Voting Rights Restoration

An estimated 4.6 million Americans—1 in 50 adults—are currently barred from voting because of a felony conviction. States are moving to restore voting rights to many of those citizens, thereby reintegrating them into society, increasing voter participation, and strengthening democracy.

★ 2004 POLICY SUMMARY ★

Voting Rights Restoration

Summary

- **An estimated 4.6 million Americans—1 in 50 adults—are currently barred from voting because of a felony conviction.**
- **1.6 million of those barred from voting are people with felony convictions who have completed their sentences.**
- **African-American and Latino communities are disproportionately affected by the disfranchisement of criminal offenders—13 percent of African-American men are barred from voting.**
- **Restoring the right to vote helps reintegrate former offenders into society, and by increasing voter participation, it strengthens democracy.**
- **States are moving to restore the right to vote to many citizens with felony convictions.**

An estimated 4.6 million Americans—1 in 50 adults—are barred from voting because of a felony conviction.[1]

The number of inmates in state and federal prisons has increased more than six-fold, from less than 200,000 in 1970 to more than 1.4 million in 2002, largely due to drug prosecutions. Between 1985-95, the number of people in prison for drug offenses increased 306 percent for whites and 707 percent for African Americans.

1.6 million of those barred from voting are people with felony convictions who have completed their sentences.

Thirteen states permanently deny the right to vote to at least some citizens who have completed sentences for felony convictions. Of these, five permanently disfranchise everyone with a felony conviction.

African-American and Latino communities are disproportionately affected by the disfranchisement of criminal offenders—13 percent of African-American men are barred from voting.

More than one-third of the total disenfranchised population are black men. In seven states, more than one in four African-American men are permanently disfranchised. Given current rates of incarceration, three in ten of the next generation of black men are expected to be disfranchised at some point in their lives, and in states that permanently disfranchise citizens with a felony record, as many as 40 percent of black men may permanently lose their right to vote.

Restoring the right to vote helps reintegrate former offenders into society, and by increasing voter participation, it strengthens democracy.

Voting is integral to the fabric of our democracy—permanently disfranchised Americans can hardly feel a part of the process. Restoration of voting rights helps former offenders become productive members of society and strengthens our American institutions by increasing participation in the democratic process.

The United States is the only democracy in the world that disfranchises offenders who have completed their sentences.

In fact, many countries, including France, South Africa, Japan, Peru and Israel, allow incarcerated felons to vote. Germany mandates that corrections officials encourage prisoners to vote. Two states, Maine and Vermont, never strip away voting rights from their citizens—prisoners are eligible to vote.

States are moving to restore the right to vote to many citizens with felony convictions.

In 2003, Nevada amended its law to automatically re-enfranchise most first-time offenders on completion of their prison sentence or parole. Wyoming abandoned its permanent disfranchisement law and now allows persons convicted of nonviolent felonies to apply for reinstatement of their voting rights five years after release from prison or probation. And Alabama now requires its parole board to issue a "certificate of eligibility to vote" to most former offenders after completion of sentence, including any parole, probation or payment of fines.

Endnotes

[1] Jeff Manza and Christopher Uggen, "The Political Consequences of Felon Disenfranchisement Laws in the United States," August 31, 2001.

STATE DISENFRANCHISEMENT LAWS

Prisoners permitted to vote:

ME, VT

Voting restored after release from prison:

HI, ID, IL, IN, LA, MA, MI, MT, NH, ND, OH, OR, PA, SD, UT

Voting restored after release from prison and completion of parole (probationers may vote):

CA, CO, CT, NY

Voting restored after completion of sentence, including parole and probation:

AK, AR, GA, KS, MN, MO, NE, NJ, NM, NC, OK, RI, SC, TX, WV, WI

Voting restored after completion of sentence for first felony, permanently disenfranchised for at least some second felonies:

AZ, MD

Voting restored for certain ex-offenders convicted of felonies, others permanently disenfranchised:

AL, DE, NV, WY

Voting restored after completion of sentence, except those convicted of felonies before a certain date who are permanently disenfranchised:

TN (pre-1986 disenfranchised), WA (pre-1984 disenfranchised)

All convicted of felonies permanently disenfranchised:

FL, IA, KY, MS, VA

This policy summary relies in large part on information from Demos and The Sentencing Project.

