

The right to vote in America is considered an unalienable right, yet one segment of the mentally competent population is unable to vote in elections. This group of people, convicted criminal offenders, are unable to vote in forty six states and the District of Columbia while in prison, and thirty two states disenfranchise felons on parole or probation. America may be the only country in the world in which fourteen states deny voting privileges to ex-offenders after fully serving their sentences (Losing the Vote, 1998).

Despite a falling crime rate, more stringent criminal justice policies have increased the number of people sent to prison and increased the length of sentences. Therefore, more people are becoming disenfranchised than ever before. An estimated four million citizens are unable to vote; about a quarter of those have completed their sentences. The racial impact of disenfranchisement is widespread. In some states, 25-30 percent of the black population is unable to vote, and in some states up to forty percent of black men will soon be disenfranchised (Losing the Vote, 1998).

Disenfranchisement laws in the United States have their roots in the banishment and “civil death” suffered by offenders in medieval times (Losing the Vote, 1998). At that time, certain offenders lost all their rights and property. When all women and African Americans in the US did not yet have the right to vote, laws would not justify giving criminals the right (Restoring the Right to Vote, 2000). In the late 1800’s in the southern colonies, whites adopted these laws as a way to restrict the voting privileges of blacks, without seeming obviously bigoted. Today however, supporters of disenfranchisement laws have a more difficult time justifying them. The most frequently used justifications of removing the right to vote are

protecting against voter fraud, and keeping the ballot box virtuous by excluding non-virtuous voters (Restoring the Right to Vote, 2000).

The United States is the democratic country with the most number of people unable to vote, based on racially discriminatory, anti-democratic, and anti-human rights laws. It is important to realize that even minor infractions, such as receiving probation for a first time sale of drugs or shoplifting, can keep an ex-offender from voting for life (Losing the Vote, 1998). About twelve countries around the world, including Sweden and Peru, allow offenders to vote while in prison, and in Germany convicts are encouraged to vote by prison officials. In some countries, disenfranchisement is a part of the punishment based on the severity of the crime committed, or in cases of election fraud or political corruption (Restoring the Right to Vote, 2000).

Many states in America do not disenfranchise for life. Therefore, ex-offenders living in these states can theoretically regain the right to vote. That process is usually expensive and difficult or almost impossible to complete in most states. In eight states, a pardon or order from the governor is needed to restore the right to vote, and in two states the ex-felon must be approved by the parole board. Some felons often believe they can never vote again and therefore do not even begin the restorative process, and released ex-offenders are not adequately informed of the steps needed to regain the right to vote. Because each state has different regulations regarding disenfranchisement, data are often confusing and unhelpful to those Americans trying to regain the vote (Losing the Vote, 1998).

In 1996 and 1997, only 404 of the 200,000 ex-convicts in Virginia had their vote restored. Under the last four governors of this state, an average of 130 petitions a year

reinstated the right to vote for ex-convicts. In Maryland, individuals convicted twice of felonies lose their right to vote, thereby disenfranchising 60,000 people who had completed their sentences (Give Back the Vote, 2001). Mississippi has the most restrictive laws for regaining the vote. An ex-felon in that state must obtain an executive order from the governor or get a state legislator to introduce a bill on his behalf, convince two thirds of the legislators in each house to vote for it, and have it signed by the governor. To regain the right to vote in national elections, a presidential pardon is needed. Without financial and political support, an ex-felon can never restore his right to vote in most states (Losing the Vote, 1998).

A group of Democrats from the Virginia State House and Senate announced, in January, the introduction of four bills aimed at restoring voting rights to convicted felons. One bill would make the process of regaining the vote less confusing and more universal across Virginia. Another bill asks that former drug offenders be allowed to regain the right to vote if they have not had any convictions for a 10-year period. All of these bills were turned down (Crocker, 2001). Lawmakers in other states such as Maryland have also recently rejected legislation to reform disenfranchisement laws. One reason suspected for this loss is that politicians do not prosper from helping felons or ex-felons, so they have little motivation to pass laws which help felons (Give Back the Vote, 2001).

Democracy Works, an organization in Connecticut, succeeded in getting one bill passed by both Houses and signed by the Governor which will limit denial of voting rights to only the offenders in prison. One justification for this type of legislation is that in order for a person leaving prison to become a functioning member of society, they must take their place in the democratic process (Restoring the Right to Vote, 2000). Kenneth Green, MSW, has been a strong proponent and supporter of this type of legislation. Green believes that if an individual is

in the community, working and paying taxes, that person should be empowered by being able to vote (State Representative Kenneth P. Green, 2001).

According to a study conducted by The Sentencing Project and Human Rights Watch, the national rate of disenfranchisement, and especially the rate of African American men unable to vote, is very high. Over a million black men are unable to vote because of felony convictions, and another three million of other races are disenfranchised. Table 1 shows current estimates of the impact of voter restrictions, broken down by state. Notice the disproportionate rate of Black Men who are disenfranchised in almost every state, compared to the total rate. The data in this table are considered estimates for many reasons. Complete data were not available for some states, voting practice and policy may not coincide in some states based on inaccurate record keeping or misinformation, some ex-felons may vote in states where election officials do not have data on felons, and some ex-felons may not vote because they believe they no longer have the right to vote, even in states which do not disenfranchise for life (Losing the Vote, 1998).

