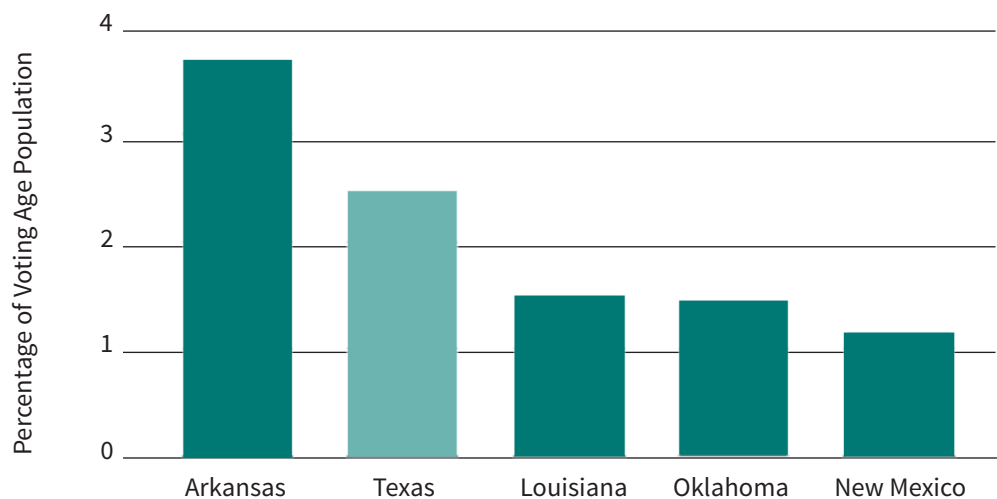


Texas Should Restore Voting Rights to Over 450,000 Citizens

The number of Texans denied voting rights due to a felony conviction is larger than the disenfranchised populations of 47 states.¹ Outpaced only by Florida and Tennessee, Texas currently locks out 455,160 citizens from our democracy—2.5% of the state’s voting age population.² Texas forbids all citizens incarcerated for a felony conviction or on felony probation or parole from voting—a law that is more restrictive than 24 states and Washington, DC.³ Texas denies the vote to a higher percentage of its voting age citizens than its neighboring states of Louisiana, Oklahoma, and New Mexico.⁴

Felony Disenfranchisement Rate in Texas and Neighboring States, 2022



Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.

People of color are disproportionately impacted by Texas’s felony disenfranchisement laws. Black Texans are disenfranchised at a rate 2.1 times the state rate. Nearly two-thirds, 63%, of disenfranchised Texans are Black or Latinx.⁵

Texas lawmakers should extend voting rights to all citizens with felony convictions, including persons completing felonies in prisons and jails and under community supervision for a felony conviction.

Expanding Voting Rights in Texas is a Racial Justice Issue

Texas law has disenfranchised people convicted of felonies since 1845.⁶ Throughout its history the law has had a racially disparate impact, both intentionally and unintentionally. In an 1897 speech at the National Prison Congress, George T. Winston, then-President of the University of Texas, argued that “to protect their property and civilization,” the “Southern white population” would need to incarcerate more Black Americans.⁷ This terrible legacy of racist “Jim Crow”

laws lives on today. At present, Black Texans are over three times as likely to be imprisoned as whites.⁸

The racist legacy of “Jim Crow” justice continues to this day and undermines the voice of the Black community in Texas’s democracy. In the early years of the “War on Drugs,” despite similar rates of drug usage between Black and white Texans, Black people represented 81% of the increase in Texas’s prison population for drug offenses.⁹ Another study showed that, on average, Black people received longer sentences than white people for similar drug offenses in the state.¹⁰ From arrest to sentencing, people of color have disproportionate contact with the criminal legal system, which drives disparities in felony disenfranchisement and ultimately prevents the Black community from having its rightful say in Texas’s democratic process.¹¹

Supporting Voting Rights Improves Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one’s perceived status as an “outsider.”¹² The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.¹³ Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota’s Christopher Uggen and New York University’s Jeff Manza find that among people with a prior arrest, there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.”¹⁴ Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration

were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.¹⁵ Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including persons completing felony sentences in prisons and jails and under community supervision for a felony conviction, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, Texas can improve public safety while also promoting reintegrative prosocial behaviors.

Texas Should Implement Universal Enfranchisement Laws

While Texas formally ended lifetime felony disenfranchisement in 1983, it has been slow to keep up with further reforms across the country.¹⁶ People convicted of felonies were forced to endure years-long waiting periods after the end of their sentences to regain the right to vote, until waiting periods were eliminated entirely in 1997.¹⁷ Yet, in 2007, the governor vetoed a bill requiring the state to notify people of their restored voting rights.¹⁸ This raises serious concerns about Texas’s commitment to the values necessary to support a thriving democracy.

Blocking access to the ballot box betrays the democratic process and the voice of the people. The expansion of voting rights and democratic engagement should garner bipartisan support because expanding and strengthening voting rights should be the concern of all Americans. Texas should ensure all of its citizens can participate in our democratic process. Texas should advance racial justice by re-enfranchising its entire voting age population.

ENDNOTES

- ¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.
- ² Uggen et al. (2022), see note 1.
- ³ Uggen et al. (2022), see note 1.
- ⁴ Uggen et al. (2022), see note 1.
- ⁵ Uggen et al. (2022), see note 1.
- ⁶ Brooks, G. (2005). Felon disenfranchisement: Law, history, policy, and politics. *Fordham Urban Law Journal*, 32(5), 101-148. <https://ir.lawnet.fordham.edu/ulj/vol32/iss5/3>
- ⁷ Perkinson, P. (2010). *Texas tough: The rise of America's prison empire*. New York: Metropolitan Books.
- ⁸ Nellis, A. (2021). *The color of justice: Racial and ethnic disparity in state prisons*. The Sentencing Project.
- ⁹ Porter, N. (2008). The politics of felon disenfranchisement in Texas. *The Electorate*. <http://blackelectorate.com/articles.asp?ID=2028>
- ¹⁰ Curry, T. & Corral-Comacho, G. (2008). Sentencing young minority males for drug offenses: Testing for conditional effects between race/ethnicity, gender, and age during the U.S. war on drugs. *Punishment and Society*, 10(3), 253-276. <https://doi.org/10.1177/1462474508090231>
- ¹¹ Ghandnoosh, N. (2015, February 3). *Black lives matter: Eliminating racial disparities in the criminal justice system*. The Sentencing Project.
- ¹² Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>
- ¹³ Uggen et al. (2022), see note 1.
- ¹⁴ Uggen & Manza (2004), see note 12.
- ¹⁵ Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/Z38Z66F>
- ¹⁶ Sennott, C. & Galliher, J.F. (2006). Lifetime felony disenfranchisement in Florida, Texas, and Iowa. *Symbolic and Instrumental Law, Social Justice*, 33(1), 79-94. <https://www.jstor.org/stable/29768353>
- ¹⁷ Mcleod, M. (2018). *Expanding the vote: Two decades of felony disenfranchisement reforms*. The Sentencing Project.
- ¹⁸ HB 770. (2007). *Relating to requiring the Texas Department of Criminal Justice to provide notice to certain persons of the right to vote*. <https://capitol.texas.gov/billlookup/Actions.aspx?LegSess=80R&Bill=HB770>