

# Felony Disenfranchisement

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Widening the Lens of Justice: Unmasking the Layers of Racial and Social  
Inequality

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# Who We Are

- Democracy and Justice
- Our Model:
  - Think Tank
  - Advocacy Group
  - Public Interest Law Firm
  - Communications Hub



# Felony Disenfranchisement

- Over **5 million** Americans barred from voting
- The **vast majority** live in our communities; **less than 25%** are incarcerated
- Nationwide, **one in 16** Black adults are disenfranchised as a result of felonies
- Latino Americans are also disproportionately impacted

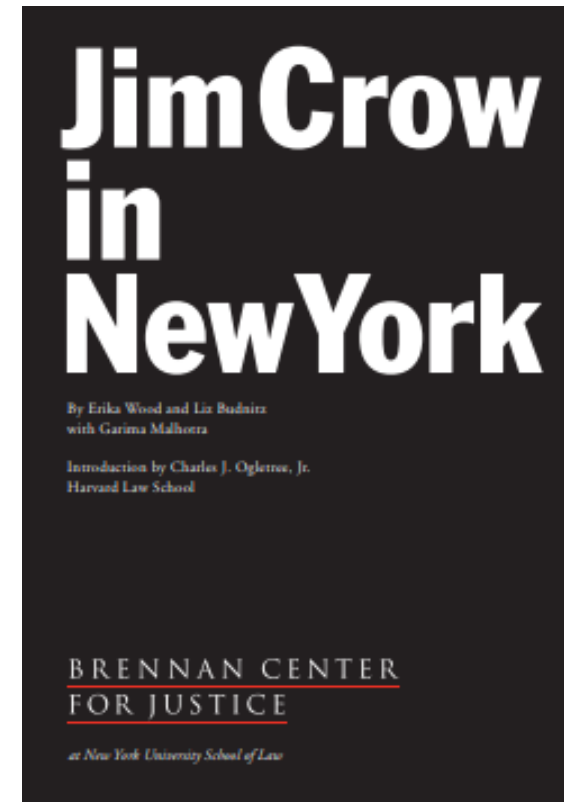
**LOCKED OUT**

★ ★ ★ **2020** ★ ★ ★

**ESTIMATES OF PEOPLE  
DENIED VOTING RIGHTS DUE  
TO A FELONY CONVICTION**

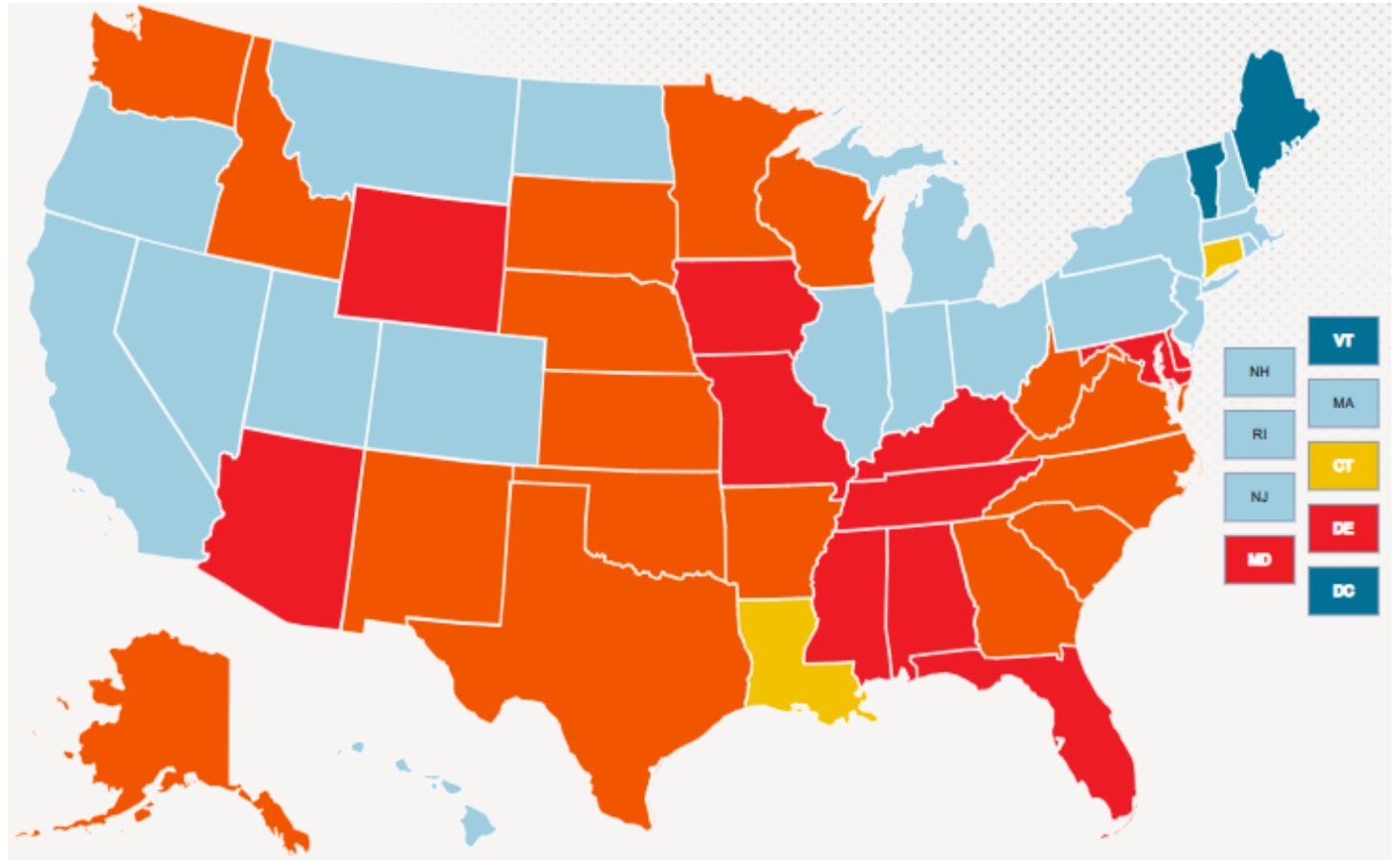
# Jim Crow Origins

- *“If we should have white supremacy, we must establish it by law — not by force or fraud.”*
  - Convention President John B. Knox, Alabama Constitutional Convention of 1901
- *“This plan will eliminate the darkey as a political factor in this state in less than five years.”*
  - Future Treasury Secretary Carter Glass, Virginia Constitutional Convention of 1902



# State Felony Disenfranchisement Laws

- Permanent disenfranchisement for all people with felony convictions, unless government approves individual rights restoration
- Permanent disenfranchisement for at least some people with criminal convictions, unless government approves restoration
- Voting rights restored automatically after release from prison and discharge from parole (people on probation may vote)
- Voting rights restored upon completion of sentence, including prison, parole, and probation
- Voting rights restored automatically after release from prison
- No disenfranchisement for people with criminal convictions

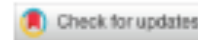


# Impact of Felony Disenfranchisement

- De Facto Disenfranchisement
- “Spillover Effects”

