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# Giving a Voice to Those with Felony Convictions: A Call to Action

*Katharine Hill, Tanya Rhodes Smith, Shannon R. Lane, and Sarah Shannon*

Felony disenfranchisement, the practice of removing the right to vote from people who have been convicted of a felony, is at odds with the core values of the social work profession and an example of the structural racism built into our democracy. Historically, felony disenfranchisement laws were written into state constitutions and statutes to explicitly limit the political power of African Americans and other marginalized groups. The disproportionate rates of criminal punishment by race continue today to systematically reduce access to the vote and the political power in minority communities (Behrens, Uggen, & Manza, 2003; Manza & Uggen, 2006). Felony disenfranchisement laws are currently set at the state level, resulting in wide disparities in access to the ballot from state to state (Brennan Center, 2019; Uggen, Larson, & Shannon, 2016). The impact of these laws today means that millions of people cannot vote because of their felony status (Uggen et al., 2016). Millions more do not vote as a result of an array of confusing and punitive state laws that govern voting and felony convictions (Brennan Center, 2019).

Across the United States, there are ongoing citizen-led movements working to undo or reduce restrictions on felony voting, although many stop short of calling for an end to the practice altogether. Twenty-three states have amended their policies to expand voter eligibility to people with felony convictions since 1997 (McLeod, 2018). Most notably, a movement in Florida in 2018 led by people directly affected by these laws resulted in the passage of ballot Amendment 4, a move that could re-enfranchise over 1 million Floridians (Brennan Center, 2018).

We call on social work to act on our professional knowledge, ethics, and values by working to end the disenfranchisement of people with felony con-

victions. Voting is a basic human right, regardless of felony status. Removing this right works against the goals of rehabilitation and reentry to society, lowers the political power and voice of communities served by social work to effect change, and perpetuates systemic racism.

## **RACIST HISTORICAL ROOTS OF FELONY DISENFRANCHISEMENT LAWS**

Voter suppression of people of color through felon disenfranchisement is not accidental, nor is it “race neutral” (Behrens et al., 2003) in its intent or application (Anderson, 2018; Manza & Uggen, 2006). The first wave of felony disenfranchisement laws were created between 1840 and 1870 as the number of African American male voters increased dramatically after the expansion of citizenship and suffrage (Anderson, 2018; Manza & Uggen, 2006), and nearly 2,000 were elected to all levels of government threatening the political power of the White majority (Behrens et al., 2003). Similar laws continued to be passed across the country over the next 100 years, with amendments adopted into the 2000s (Brennan Center, 2019; Uggen et al., 2016). Whereas only 35 percent of states had felon disenfranchisement laws in 1850, 96 percent had such laws by 2002 (Behrens et al., 2003). Manza and Uggen (2006) suggested that “racial politics provides the hidden glue to understanding the historical origins and persistence of felon disenfranchisement laws” (p. 43).

## **U.S. PUNISHMENT RATES AND THEIR IMPACTS**

More than 19 million people in the United States have a felony conviction (Shannon et al., 2017), a number driven by the cumulative impact of the nation’s expansive system of criminal punishment. Black men are disproportionately represented in this population, with 33 percent having a felony

conviction as of 2010. As a result of felony disenfranchisement policies at the state level, more than 6 million Americans (2.5 percent of the voting age population) were unable to vote in the 2016 election. More than 7.4 percent of the adult Black population were disenfranchised in 2016 as compared with 1.8 percent of the non-Black population. Moreover, 77 percent of those who are disenfranchised are living in their communities, either under supervision (through parole or probation) or having completed their sentences. In fact, more than 50 percent of the disenfranchised population have served their entire sentence and supervision, and yet are still barred from voting in states with especially restrictive laws (Uggen et al., 2016).