Significant findings of the study were numerous. For example, Florida and Texas each disenfranchise more than 600,000 people. Alabama, California, and Virginia each restrict the right to vote from close to 250,000 individuals. Two percent of the possible voting population in America is currently or permanently restricted from voting due to a felony conviction. Six states have disenfranchised four percent of their adult population. This study also showed that only a quarter of the disenfranchised are in prison, while the other three quarters are on probation, parole, or have completed their sentences. About a million of the offenders restricted from voting were only sentenced to probation-not to prison (Losing the Vote, 1998).

African American males, individually and as a group, face the greatest effects of disenfranchisement laws. Thirteen percent of all adult black men are restricted from voting. In 1996, 4.6 million black men voted, and 1.4 million were disenfranchised. Blacks are negatively impacted on the national and local political levels when so many of them are unable to vote in elections. Individual states have varying rates of disenfranchisement: in Alabama and Florida, thirty one percent of all black men are permanently disenfranchised. Five other states have permanently taken the right to vote away from a quarter of their black populations. If current rates of incarceration continue along the same track, three in ten of the next generation of African American men will be unable to vote at some time in their lives (Losing the Vote, 1998). By taking such a large percentage of the population out of the voting booths, African Americans are underrepresented at the polls and in legislative offices.

In Florida, talk had begun before the election in 2000 about restoring the right to vote for the hundreds of thousands of former felons living in that state. The American Civil Liberties Union, after witnessing the chaos of the Florida election process, plans on filing a state lawsuit on behalf of the ex-felons who are not qualified to vote. Some officials in Florida are in favor of restoring a criminal's right to vote upon completion of a sentence to reduce mistakes in elections. Some people whose right to vote had been restored were not allowed to vote, while others who had voted for years mistakenly had their names removed from the registration lists. About four hundred ex-felons in Florida unwittingly committed another crime by registering and voting in the election on November 7, 2000 before actually being reinstated. By automatically restoring the right to vote for ex criminals, the process would be simplified and reduce the number of mistakes made on election day (Brown, 2001).

A lawsuit brought against Florida officials by the NAACP charges that the 14<sup>th</sup> Amendment and the 1965 Voter Rights Act were violated before and during the 2000 election. In 1998 and 1999, Florida contracted with two data analysis firms to purge the voter rolls of felons and other ineligible voters. The results were error-filled and targeted blacks in extremely disproportionate numbers. Because of this purge of names, many people at the polls were denied the right to vote even if never being convicted of a crime (Nation Investigation Reveals Florida..., 2001).

Emmett Mitchell IV, the assistant general counsel to the Florida Division of Elections who headed the purge effort, knew that the purge lists would include people who were not felons because of the intentionally loose standards used to create the lists. Mitchell justified this laxity by saying some people who should not have voted did, so it was fine to deny the vote to some people who should be allowed to vote (Nation Investigation Reveals Florida..., 2001). Because Florida has such a high number of disenfranchised ex-felons, elections there could be greatly affected if ex-felons are given the right to vote in the future.

Organizations such as The Sentencing Project and Human Rights Watch believe that disenfranchisement of citizens should only occur for compelling reasons, but that in America these laws do not have a basis for existence. The only reason felony disenfranchisement laws are on the books today is because they have not yet been questioned widely, and because the practice was acceptable in the past. People of this camp believe that denying ex-felons the right to vote slows the rehabilitation process, and keeps them from becoming productive members of society. All citizens, including those who have broken the law and paid their debt to society, are affected by governmental actions, and therefore should have the ability to vote (Losing the Vote, 1998).

Because of the sheer numbers of African Americans who are denied voting rights due to a criminal record, a whole group of people is affected, rather than fulfilling the goal of punishing one individual. This is a large-scale disenfranchisement of a community at a time when politicians and others are so disappointed with the lack of participation in the electoral system (Restoring the Right to Vote, 2000). Restricting an individual's right to vote reaffirms feelings of alienation and isolation, rather than encouraging full participation in society.

During my first year field placement, I led groups and met individual clients through Families in Crisis, a nonprofit agency that works with individuals connected with the Department of Corrections. During the year, I led a group at a work release program for men, aged 18 and up, in downtown Hartford. This program helps to assimilate the men back into "real" life outside of prison: they must hold jobs or go to school, maintain bank accounts, help clean and cook meals, do laundry, and receive group and individual therapy as mandated by the court. Most of the men would begin their parole sentence here and then move out after a specified period of time, others would spend their entire parole at the group home.

