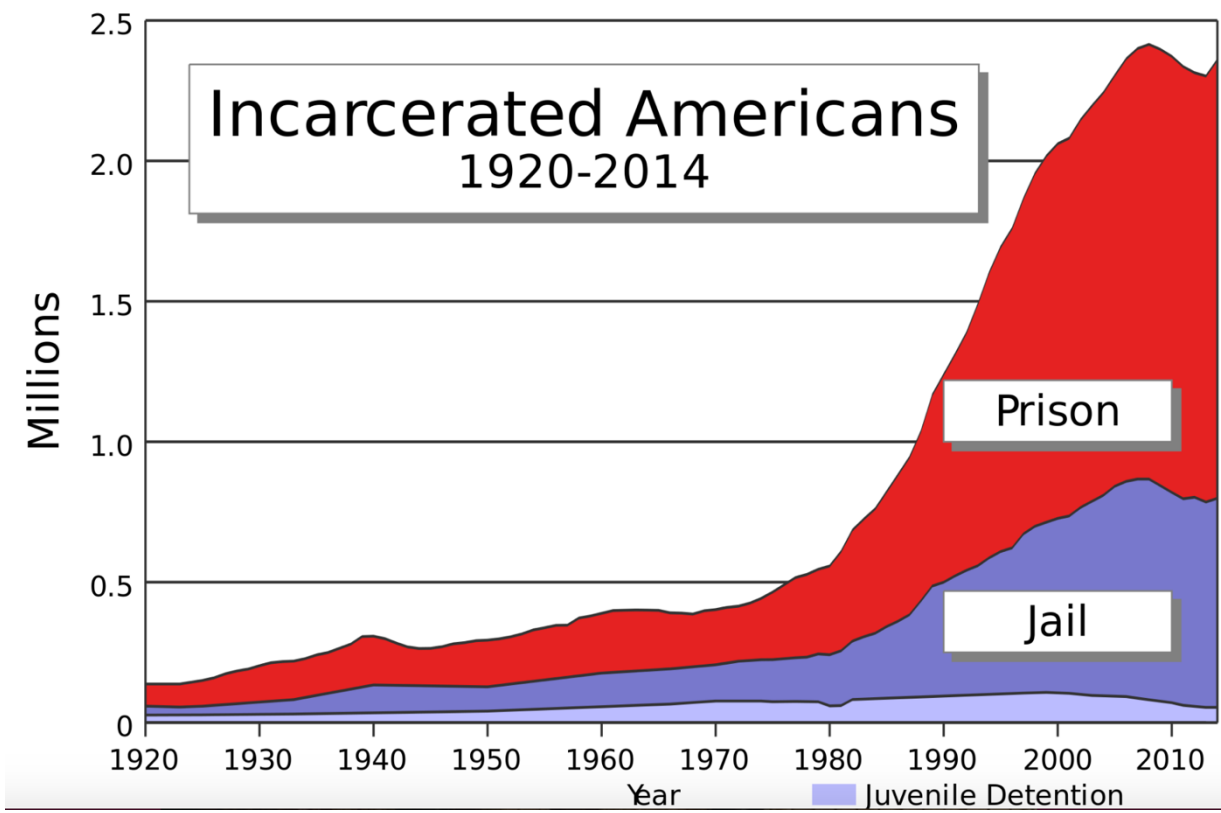


Alternative Sources

Racial Patterns in Felony Disenfranchisement

Document F: Incarcerated Americans 1920-2014

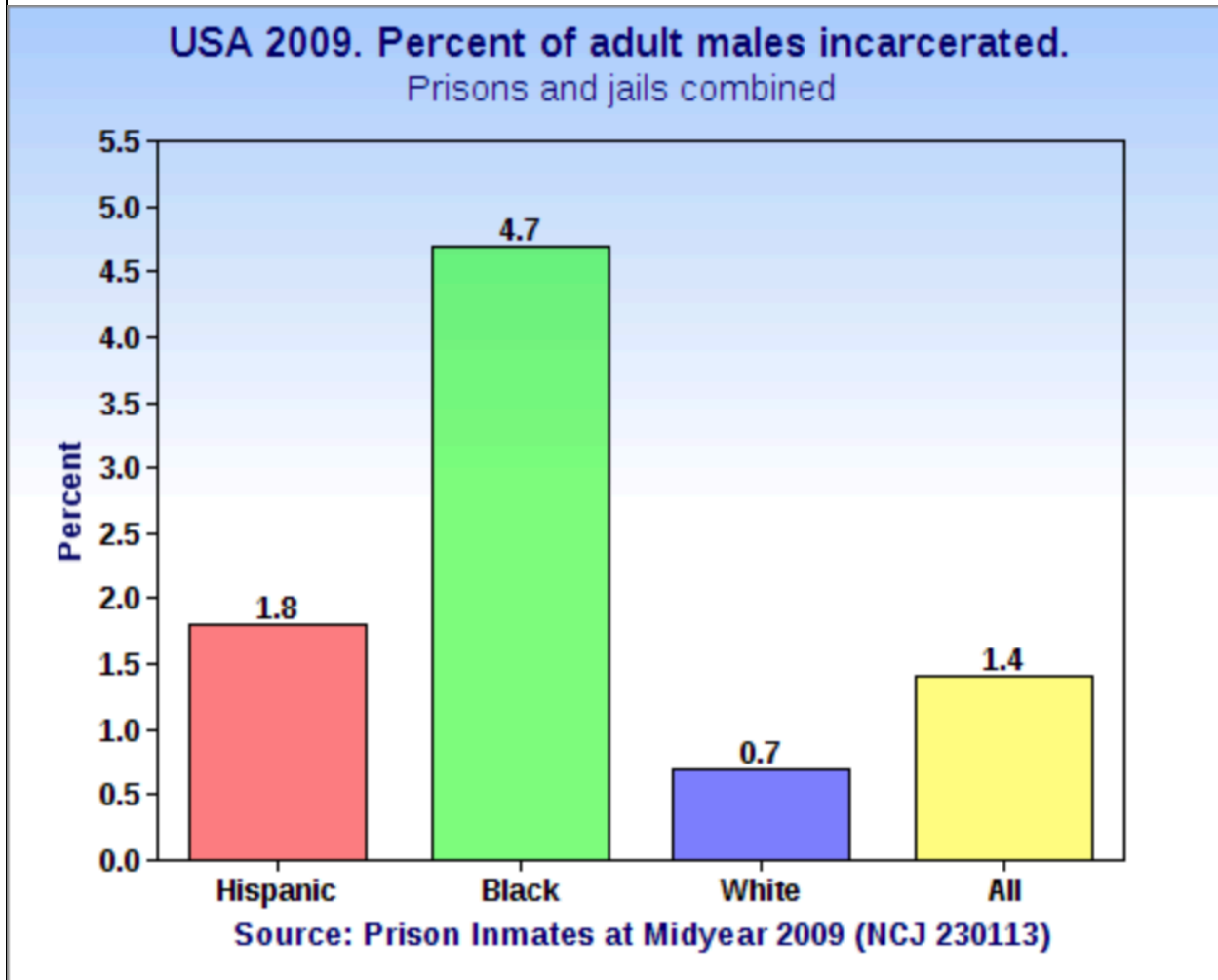
[http://origins.osu.edu/sites/origins.osu.edu/files/US\\_incarceration\\_timeline-clean.svg\\_.png](http://origins.osu.edu/sites/origins.osu.edu/files/US_incarceration_timeline-clean.svg_.png)





**Document G: Percent of Adult Males Incarcerated**

[http://origins.osu.edu/sites/origins.osu.edu/files/usa\\_2009-percent\\_of\\_adult\\_males\\_incarcerated\\_by\\_race\\_and\\_ethnicity-2.png](http://origins.osu.edu/sites/origins.osu.edu/files/usa_2009-percent_of_adult_males_incarcerated_by_race_and_ethnicity-2.png)







**Document H:** The Racists Roots of Denying Incarcerated People Their Right to Vote  
<https://www.aclu.org/blog/voting-rights/racist-roots-denying-incarcerated-people-their-right-vote>

Before the Civil War, as a Brennan Center report shows, voting rights and the loss of those rights weren't linked to convictions. America did not incarcerate in large numbers, and states that adopted broad felony disenfranchisement did so after establishing full white male suffrage by eliminating property tests. After the Civil War, places like Louisiana granted poor illiterate whites the right to vote while denying poor illiterate Blacks the right to vote by basing the right on whether your grandfather could vote, hence the term "grandfathered in".

