

Felons have Rights Too

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The treatment of former felons in the electoral system cries out for reform. Currently, six million Americans are affected by disenfranchisement (Sherman). Their privilege and right to vote has been stripped from them and the simplest and fairest solution would be to remove the prohibitions on felon voting. Even in states that recognize felons right to vote, they are rarely notified of it when they are released from prison. Prisoners should be given all this information during their discharge process, and they should be helped with the paperwork. The paperwork requirements are burdensome and even those who apply can be presumed ineligible (New York Times). Once felons have completed their conviction sentence and paid their debt to society they should have restored voting rights. Prohibiting them from voting is unconstitutional and can be considered to violate the Voting Rights Act of 1965.

The right to vote is decided on by the states and not the federal government; this makes the rehabilitation of former felon voting rights more difficult than other situations. Only 14 of the 50 states allow for the automatic restoration of voting rights after felons are released (ncsl). Automatic restoration means that election officials are notified that this person can vote, but the felons are then responsible for the act of re-registering themselves to vote in the next election. Other states either force these former felons to pay hefty fines, present their case to a judge, wait for a period of years, or they are never restored their voting rights. If some states will allow their felons to vote, why will not all states allow it?

The Voting Rights Act (VRA) of 1965 was originally made to prohibit states from imposing racially discriminatory voting laws. Today, it is being used to fight for felon's rights to vote. The VRA was revised in 1982 to prohibit any voting restrictions that have a discriminatory intent (Handelsman). Due to the fact over 1/3 of disenfranchisement cases are effecting African Americans, plaintiffs are using the VRA to fight disenfranchisement laws. Attorney Lauren Handelsman says that, "Because the racial impact of felon

disenfranchisement is so great, many of these laws could be declared impermissible restrictions on the right to vote” (Handelsman).

In addition to violating the Voting Rights Act, disenfranchisement can be considered unconstitutional based on three amendments. The fourteenth, twenty-fourth, and eighth amendment all deal with punishments or rights of citizens. The six million felons that cannot vote are currently a minority group in the United States. The fourteenth amendment, the Equal Protection Clause clearly states, “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.” (U.S. Const. amend. XIV, sec. 1). If the states cannot make laws that limit the privileges of the citizens, then why are felons, U.S. citizens, not able to express their opinion through voting? Another amendment that is being broken is the twenty-fourth. This amendment states that citizens have the right to vote in any primary or other election and that right shall not be denied. By not allowing former felons to vote, their rights guaranteed to them by the Constitution are being violated. Finally, even for the felons who can vote, they cannot afford it because they have to pay such heavy fines. This goes against the eighth amendment that states, “excessive fines shall not be imposed” (U.S. Const. amend. XIII.)

Many people believe that felons should not regain the right to vote after their sentence completion due to the fact that they are untrustworthy or irresponsible. If a person cannot follow the law, then why should they get to vote for it? Most felons have made one mistake in their life, and after going to prison, they want to come back out into the world and regain their life. These people have now paid their debt to society after the completion of their prison sentences. They should no longer have to continue paying for their mistake after the courts say they are done. One major thing a court system focuses on with former felons is making sure they are being a positive influence to the society. Voting is a way to show they want to be involved in what is going on and are staying active in the community. Last, but not least, felons are less likely to commit another crime if they feel valued and respected in their community. By not allowing them to vote and show their opinions, how can they feel valued?

So now that the facts are known, should former felons get to

express their rights, or should their rights continue to be stripped from them? These six million Americans, who have paid their debt to society, are being prohibited from voting and for what reasons? If the states are being totally true to the American way of living then why are they violating the Voting Rights Act and the Constitution? People cannot show that they are trustworthy and responsible until they are given the chance, and these former felons do not have that chance. Removing this prohibition and returning their privilege and right to vote is the only way to show that these felons are still citizens and fellow members of society.

Works Cited

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