

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-black-people-from-voting>

Public Facing Advocacy Writing

Last year, [we wrote about an increasing number of states](#) working to restore voting rights for people with felony conviction histories.

That trend seems to be continuing in 2018. [According to the Brennan Center for Justice](#), as of late January this year legislators in seven states—Alabama, Arizona, Florida, Mississippi, Nebraska, New Jersey, and Virginia—had introduced bills to restore some voting rights.

An estimated 2.5 percent of Americans—or 6.1 million voters—are disenfranchised due to past felony convictions. In many states, this includes people who have served their time, yet can't vote because they are still on probation or parole. In four states—Florida, Iowa, Kentucky, and Tennessee—regaining the right to vote is so onerous that formerly incarcerated people are essentially barred for life from exercising this civic right. A [February 2017 report by the League of Women Voters of Kentucky](#) found that, due to the states' lifetime ban on voting for people with felony convictions, more than 300,000 residents were disenfranchised, an increase of 68 percent since 2006—including more than a quarter of its black population, the highest such rate in the nation.

The burden of felony disenfranchisement does not fall equally on all Americans. These laws have a significant disproportionate impact on black people, who are overrepresented in the criminal justice system. An estimated one in 13 black Americans does not have the right to vote due to past convictions—four times the rate of other Americans.

This disproportionate impact on black people is no accident: it has its roots in systemic racism that dates back to the Reconstruction Era. Many states already had disenfranchisement laws in place in some form at the end of the Civil War. However, following the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments—which, respectively, banned slavery, except for people who have been convicted of a crime; established birthright U.S. citizenship; and gave black men the right to vote—states passed a flood of new or amended bans. These were in addition to other voting restrictions, such as poll taxes and literacy tests. [According to a report by The Sentencing Project](#), some states tailored their laws specifically to apply to crimes thought to be committed more often by black people and excluded crimes thought to be committed more often by white people.

Additionally, states with a higher proportion of black residents—like Mississippi and South Carolina—were more likely to pass harsher restrictions. Together with enforcement practices that caused more black Americans to be involved in the criminal justice system to begin with, these laws had a significant negative impact on black voting power from the late Nineteenth century onward.

Today, the legacy of these laws lives on, and black people comprise 38 percent of all Americans who have been stripped of their voting rights due to conviction histories, though they are only 13 percent of the country's population. While poll taxes and literacy tests were abolished with the signing of the Voting Rights Act of 1965, felony disenfranchisement laws in some form remain on the books in 48 states. As America continues to grapple with its history of racial oppression and the impact of mass incarceration, the states that are working to restore voting rights for people with felony convictions are moving in the right direction.

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