



The Struggle to Restore Voting Rights for Former Prisoners - And a Telling Success in Rhode Island

Michael Leo Owens, Emory University

Even after felons pay their dues to society and leave prison, America sidelines them from the public square. Parolees and probationers are often perceived as undeserving of citizen benefits, and they have little power to assert their rights. Not only do governments often deny felons public resources such as Food Stamps, subsidized college loans, public housing and professional opportunities like licenses and contracts, it is also common for U.S. states to deny former prisoners the right to vote and otherwise exercise full and free citizenship.

Felon disenfranchisement is the rule rather than the exception. Some 35 U.S. states deny voting rights when felons leave prison, restoring the right to vote only after the completion of terms of parole and probation. Effective lifetime disqualification prevails in a few states like Florida, Iowa, Kentucky, and Virginia – where the right to vote can be restored for felons only on a case-by-case basis involving individual appeals leading to gubernatorial pardons.

But felon disenfranchisement is not going unchallenged. Reform pushes are widespread – and a 2006 victory in Rhode Island offers room for optimism that full citizenship rights may, over time, be restored to former prisoners.

Efforts to End Felon Disenfranchisement

The cause of restoring full citizenship to ex-prisoners gets support from traditional left-of-center interest groups such as the American Civil Liberties Union; from progressive criminal justice organizations such as The Sentencing Project; and from community-backed organizations associated with the cause of racial equality such as the National Association for the Advancement of Colored People. On the conservative side, some evangelical Christian organizations like the Prison Fellowship assist felons in advocating for the right to vote.

In many places, vote restoration campaigns involve ex-offenders and members of their families in struggles to end felony disenfranchisement. Efforts of this type include All of Us or None in California; the Exodus Renewal Society in Illinois; Families Against Mandatory Minimums in Washington, D.C.; the Ordinary People Society in Alabama; and the National Association of Previous Prisoners in Georgia.

Often led by probationers and parolees, vote restoration campaigns seek to improve circumstances for formerly imprisoned persons who aspire to do better for themselves, their families, and their communities. Changing disenfranchisement laws is a tough, uphill struggle, and particular efforts often fall short. Nevertheless, these campaigns give felon participants a chance to become civically engaged and strengthen their democratic commitments, countering the notion that felons are inherently enemies of civil life or pariahs within American democracy.

And there has been one important and telling success. In 2006, voters in the state of Rhode Island amended the state constitution to restore voting rights to parolees and probationers. For the first time, a majority of American voters in a state with disenfranchisement in place decided through direct democracy to allow felons leaving prison to rejoin democratic life.

A Victory in Rhode Island

The restoration campaign in Rhode Island developed through several steps to the point of a slim victory for a constitutional amendment by 51% of the popular vote. The campaign was conducted by a coalition of local, state, and national organizations, and it included advocacy by felons and ex-felons along with their family members and others supporters. After reformers lobbied the state legislature, it agreed to put the question to voters. Ultimate victory came as a pleasant surprise, because Rhode Island has a punitive reputation.

- Small and densely populated, Rhode Island has a large concentration of prisoners and ex-prisoners. One of every 26 of its adults is incarcerated or serving probation or parole, compared to one in 31 nationally; and Rhode Island ranks first among northeastern states.
- Although Rhode Island ranks only 45th in the percentage of adults currently held in prisons and jails, it ranks fifth in the proportion of residents under community supervision, serving parole or probation. The state has the second highest rate of adults on probation for felonies, and they serve five years on average, approximately double the national average.
- Felon disenfranchisement was instituted in some form in most U.S. states by the end of the 1800s, with Rhode Island adopting it in 1842 with a change to its state constitution. Beginning in the 1960s, Rhode Islanders used constitutional conventions to debate re-enfranchising felons. But efforts failed until 1986, when voters amended the constitution to re-enfranchise convicted felons after they fully completed terms of parole and probation. This still left probationers and parolees excluded from the Rhode Island electorate.

Although the 2006 Rhode Island constitutional amendment campaign was unusual, the campaign that achieved it offers insights into the possible demise of felony disenfranchisement across the United States. American voters may be more open to relaxing punitive measures for ex-prisoners than many policymakers believe. To be sure, there is considerable popular support for denying current prisoners the right to vote, and attitudes are most severe toward felons found guilty of violent and sexual offences. Nevertheless, felons in general stand a reasonable chance of regaining voting rights after prison when voters decide, rather than legislatures.

The successful campaign for reform in Rhode Island challenges conventional wisdom that American democracy has taken an irreversible "punitive turn." Most U.S. states certainly have adopted and maintained punitive rules for felons, but many states are reversing course for less punitive directions; and we see movement in various states toward relaxing the most severe restrictions. Rhode Island's recent experience shows the effectiveness of reform campaigns that include felons and ex-felons, along with a variety of public interest groups. Advocacy by former prisoners themselves may hold the key to persuading most Americans that restoring full citizenship rights to people leaving prison is a good idea. When former prisoners voice their own determination to be constructive citizens, the message can get across.

Read more in Michael Leo Owens, "Ex-Felons' Organization-Based Political Work for Carceral Reforms." *The ANNALS of the American Academy of Political and Social Science* 651, no. 1 (2014): 256-265.