

## **Breaking Barriers to the Ballot Box PowerPoint Talking Points**

### **Slide 1:**

- Introductions.

### **Slide 2:**

- Voting is a fundamental right.
- Over the years in the U.S., suffrage has expanded for women and minorities.
- But people with felony convictions are still barred from the polls.

### **Slide 3:**

- 48 out of 50 states have felony disenfranchisement laws.
- 5.3 million Americans cannot vote because of them.
- With the post-1970s boom in the U.S. prison population, such laws have a broader impact and significance than ever before.

### **Slide 4**

- There are varying levels of felon disenfranchisement. Map shows that it is not an issue relegated to one region.
- The state variations comprise a “crazy quilt” of differing and confusing disenfranchisement and restoration standards.

### **Slide 5**

- For example, some states restore voting rights upon release from prison.
- Others continue disenfranchisement while people are on parole or probation, or even for life.

### **Slide 6:**

- The 15<sup>th</sup> Amendment was supposed to give black citizens the right to vote.
- Southern whites began to use poll taxes and literacy tests to suppress the black vote—as well as felony disenfranchisement laws.
- Felony disenfranchisement laws existed before slavery’s abolition, but after the Civil War and ratification of the 15<sup>th</sup> Amendment, they were revised to target blacks.
- Ex: Mississippi’s 1869 constitution disenfranchised all those guilty of “any crime,” but was revised at the end of the 19<sup>th</sup> century to apply only to those crimes of which blacks were more frequently convicted than whites—eg., theft, forgery and vagrancy.
- By the beginning of the 20th century, nearly all states banned large swaths of African-Americans from voting. In states like Alabama, such laws disenfranchised 10 times as many blacks as whites.

**Slide 7:**

- Felony disenfranchisement laws bar 13% of all black men in the US from voting - seven times the rate of any other group in America.
- Latinos and other minorities are disproportionately disenfranchised as well.
- Felony disenfranchisement laws take the vote and the voice away from already marginalized communities.

**Slide 8:**

- Felony disenfranchisement laws disproportionately impact people of color because they commit more crimes.
  - No. In the criminal justice system, people of color are more likely to be arrested, charged, and prosecuted and to receive harsher sentences than their white counterparts—even when they've committed the same crime.
  - Example: While African-Americans make up 14% of the nation's drug users, they comprise 56% of those serving time in state prisons for drug crimes.

**Slide 9:**

- Restoring the vote is a partisan attempt to increase the power of the Democratic party.
  - What is at stake is the fundamental right of citizenship – the right to vote. Strengthening our democracy transcends partisan politics.
  - Leading Republicans support reforming felony disenfranchisement laws, including President George W. Bush, Sen. Arlen Specter, Gov. Charlie Crist and former Secretary of Housing Jack Kemp.

**Slide 10:**

- People generally think of “felons” as people who have committed very severe crimes.
- But in many states, the threshold for what is considered a “felony” is very low.
- Felony disenfranchisement laws often do not make distinctions for minor offenses.
- For example in Mississippi, Sanford McLaughlin lost the right to vote for life just for pleading guilty to passing a bad check.

**Slide 11:**

- Advocates and impacted individuals are not the only ones confused by the “crazy quilt” of felony disenfranchisement laws around the country.
- We have conducted surveys in states throughout the country which show that those in charge of implementing the law do not know the law.
- In Mississippi, only about one-third of local elections officials knew that a federal felony conviction or an out of state conviction was not a bar to voting in Mississippi.
- In New York, more than half of the local election agencies, including all five boroughs in New York City, refused to register individuals with a felony conviction until they provided various documents, documents which are not legally required and often did not exist.
- This is keeping eligible voters who have had their rights restored off the rolls.

**Slide 12:**

- In democracies across the world, voting is valued as a fundamental right that should not be denied to anyone, even to people in prison.
- Even countries that do not allow people in prison to vote generally restore the vote once individuals are released.

**Slide 13:**

- In many Europe countries, allowing inmates to vote is the norm.
- The debate in Europe is about *which prisoners* should be barred from voting, not whether people should be barred from voting once they leave prison.
- In Europe, prisoners who are denied the right to vote are generally those serving longer sentences or for specific crimes, such as election fraud.
- By contrast, voting bans in the U.S. are generally applied indiscriminately to anyone with a felony record.
- U.S. bans also generally apply both to people in prison and those living in the community.

**Slide 14:**

- 74% of people disfranchised are currently living in the community, paying taxes, working and sending their kids to schools.
- Once people have been released from prison, their right to vote should be restored.
- Not doing so is taxation without representation.
- People with felony convictions share the same concerns as the rest of us: public safety, housing and education. They ought to share the right to have their views heard on those issues by voting on them.

**Slide 15/Slide 16:**

- Disfranchising people with felony convictions does nothing to significantly deter crime.
- Continuing to disfranchise individuals after incarceration runs counter to the idea of rehabilitation.
- Restoring the vote helps people reintegrate into and build responsible ties to, their home communities.
- Such ties are the best way to keep people from cycling back through the criminal justice system. This is especially important given the high rates of recidivism in the U.S. – about two-thirds of people leaving prison will be re-incarcerated again within three years of release.

**Slide 17:**

- National and international organizations, as well as individuals in the corrections and law enforcement fields, and politicians on both sides of the aisle support limiting disfranchisement.

**Slide 18:**

- The public recognizes and supports the fact that voting is a fundamental right and supports voting rights for people on parole and probation.

- Felony disfranchisement laws are thus out of step with mainstream opinion.
- They also pose major administrative burdens and are inconsistent, confusing both formerly incarcerated people and election officials alike.

**Slide 19:**

- In the last decade, reforms in 17 states have restored the vote to over 700,000 people.
- In 1997, there were ten states that disfranchised people with felony convictions for life, today there are only two.
- Notable recent victories include:
  - Maryland, where in spring 2007 the Governor signed a law that automatically restored voting rights to all people upon completion of their sentence.
  - Rhode Island, where on Election Day 2006, voters were the first in the nation to amend the state constitution to automatically restore voting rights to all people upon release from incarceration.
  - Iowa, where on Independence Day 2005, the Governor signed an executive order restoring voting rights to 80,000 Iowa citizens who had completed their sentences.

**Slide 20:**

- Depending on your state, the push to reform felony disfranchisement policies may be achieved using one or more strategies: litigation, legislation, and public education and outreach.
- The ACLU uses all three strategies in their work. Using Mississippi as an example, in Oct. 2006, we filed suit against the Mississippi Secretary of State's Office and the State Attorney General, challenging the denial of voting rights to residents convicted of crimes not listed in the State's constitution. We helped draft legislation for the 2008 legislative session that would streamline the restoration process and we created various public education materials for both legislators and the community at large.
- Each strategy informs the other (ex., legislation will not advance without broad public awareness of the need) and is a vital part of state and national efforts.
- You are essential to keeping the momentum going.

**Slide 21:**

- From poll taxes to the denial of the vote to women, the U.S. has denied its citizens universal suffrage.
- The right to vote is a fundamental right of citizenship.
- Yet the nation's patchwork of felony disfranchisement laws continues to keep millions from the polls.
- Restoring the vote is about rehabilitation, building safer communities, and ultimately strengthening our democracy.
- It remains one of the most pressing issues threatening our democracy's integrity today. As Martin Luther King Jr. put it, "A right delayed is a right denied."

**Slide 22:**

- Thank you, closing and questions.