Widespread misinformation exists about who can vote with a felony; significant variability exists state by state, and the consequences for being wrong can be severe. For example, Texas prosecuted Crystal Mason for mistakenly voting in the 2016 election while still on parole. She was found guilty and sentenced to five years in prison (Garcia, 2018). Most states reinstate voting rights after sentence completion, but 12 states require a waiting period, ban people convicted of certain offenses, or bar people with felony convictions from voting for their lifetime. Thirty states require all legal financial obligations (fines and fees owed to courts due to conviction or citation or accrued during incarceration) be paid in full for people to be granted their right to vote (Fredericksen & Lassiter, 2016). In these states, individuals who have the means to pay off these debts can regain their right to vote more quickly than people in poverty, thus reinforcing the disenfranchisement of people in poverty and people of color. Two states (Vermont and Maine) have no restrictions on voting related to felony status, allowing people to vote even while incarcerated (Brennan Center, 2019).

### WHERE DOES SOCIAL WORK STAND?

Social work has a solid foundation from which to lead in expanding voting rights and access. We use *Social Work Speaks*, the compendium of policies adopted and revised by the National Association of Social Workers' [NASW] Delegate Assembly, as a guide to the profession's stance on this issue (NASW, 2018). The policy statement on voter participation notes that "many are not able to vote for a variety of reasons including age, immigration,

and parole status" (p. 333) and that 3.5 million Americans with felony convictions cannot vote after completing their prison term. Both the Voter Participation and the Civil Liberties and Social Justice policy statements explicitly state support for the "full restoration of voting rights for all convicted felons once they have completed their legal obligations" (p. 335). Other policy statements also highlight institutional racism within the criminal justice system, and particularly disproportionate incarceration of Black men, Latino men, and Black women. The only specific policy related to felony disenfranchisement supported by NASW in *Social Work Speaks* is the Civil Rights Voting Restoration Act (S. 457), last introduced by Senator Rand Paul in 2015, which would have restored the right of those convicted of nonviolent crimes to vote for federal office, excluding those serving in a correctional facility or in their first year of probation (NASW, 2018).

### CALL TO ACTION: END FELONY DISENFRANCHISEMENT

Social work has a legacy of working to expand voting rights and access, and we urge our profession to take a clear stand against the structural racism built into our democracy. We call on our professional organizations, colleagues in the policy arena, and social workers who work within criminal justice systems to make voting rights, including elimination of all forms of felony disenfranchisement, a central part of their advocacy work.

In addition, given the scope and size of the population with felony convictions, social workers are very likely to have clients who are affected by these laws, regardless of the type of organization in which they practice. Widespread misinformation exists about whether and when someone with a felony can vote, and social workers who are uninformed can unknowingly perpetuate the problem. The following are actions that social workers can take to expand the political voice and power of the people and communities we serve:

- Recognize the pressing need and advocate for a systemic response to the over-arrest and incarceration of people in the United States, particularly Black people and other members of oppressed and marginalized communities.
- Learn the rules around felony voting in your state, including the right of individu-

als in pretrial detention to vote by absentee ballot. Educate clients, staff, and communities on these rules. Go to the Web site of the National Social Work Voter Mobilization Campaign (<http://www.votingissocialwork.org>) for resources and information.

- Support the political power of individuals and communities hardest hit by felony disenfranchisement by including nonpartisan voter registration, education, and outreach as part of micro, mezzo, and macro social work practice.
- Advocate to expand voting rights and access and the elimination of felony disenfranchisement. The Sentencing Project, Prison Policy Initiative, American Civil Liberties Union, Demos, the Southern Poverty Law Center, and the Brennan Center for Justice are excellent partners and sources of research and data.
- Find and support local grassroots efforts to expand voting rights, which are often led by the communities most affected by felony voting laws.
- Join with other social workers to use our collective power to increase voter access by marginalized communities, such as the National Social Work Voter Mobilization Campaign. In addition, NASW and the Social Work Votes Collaborative can provide resources and support for national and state-level efforts. Encourage your local NASW chapter and other professional organizations to be actively involved in these actions.

Social workers touch millions of lives every day. Ensuring the rights of all citizens to vote and participate in democracy, particularly those who have been harmed by historical and systemic racism, is central to the profession's commitment to social justice and empowerment, our ethical mandate, and our impact on society. **SW**

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