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States Are Growing More Lenient in Allowing Felons to Vote

By [ERIK ECKHOLM](#)

Legislatures in 16 states have loosened voting restrictions on felons over the last decade, according to a new report, a trend hailed by some rights advocates as a step toward democratic principles and fairness, especially for black Americans.

Because of their high incarceration rate, blacks are most affected by the voting bans that vary widely among the states, with many barring current inmates and parolees from voting until they have fulfilled their sentences, and some barring felons for life.

In recent years, Iowa, Nebraska and New Mexico have repealed their lifetime bans on voting by people who have been convicted of felonies, and several other states made it easier for freed prisoners or those on probation to vote, according to the report, issued yesterday by the Sentencing Project, a liberal advocacy group in Washington.

The recent changes have restored voting rights to more than 600,000 individuals, the report said. But because the country's prison population has continued to rise, a record number of Americans, 5.3 million, are still denied the vote because of criminal records, it concluded.

"It's good news that many people who'd been disqualified from voting are being re-engaged as citizens," said Jeremy Travis, president of the [John Jay College of Criminal Justice](#) in New York and a leader of the movement to smooth the re-entry of prisoners to society.

"I think people are realizing that the country had gone too far in marginalizing a large group of people who have been convicted of felonies," Mr. Travis said. "This has had profound consequences for our democracy and the participation of minorities."

But some conservatives remain philosophically opposed to any wholesale loosening of voting restrictions. "If you're not willing to follow the law, then you shouldn't claim the right to make the law for someone else," said Roger Clegg, president of the Center for Equal Opportunity, a conservative advocacy group in Washington.

Mr. Clegg, who was a senior Justice Department official in the Reagan and first Bush administrations, said that those convicted of felonies should be given the vote only case by case, when they have proved to be constructive members of society.

Some restrictions on voting date to the early years of the country or to the post-Civil-War period, while others were tightened during the "get tough on crime" era of the 1980's.

By federal law, voter rules are mainly set by the states. As a result, even in presidential elections, former prisoners can vote in some states but not others.

Only two states, Maine and Vermont, have no restrictions, even permitting inmates to vote. At the other extreme, three states, Florida, Kentucky and Virginia, still have lifetime bans on voting by felons. Nine others bar selected groups of offenders for life.

New York, Connecticut and New Jersey, like most states, do not allow current inmates or parolees to vote.

In a ballot initiative in Rhode Island this November, voters will decide whether to restore voting rights to prisoners on parole or probation, who far outnumber inmates. Early polls show public support for the measure.

Advocates of change emphasize broad arguments about democratic process, but the racial disparities give the issue a special resonance

and raise questions about the representation of minorities in politics.

In 2004, one in eight black men were unable to vote because of a felony conviction, the report said, a rate many times higher than that for other groups.

Felony convictions have left one in four black men barred from voting in five states: Alabama, Florida, Mississippi, Virginia and Wyoming, said Ryan S. King, author of the report and a policy analyst at the Sentencing Project.

But Mr. Clegg argued that the voting restrictions were applied evenhandedly, and that just because they had a disproportionate impact on one group, that did not make them racially discriminatory.

Though data on felon voting patterns are murky, a large majority of former prisoners are believed to lean Democratic. Even with a low turnout rate, their participation could make a difference in close races, experts say. Florida's rules, for example, might have been a factor in the 2000 presidential election.

In Texas in 1997, Gov. [George W. Bush](#) signed a law eliminating a two-year wait before prisoners ending their parole could vote.

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