## DE FACTO DISENFRANCHISEMENT

Erika Wood and Rachel Bloom



*Original Manuscript*

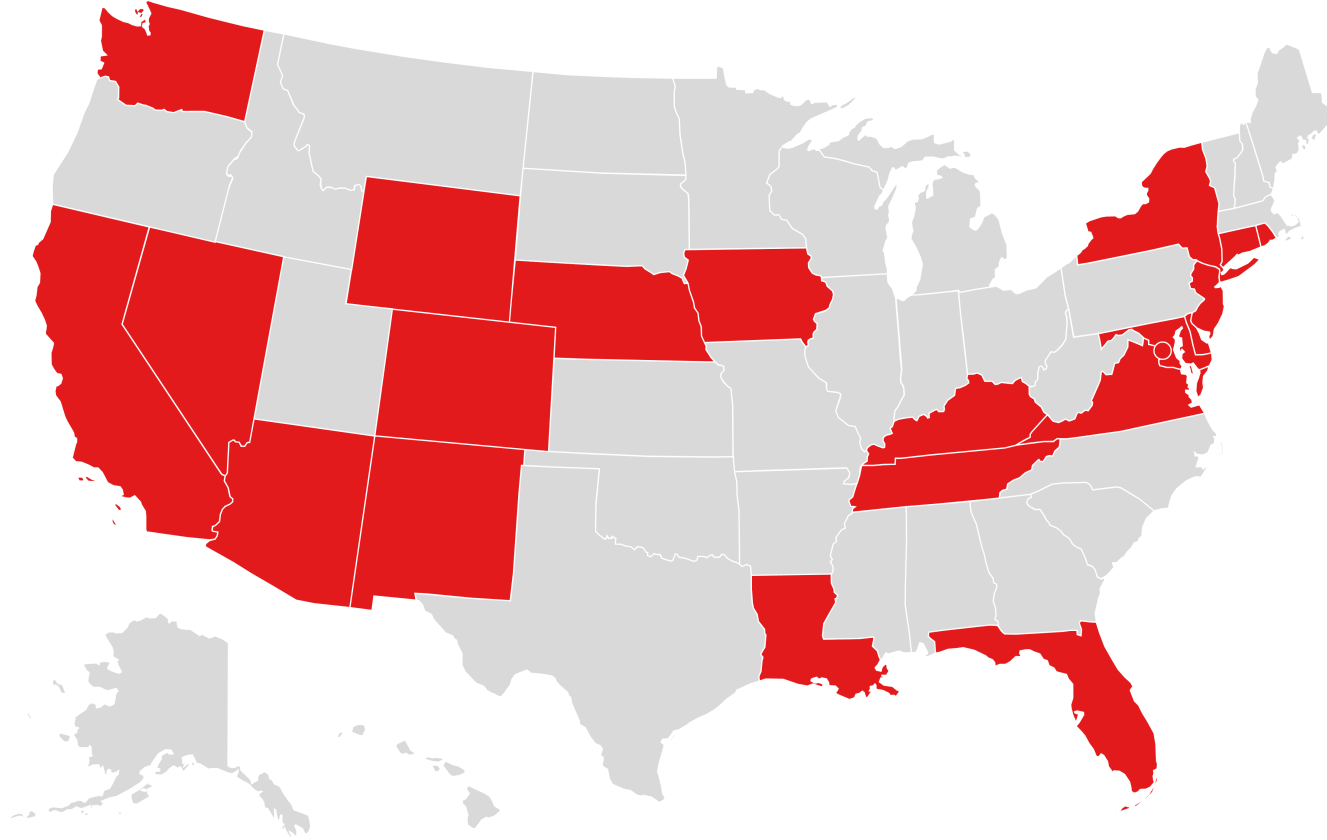
### **Neighborhoods and Felony Disenfranchisement: The Case of New York City**

Urban Affairs Review  
1–23  
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# Legal Challenges

- Fourteenth Amendment
  - *Richardson v. Ramirez*, 418 U.S. 24 (1974)
- Eighth Amendment
  - *Thiess v. State Admin. Bd. of Election Laws, State of Md.*, 387 F. Supp. 1038 (D. Md. 1974)
- Twenty-Fourth Amendment
  - *Johnson v. Bredesen*, 624 F.3d 742 (6th Cir. 2010)
  - *Harvey v. Brewer*, 605 F.3d 1067 (9th Cir. 2010)
- Section 2 of the VRA
  - *Johnson v. Bush*, 405 F.3d 1214 (11th Cir. 2005)
  - *Farrakhan v. Gregoire*, 623 F.3d 990 (9th Cir. 2010)
- State Constitutions
  - *Schroeder v. Minnesota Secretary of State*, 62-CV-19-7440 (Ramsey Cty. Dist. Ct. Aug. 11, 2020)
  - *Community Success Initiative v. Moore*, 19CVS15941 (Wake Cty. Super. Ct. Sept. 4, 2020)

# Momentum for Reform



Over the past two decades, **20 states and Washington, D.C.** have made their felony disenfranchisement laws more just, less discriminatory, and easier to administer



# Spotlight: California

- In 2020, Prop 17 restored voting rights to **50,000 Californians**
- **Nearly 60%** of Californians voted in favor
- Prop 17 got **more “Yes” votes than the 11 other initiatives on the ballot**



# Spotlight: Florida

- In 2018, Amendment 4 restored voting rights to **1.4 million** Floridians
- **64% of Floridians** voted in favor
- Amendment 4 received **a million votes more** than any candidate
- Prior to Amendment 4, **more than one in five** of Florida's Black voting-age population was disenfranchised

