

DEMOCRACY RESTORATION ACT OF 2015 (S.772/H.R. 1459) 114th Congress

This year we commemorate the 50th anniversary of the Bloody Sunday March for voting rights in Selma, Alabama, and the passage of the historic Voting Rights Act. The Democracy Restoration Act of 2015, introduced by Senator Ben Cardin and Representative John Conyers, honors those hard-fought battles by restoring voting rights in federal elections to the millions of Americans who have done their prison time but continue to be denied their ability to fully participate in civic life because of a past criminal conviction.

Consensus is building across the country, on both sides of the aisle, on the dire need to reform our criminal justice system. This reform must include an acknowledgment of the far-reaching impact of past convictions. Criminal records carry collateral consequences that persist long after a person has completed his or her sentence, erecting barriers to housing, education, and employment for individuals who wish to rebuild their lives as productive members of society, and, perversely, contributing to recidivism at high cost to U.S. taxpayers. To dismantle the barriers facing formerly incarcerated individuals and actively promote their reintegration as productive and engaged citizens, we can begin by taking the most straightforward of steps – restoring their right to vote.

The Democracy Restoration Act of 2015 would:

- Restore voting rights in federal elections to the 4.4 million American citizens with criminal convictions who have already served their time in prison;
- Ensure that probationers do not lose their right to vote in federal elections; and
- Require notification to individuals about their right to vote in federal elections when they are leaving prison, sentenced to probation, or convicted of a misdemeanor.

Background:

Voting is a fundamental right and a cornerstone of our democracy. As the Supreme Court has said, “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”¹ Yet nearly 4.4 million U.S. citizens with convictions who have already done their time in prison are denied that right.² These citizens return from prison to work, pay taxes, live as our friends and neighbors, and raise families in our communities, yet they lack a voice in their own government.

Criminal disenfranchisement laws proliferated following Reconstruction, intended to limit access to the vote for African-Americans after the formal end of slavery. Today’s disenfranchisement laws are direct descendants of the laws promulgated in that era and continue to disproportionately impact African-Americans. Nationwide, 1 in 13 African-American adults have lost the right to vote – a proportion 4 times the national average.³

Today, some states permanently disenfranchise some, but not all, citizens with felony convictions, while others allow voting after a sentence is completed or after release from prison.⁴ Florida, Iowa, and Kentucky permanently disenfranchise citizens with felony convictions unless the state approves rights restoration on an individual basis. Maine and Vermont allow people to vote even while incarcerated. All other states fall somewhere in between, meaning a voter can lose the right to vote simply by moving to another state.⁵ A rights-restorative approach at the federal level would set a positive example for the states.

For more information, please contact Ruthie Epstein, Legislative Policy Analyst, at repstein@aclu.org.

¹ *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

² CHRISTOPHER UGGEN, SARAH SHANNON, & JEFF MANZA, THE SENTENCING PROJECT, STATE-LEVEL ESTIMATES OF FELON DISENFRANCHISEMENT IN THE UNITED STATES, 2010 1 (2012), available at http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf

³ JEAN CHUNG, THE SENTENCING PROJECT, FELONY DISENFRANCHISEMENT: A PRIMER 2 (JUNE 2014), available at http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Primer.pdf.

⁴ See Voting Rights for People with Criminal Records, <http://www.aclu.org/map-state-felony-disfranchisement-laws> (including map detailing state laws).

⁵ *Id.*