

# FELONY DISFRANCHISEMENT

A WIDESPREAD PROBLEM



## FELONY DISFRANCHISEMENT IN THE U.S.

Felony disenfranchisement is a policy that bars citizens from the ballot box upon conviction of a felony. In the United States, over 5.3 million Americans cannot vote due to a felony conviction. Felony disenfranchisement laws vary from state to state, but 48 states bar incarcerated individuals from casting a ballot, with only Maine and Vermont allowing all inmates to vote. Eight states permanently ban certain individuals with felony convictions from voting and two states bar all persons with felony convictions from voting.

The vast majority of disenfranchised individuals are no longer incarcerated, but are living in their communities on probation or parole; 2.1 million of the disenfranchised population have fully completed their sentence. These disenfranchised individuals are tax-paying citizens, involved with the issues in their community, but unable to vote to affect them.

The impact of felony disenfranchisement falls disproportionately upon communities of color. Close to 1.5 million black men are disenfranchised due to felony convictions. If incarceration rates hold steady, 3 in 10 of the next generation of black men will be disenfranchised at some point in their lives.

However, over the last decade the national trend has moved toward lowering barriers for the disenfranchised. Since 1997, 8 states have made progressive changes to their felony disenfranchisement laws, enfranchising over 700,000 formerly incarcerated individuals.

In a democracy voting is a right, not a privilege. But for over 5 million Americans, that is not the case.

## NEW YORK DISFRANCHISEMENT

In New York, individuals who have been convicted of a felony cannot vote while incarcerated or on parole. Once an individual has completed his or her sentence, the right to vote is automatically restored, but it is up to the individual to re-register with their county board of elections. Individuals on probation retain the right to vote.

New York's felony disenfranchisement laws are more severe than those of several of its neighboring states. Vermont and Maine do not deny the right to vote to those with felony convictions—both states allow people to vote even when they are incarcerated. Massachusetts, Pennsylvania and Rhode Island automatically restore voting rights upon release from incarceration.

An estimated 122,018 people with felony convictions are barred from voting in New York. Fifty-four percent of the disenfranchised are in prison or jail while 46 percent of disenfranchised individuals are on parole. Like many of us, parolees work, pay taxes and raise families.

## MISTAKEN DISFRANCHISEMENT

Most people who have been involved in the criminal justice system receive little to no information about their voting rights. According to a study conducted by the Sentencing Project, over 40 percent of prisoners believe that incarceration causes someone to permanently lose his or her right to vote. Almost 60 percent of prisoners believe that being on probation makes them ineligible to vote. To make matters worse, workers at New York's county election boards are often mistaken about the voting rights of those with criminal

records. A report by the Brennan Center for Justice at New York University School of Law published in 2006 found that 38 percent of workers at New York's county election boards indicated that they had no idea whether individuals on probation could vote, or they erred on the side of caution and denied voting rights to eligible probationers. In addition, a study conducted before the 2004 election revealed that more than half of New York's county election boards unlawfully required formerly incarcerated individuals to present documentation of their criminal status, and refused to allow them to register to vote unless and until they did.

## **RACIAL IMPACT**

One out of 24 black voters is disfranchised in New York, compared to 1 out of 121 New York voters. Black voters in New York comprise nearly 65 percent of the disfranchised population, even though they comprise less than 13 percent of the state's voting age population.

## **VOTING & PUBLIC SAFETY**

Far from making streets safer, felony disfranchisement may be detrimental to public safety. Restricting voting rights does not prevent crime, nor does it provide compensation to victims. In fact, disfranchising persons after release from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration into society of formerly incarcerated individuals. Research has found a link between voting participation and re-offense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote. Similar effects were found among people with a prior arrest; 27 percent of non-voters were re-arrested, compared to 12 percent of people who had voted.

Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of felony disfranchisement is that the very behavior that society strives to encourage—the commitment to the larger social and political collective—is undermined by a policy that denies people who want to engage in that behavior the right to vote.

## **HOW CAN I HELP IN NEW YORK?**

- 1 Join in efforts to amend New York's law and ensure that people have accurate information about voting rights for those with criminal records by visiting [www.nyclu.org/vote](http://www.nyclu.org/vote)
- 2 Call your legislators and tell them you support the Voting Rights Notification and Registration Act (Assemblyman Keith Wright) that has been introduced in the New York legislature to automatically restore voting rights upon release from incarceration.
- 3 Visit [www.nyclu.org](http://www.nyclu.org) and [www.democracysghosts.com](http://www.democracysghosts.com) to learn more about the issue and watch a film on felony disfranchisement. Show the film to your friends and neighbors!

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