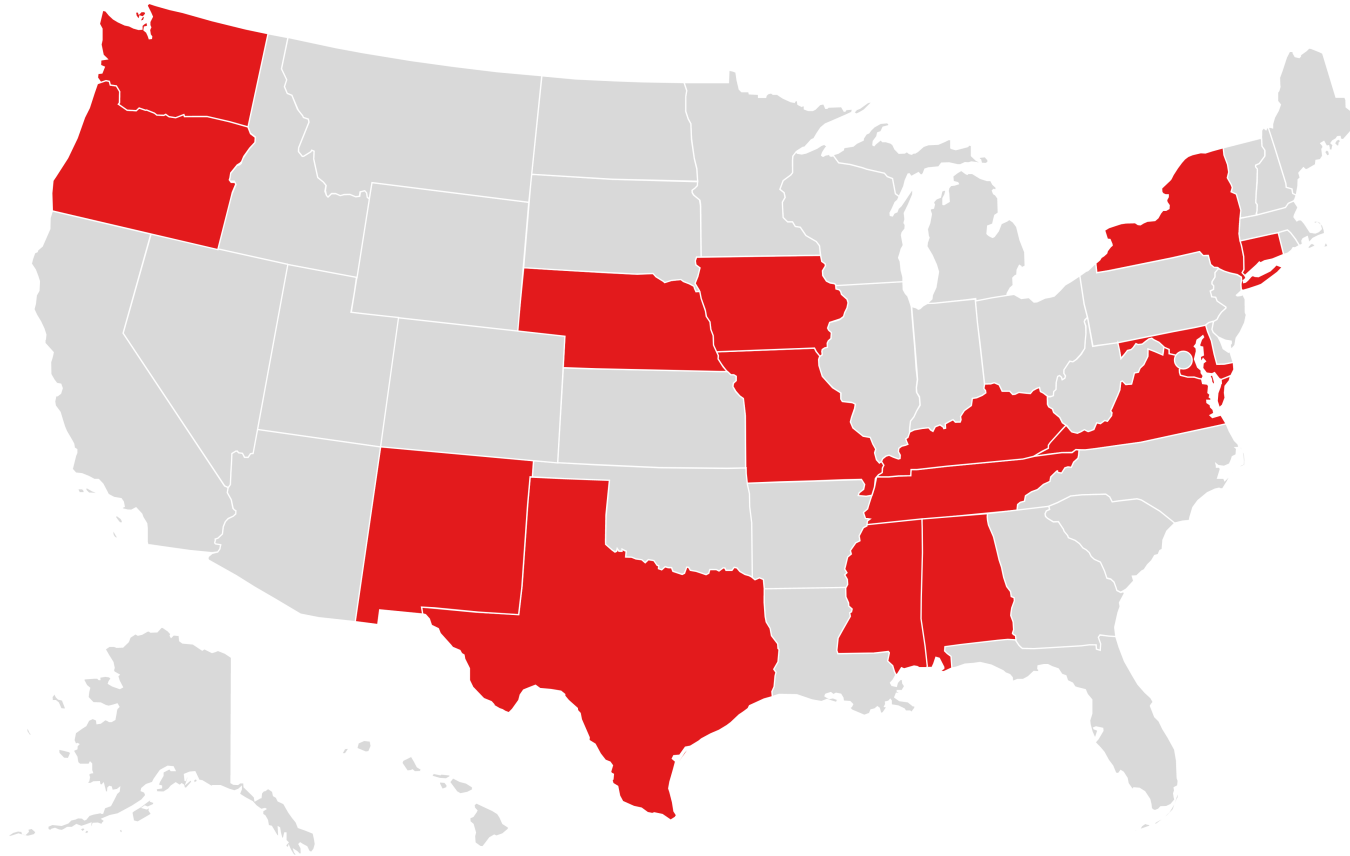


# *Jones v. Governor of Fla.*, 975 F.3d 1016 (11th Cir. 2020)

- In 2019, Florida's legislature enacted **Senate Bill 7066**
- The law requires people to pay off all **finances, fees, court costs, and restitution** before they can vote
  - At least **900,000 Floridians** can't vote solely because they cannot afford to pay what they owe
  - The law has a **disproportionate impact** on Black Floridians
  - Florida has **no reliable, centralized database** for tracking outstanding court debt



# Continued Momentum for Reform



As of January 2021, at least **15 states** are considering measures to **expand or restore voting rights** for Americans with felony convictions

# The Democracy Restoration Act

- Federal legislation to allow all Americans who aren't in prison to vote in federal elections
  - Part of *The For the People Act*, introduced as H.R. 1 in the House and S. 1 in the Senate



# Questions?

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