In 1787, the Constitution considered Black people as three-fifths of a human being. Blacks voting was not an issue. Then came the Civil War and the 13th, 14th, and 15th Amendments. Enslaving people, except as punishment for a crime, was illegal. Birthright U.S. citizenship was established, explicitly including freed enslaved people. Black men got the right to vote. Over 2,000 Black men were elected to government offices, and they began purchasing or homesteading property and voting.

America responded. The exception in the 13th Amendment allowing slavery as punishment for a crime was paired with "Black Codes," which basically criminalized Black life. Blacks convicted under Black Code laws were leased out to do work, providing cheap labor to boost the South's faltering economy. In 1850, 2% of prisoners in Alabama were non-white. By 1870, it was 74%. At least 90% of the "leased" prison laborers were Black.

In the 15 years between 1865 and 1880, at least 13 states — more than a third of the country's 38 states — enacted broad felony disenfranchisement laws. The theory was simple — convict them of crimes, strip away the right to vote, imprison them, and lease them out as convict labor and Blacks would be returned to a condition as close to slavery as possible.

In 1894, a white South Carolina newspaper argued that amendments to the voting laws were necessary to avoid whites being swept away at the polls by the Black vote. In 1901, Alabama amended its Constitution to expand disenfranchisement to all crimes involving "moral turpitude" — a vague term that was applied to felonies and misdemeanors. The president of that constitutional convention argued that manipulating the ballot to exclude Blacks was justified because of the need to avoid the "menace of Negro domination," especially since Blacks were inferior to whites.

It wasn't just the South. In 1874, New York was the only state that required property ownership for Blacks to vote. This law clearly violated the 15th Amendment prohibition



on race-based voting restrictions. A governor-appointed “Constitutional Commission” finally struck down the property law while, simultaneously, quietly amending the New York Constitution to impose felony disenfranchisement. New York could not prevent Blacks from voting because of poverty, so it found a solution in the criminal legal system.

What is the result of this history? Black Americans of voting age are more than four times as likely to lose their voting rights than the rest of the adult population. One of every 13 Black adults is disenfranchised. In some states like Virginia, Kentucky, Tennessee, and, until recently, Florida, one in five Blacks have been disenfranchised. In total, 2.2 million Black citizens are banned from voting. Thirty-eight percent of the disenfranchised population in America is Black.

The two states that allow people in prison to vote are Vermont and Maine, the two whitest states in the country. In many other states, incarcerated people are stripped of their vote but remain counted as part of the populations of the (often very white and rural) districts where they are locked up, boosting the electoral advantage of those districts. A 2003 study found that the larger the state’s Black population, the more likely the state was to pass the most stringent laws that permanently denied people convicted of crimes the right to vote.

America is isolated on this issue — and not in a good way. South Africa, Canada, Ireland, and Spain allow everyone in prison to vote. Germany disenfranchises for certain offenses like treason, but only for a maximum of five years. Finland and New Zealand disenfranchise only for election offenses and only for a few years beyond completion of a sentence. In France, only election offenses and abuse of public power warrant disenfranchisement. When we compare America to the other heirs of the English legal tradition, one thing becomes clear: The only reason our practice resulted in racial disparity is that we designed it that way.

Why aren’t we asking why countries around the world handle this issue so differently? Doesn’t revoking voting rights of people in prison unnecessarily strip them of dignity and make rehabilitation that much more difficult? Justifications offered now regarding disenfranchisement ignore the undeniable fact that the practice in America is clearly connected to an attempt to deny Blacks full rights as citizens. We cannot change what happened in the past, but we are better than that now — we can fix it now. Restoration of voting rights to people in prison is a concept we should all support. It is consistent with whom we claim to be.