Many of the men in my group are still living at the work release program, and my positive relationship with the staff made this population very accessible to question about the right to vote. The group was made up of 14 men, ranging in age from 21 to 45. Nine were African American, three were Latino, and two were Caucasian. All have been convicted of felonies, and have served their sentences in Connecticut prisons. The hour session ran as a focus group based on a list of questions I passed out at the beginning of the session. These questions were:

1. Are you registered to vote?
2. Have you ever voted in the past? Why or why not?

3. In Connecticut, are you allowed to vote while in prison, on parole or on probation?
4. In Connecticut, can you regain the right to vote, even if convicted of a felony?
5. Will you vote in the future?
6. How does being unable to vote affect people in your situation?
7. How does being unable to vote affect minorities?
8. If given the chance, would you have voted while in prison?

The group members confirmed the information presented in the literature about the lack of knowledge in regard to voting and the electoral system. Most of the men answered no to Question 1, stating they did not know how to become registered, did not care about voting, or were already in prison at the age of 18 and were unable to register. One man reported that voting is for white people, only helps white people, and keeps the black man down. Even the white men nodded their heads in agreement, showing their alignment with the criminal culture.

Question 2: Have you ever voted in the past-why or why not?

Only one man, the oldest in the group, stated he had voted in one election because a man from his neighborhood was running for a city council position, and he wanted to see a Latino man on the council. The men who had not voted responded that they were not registered and had a lack of trust or interest in the electoral system. One man also said he had enough problems in his life between his legal issues, family problems, prison life, and financial issues, that the last thing on his mind was who was running for office and what their platform was. This statement was met with agreement from the other group members.

Question 3: In Connecticut, are you allowed to vote while in prison, on parole, or on probation?

All of the men agreed that they were unable to vote under these three conditions. The majority of group members said that this is common knowledge among prisoners and is accepted by many of them. One man did get excited about this question, saying that the punishment for the crime he committed was a certain number of years in jail and on parole, but nowhere does it say that his right to vote should be taken away because he murdered somebody. He did not believe that disenfranchisement should be legal, and told me I should fight for prisoner's right to vote. He said he could not fight the system because no one cares about what a black felon thinks, so it's up to white people to change the laws. There was some disagreement about this statement-some men believed they should fight for themselves because no one is going to do it for them, while the others believed those already in charge need to make better decisions.

Question 4: In Connecticut, can you regain the right to vote, even if convicted of a felony?

This question created some discussion as the group was split almost in half between those who said yes and those who said no. This is another example of the lack of information given to ex-offenders when they begin their road to rejoin society. I informed the group that they could regain the right to vote, after serving their complete sentences. They wanted to know how that happens, and unfortunately I did not have an answer. I told the group I would find out and return in a couple of weeks with more information.

Question 5: Will you vote in the future?

Most of the group responded that they would think about it, but were not sure. They want to feel more a part of the political system, rather than society outcasts because of their criminal pasts. They also want to have the process of restoring their rights be explained and made easy for them

to complete. But even with these actions, about half of the group said they probably would never vote in the future. One group member said he was having enough trouble keeping his own life together now that he has been released from prison, and could only think one day at a time about concrete problems. If voting was not going to solve his daily problems, he saw no reason to vote.

Question 6: How does being unable to vote affect people in your situation?

The majority response to this question was that losing the right to vote does not affect their daily lives at all. The group members reported that they would never have even thought about voting if I had not come to talk with them about this topic. One man said that if losing the vote was a part of the punishment, it obviously is not keeping criminals from committing crimes, so the law is pointless.

Question 7: How does being unable to vote affect minorities?

The group did not think that minorities, as a group, are affected by disenfranchisement. They did realize that more minorities are in prison and therefore unable to vote, but they view disenfranchisement as an individual issue rather than an oppressive force against groups of people. They also said that they believe minorities vote less often than white people, therefore the loss of the voting right does not affect minorities greatly.

Question 8: If given the chance, would you have voted while in prison?

Only one man, the one who had voted in the past, said he would have voted while in prison. The remaining group members said they would not have because they do not have an interest in the electoral process and feel that the environment of the prisons does not encourage this type of participation.

As seen in the focus group of recently released felons, the electoral process holds many questions, few answers, and is very separate from the real life issues of the men interviewed. These men should be given, by prison officials or counselors, the information needed to reinstate their right to vote, even if they choose not to use that right in the future. I believe that the lack of information for this group of people, from registering to reinstating, leads to a lack of trust or interest in the voting process and government in general.

The impact of felony disenfranchisement laws has increased in the last twenty years due to the increase in offenders convicted of felonies, the increase in the number of felons being sent to prison, and the increase in length of prison sentences. These trends show that public policy has focused on incarceration and punishment as the way to control crime rates. Due to these policies, the number of disenfranchised citizens has skyrocketed, with a disproportionate number of those losing the right to vote being members of minority groups, especially African American men (Losing the Vote, 1998).

Felony voting restrictions in America go against the democratic principles on which this country was created. These disenfranchisement laws deny convicted offenders the ability to vote regardless of the crime or sentence, keep ex-offenders outside the political process, and restrict the power of the African American vote in elections. These laws should be changed in order to help assimilate ex-felons back into society, and negate the racist undertones of the electoral process.