

WHAT AMERICANS BELIEVE ABOUT VOTING RIGHTS FOR CRIMINALS

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The United States is one of the world's strictest nations when it comes to denying the right to vote to citizens convicted of serious crimes. A remarkable 5.6 million Americans are forbidden to vote because of what scholars call "felon disenfranchisement," referring to state laws that restrict voting rights for those convicted of serious crimes.

Most felon disenfranchisement laws were put on the books during and after the Civil War. Since the 1960s, some U.S. states have maintained old rules or tightened them, while others have granted more rights. Today, people actually sitting in prison lose the right to vote in 48 of the 50 states (all but Maine and Vermont). But current prisoners only represent about one-fourth of the 5.6 million disenfranchised. The rest are either probationers under supervision in their communities, or people on parole after fully serving their prison sentences. Thirty U.S. states deny voting rights to convicts on probation, and thirty-five states disenfranchise parolees. In the most extreme cases, eleven states continue to deny voting rights even to some "ex-felons" who have successfully fulfilled their prison, parole, or probation sentences.

Felon disenfranchisement is controversial, because so many Americans are affected and they are disproportionately lower-income African-Americans and Latinos. Civil rights groups are pressing states to loosen disenfranchisement laws. But what do most Americans think? We conducted the first nationally representative survey to find out in some detail.

Research that Plays It Down the Middle

As we wrote questions for the Harris Interactive Omnibus Telephone Poll of July 18-22, 2002, we avoided portraying convicted felons as either malicious monsters ("murderers, rapists, terrorists, and spies") or minor miscreants ("marijuana possessors").

- We asked carefully worded questions, such as: *"There has been some discussion recently about the right to vote in this country. Some feel that people convicted of a crime who have been released from prison on parole and are living in the community should have the right to vote. Others feel that they should not have the right to vote. What about you? Do you think people on parole should have the right to vote?"* We used similar questions to ask about probationers, current inmates, and ex-felons.
- Our examples varied the type of criminal offense involved. Our *Baseline Ex-Felon* item made no specific references to the crime committed; our *White-Collar Ex-Felon* item specifies the "illegal trading of stocks"; our *Violent Ex-Felon* item refers to a "violent crime"; and our *Sex Crime Ex-Felon* item refers to one of the most vilified groups in America, "people convicted of a sex offense."

What Americans Think

Our results show that Americans hold nuanced views about which convicts should have the right to vote:

- A clear majority (60%) favors restoring voting rights to people who have exited prison and are now on parole in the community.
- Fully two-thirds (68%) endorse voting rights for people under supervised probation in the community.
- But support for voting rights disappears at the penitentiary gate; only 31% of Americans endorse allowing people currently in prison to vote.
- Support for restoring the right to vote to former felons who have completed their entire sentence (both prison and probation) varies depending on the specific kind of offense. With no reference to the nature of the crime, four-fifths of Americans favor restoring voting rights to former felons who have served their entire sentences. But support drops to 66% for people convicted of a *violent* crime, to 63% for a *white-collar* conviction, and to a bare majority of 52% when highly stigmatized *sex offenders* are at issue.

The key finding is that a majority of Americans favors restoring voting rights to former felons who have completed their sentences – even when told that convicts had served time for highly stigmatizing offenses such as sex crimes. Majorities in favor of voting rights for ex-felons are much stronger for less stigmatizing crimes. And high proportions of Americans favor voting rights for probationers who are currently serving their sentences in their communities, as well as for former prisoners serving time on parole.

Balancing Public Safety and Democratic Rights

Americans cherish the right to vote, yet the general public is also understandably concerned about safety and the need to punish crime. People are pulled both ways in debates about voting rights for convicted criminals. Yet in this clash, the public's desire to maximize democratic rights trumps the most extreme urge to punish wrongdoers. *Most Americans favor restoring voting rights to people convicted of felony crimes who are not currently in prison.*

How much difference would it make if state laws were changed to reflect the principles most Americans endorse? The answer is straightforward: *Voting rights would be restored to fully 4 million of the 5.6 million people currently denied voting rights while on probation or after serving time in prison.* American democracy would be significantly enlarged. The truth about public views should embolden policymakers who have hesitated to restore voting rights out of mistaken worries that their constituents oppose reform. Americans do support reform.

Read more in "Public Attitudes toward Felon Disenfranchisement in the United States" (with Jeff Manza and Clem Brooks). *Public Opinion Quarterly* 68, no. 2 (2004): 275-286.