

Statement in Support of Universal Suffrage

October 2021

“Every state should allow [incarcerated people] to vote.... If more district attorneys, mayors, governors or attorneys general knew that every inmate could vote in their elections, they may start seeing them in a different light...maybe even treat them with some respect.”

– Chittenden County, VT State’s Attorney Sarah George

Today, with the right to vote under attack in many states, those who support voting rights have increasingly looked to expand access for those who are still locked out of this essential part of our democracy. It is critical for elected leaders to protect and broaden voting access and allow individuals convicted of felonies – as well as those behind bars – to exercise their democratic right to vote.

According to the Sentencing Project’s latest report, [Locked Out 2020](#), there are over 5 million people in this country who are not allowed to participate fully in our democracy because of a felony conviction on their record. This number swelled from 1.2 million in 1976, as lawmakers, prosecutors, and other decisionmakers fueled mass incarceration and community supervision through felony convictions of [tens of millions](#) of people. Forty-three percent of individuals ineligible to vote have completed their sentence and a full 75 percent are living in the community, either having completed their sentence or out on parole or probation. The remaining 25 percent – approximately 1.2 million people – are excluded from the polling booth because they are unable to vote while behind bars, including people detained pre-trial and presumptively innocent and those serving misdemeanor sentences for minor offenses.

Disenfranchisement laws and practices do not make our communities safer, instead they act as a barrier to reintegration into the community. Experts have long known that [civic engagement](#) helps people successfully reintegrate into society. Since 2007, the American Probation and Parole Association has [recognized](#) that “disenfranchisement laws work against the successful reentry of [convicted persons]” and researchers have [found](#) that formerly incarcerated people who vote are less likely to be subsequently arrested. In addition, [survey evidence](#) shows that citizens with felony convictions who become eligible to vote express greater trust and an increased willingness to cooperate with law enforcement – essential components of promoting public safety.

Felon disenfranchisement laws are rooted in the legacy of slavery and white supremacy, and not public safety. After the Civil War and passage of the 14th and 15th Amendments granting Black Americans citizenship and the right to vote, two interconnected trends limited the ability of newly enfranchised Black voters: lawmakers implemented criminal laws designed to target Black citizens and simultaneously enacted broad disenfranchisement laws for those convicted of felonies. Between 1860 and 1900, [18 states](#) adopted laws restricting the rights of those convicted of crimes. Today, the effects of felony disenfranchisement laws continue to be felt

[disproportionately](#), with an estimated one in 16 Black citizens of voting age denied the right to vote – a rate 3.7 times higher than for the general population.

When individuals lose access to the right to vote, either through incarceration or felony convictions, communities are disempowered and suffer. “Prison gerrymandering” refers to phenomenon whereby individuals – typically from an urban community – are counted by the census as living in a different, often rural community where they are currently incarcerated – redistributing electoral representation from the communities most deeply harmed by mass incarceration to communities that contain, and often economically rely on, prisons. And as many people with firsthand experience in the criminal legal system have [suggested](#), this lack of representation has contributed to making American prisons brutal and criminogenic places.

Increasingly states are reassessing the wisdom of laws divorced from democratic accountability, rooted in discrimination, and counterproductive to public safety. Florida voters passed Amendment 4 in 2018, which if not contravened by the legislature, would have re-enfranchised most people who had completed their sentences. Leaders in states as varied as Iowa, Kentucky, California, Colorado, Nevada, Maryland, and Louisiana have also expanded the franchise to people who have served their sentences.

As the fight for voting rights continues, states and localities should ensure that incarcerated people are not forgotten. States should continue to expand the franchise and use as their model Vermont and Maine,¹ two states² that allow people in prison to vote. Although subject to the deprivation of liberty as punishment, incarcerated people remain citizens and must retain the opportunity to participate in the process of government.³ Expanding the right to vote strengthens American democracy, enhances the legitimacy of the state, and provides every citizen with dignity and the assurance that they will not be stripped of their most fundamental rights.

¹ Perhaps not coincidentally the two whitest states in the nation.

² The Commonwealth of Puerto Rico and Washington D.C. also permit incarcerated voting.

³ [Other western democracies allow citizens in prisons to vote](#). Sixteen democratic countries allow people to vote while in prison, while a dozen other democratic countries bar voting in prison only if specific serious crimes were committed.