

# PART 1: HOW WE GOT HERE

The United States has one of the most punitive justice systems in the world. It has the highest rate of incarceration in the world, and **Black Americans make up 33% of incarcerated populations, despite comprising 12% of the total adult population.** The United States also restricts the voting rights of system-impacted people, in many cases preventing citizens with felony convictions from casting votes. According to the Sentencing Project, **5.2 million** Americans with felony convictions had lost the right to vote as of 2020. **One in every 16** Black adults has been disenfranchised for this reason — a rate **four times greater** than non-Black Americans.

This severe approach to punishment is embedded in the fabric of our country — “civil death,” or the practice of revoking voting rights as a criminal penalty arrived with the English colonists. The first felony disenfranchisement law was passed in 1792 in Kentucky. Other states followed suit, and by 1870, **28 out of the then-38** states had similar legislation.

It’s impossible to separate the practice of felony disenfranchisement from the systemic racism of the United States. There is a direct link between the end of the Civil War in 1865 and the increase in felony disenfranchisement laws. Three years after the 13th Amendment was ratified and slavery was abolished — except in the case of punishment for a crime — the 14th Amendment cemented felony disenfranchisement as a legal practice in the Constitution.

**THE 14TH AMENDMENT** GAVE STATES THE POWER TO DENY CITIZENS VOTING RIGHTS FOR “PARTICIPATION IN REBELLION OR OTHER CRIME.” THIS LOOPHOLE CEMENTED THE PRACTICE OF FELONY DISENFRANCHISEMENT IN THE UNITED STATES.



**OVER 5.2  
MILLION**

Americans have lost the right to vote because of a felony conviction



**1 IN EVERY 16**

Black adults is disenfranchised from voting



# 26 STATES

have modified their disenfranchisement laws since 1997 to give more people the right to vote.

## FLORIDA ACCOUNTS FOR 27% OF THE NATION'S DISENFRANCHISED POPULATION.

*In 2018, Floridians voted to restore voting rights to Floridians disenfranchised as a result of a felony conviction. In 2019, Gov. Ron DeSantis banned returning citizens from voting if they had outstanding fines, fees, or restitution to pay. As the Supreme Court in July 2020 allowed Florida to bar people with felony convictions from voting unless they have paid court fines and fees.*

## 1.5 MILLION FLORIDIANS REMAIN DISENFRANCHISED.

If you are in Florida, head to [www.floridarrc.com](http://www.floridarrc.com) to learn more about how to get fines and fees paid.

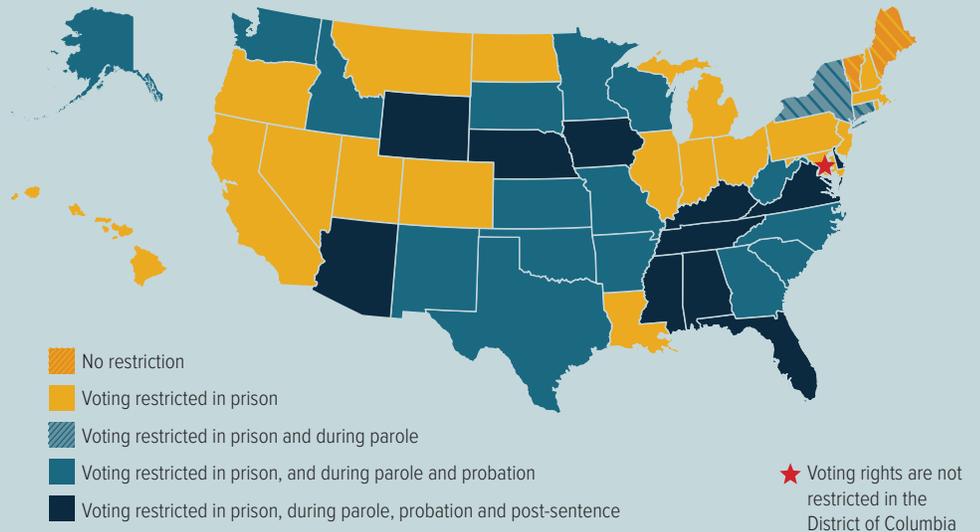
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Revoking voting rights, among other penalties, became a new way to legally restrict the freedom of Black Americans. States crafted disenfranchisement laws to target Black people with severe and disproportionate penalties for small, petty crimes, and systemically limited Black voters through poll taxes, grandfather clauses, and literacy tests. These practices were a part of the patchwork of Jim Crow laws and Black codes designed to rob Black Americans of their rights.

### Voting Restrictions based on Felony Convictions



The hard-won Voting Rights Act of 1965 was meant to counter this theft of electoral power and ensure everyone has the right to vote. However, a 1974 Supreme Court decision in the case of *Richardson v. Ramirez* upheld state rights to disenfranchise people convicted of a crime. **Since 1997, we've seen laws change in more than half of states that either restore voting rights, simplify the process of restoring voting rights, or reduce the restrictions.** Because of these modifications to felony disenfranchisement laws, an estimated more than 1 million people have regained the right to vote.

However, it's not enough. There are only two states — **Maine and Vermont, and the District of Columbia** — where system-impacted people never lose the right to vote and are allowed to vote by absentee ballot while incarcerated. By contrast, 26 states currently prohibit people from voting if they're on probation, parole, or have completed their sentence. Approximately 1 in 44 adults can't vote because of a current or prior felony conviction. Of this population, over one million are Black people who have completed their sentence. **Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and Wyoming** have the highest rates of disenfranchisement in the country.

Attempts to do away with felony disenfranchisement at the federal level have failed, creating a patchwork of laws and policies that vary wildly from state to state. Even those living in a state with less restrictions around voting rights face a complicated pathway to getting lost voting rights restored.

Learn more about your ballot and how to vote in parts 2 & 3