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For more information...

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1875 Connecticut Avenue NW, Suite 710
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202-387-6030
www.stateaction.org

American Civil Liberties Union of Florida
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137
305-576-2336
www.aclufl.org

Brennan Center for Justice
NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
212-998-6730
www.brennancenter.org

DemocracyWorks
53 Oak Street
Hartford, CT 06106
860-727-1157
www.democracyworksct.org

Demos
220 5th Avenue, 5th Floor
New York, NY 10001
212-633-1405
www.demos-usa.org

Georgia Rural Urban Summit
P.O. Box 225
Decatur, GA 30031
404-522-4787
www.georgiasummit.org

New Jersey Policy Perspective
145 W. Hanover Street
Trenton, NJ 08618
609-393-1145
www.njpp.org

Progressive Leadership Alliance of Nevada
1101 Riverside Drive
Reno, NV 89509
775-348-7557
www.planevada.org

The Sentencing Project
514 10th Street NW, Suite 1000
Washington, DC 20004
202-628-0871
www.sentencingproject.org

Texas Criminal Justice Reform Coalition
1506 S. First Street
Austin, TX 78704
512-441-8123
www.protex.org/criminaljustice

Western Prison Project
P.O. Box 40085
Portland, OR 97240
503-335-8449
www.westernprisonproject.org

Restoration of Voting Rights Act

Summary: The Restoration of Voting Rights Act allows persons who were disfranchised because of felony convictions to regain their right to vote after being discharged from a correctional institution.

SECTION 1. SHORT TITLE

This Act shall be called the "[STATE] Restoration of Voting Rights Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds that:

1. [STATE] currently denies the right to vote to all persons who have been convicted of a felony and [insert what is applicable to the state].

2. The current disfranchisement law has a disproportionate impact on minorities, especially African-American and Latino men.

3. Voting is part of the fabric of our democracy. Restoring the right to vote helps reintegrate former felons into society and, by increasing voter participation, it strengthens democracy.

(B) PURPOSE—This law is enacted to help former felons become productive members of society, and strengthen democratic institutions by increasing participation in the voting process.

SECTION 3. RESTORATION OF VOTING RIGHTS

In Chapter XXX, Sections XXX are deleted and the following are inserted in lieu thereof:

(A) A person shall forfeit the right to vote in a federal, state or municipal election upon conviction of a felony and confinement to a federal or state correctional institution in the United States.

(B) A person who has been convicted of a felony and confined to a federal or state correctional institution in the United States shall be restored the right to vote in a federal, state or municipal election when that person has been discharged from confinement.

[NOTE: A stricter standard would be, "…has been discharged from confinement, and parole has been completed.]

(C) When a person is restored the right to vote, the [Department of Corrections] shall provide that person with a voter registration form, assistance in filling out the form, and a document certifying the person is eligible to vote, as part of the release process. The [Department of Corrections] shall deliver completed voter registration forms to the [Secretary of State].

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(D) The [Department of Corrections] shall, on or before the 1st and 15th days of each month, transmit to the [Secretary of the State] a list of the names, birth dates, and addresses of persons convicted of a felony who, during the preceding period, have become eligible to vote.

(E) The [Secretary of State] shall develop and implement a program to educate state and local election officials and corrections officals about the requirements of this section, ensuring that:

1. Eligible citizens are not kept off the voting rolls.
2. The language on voter registration forms does not mislead eligible citizens into believing they cannot register.
3. Pre-trial detainees who are eligible to register and vote are given the opportunity and assistance to do so.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 2004. Section 3, restoring voting rights to persons who have completed their [confinement], shall apply to all residents, whether those conditions were satisfied before or after July 1, 2004.