



Testimony of Nicole D. Porter

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In Support of H 63 and S 7 – Proposals
to the Massachusetts Constitution
Relative to Voting Rights

Before the Massachusetts Joint
Committee on Election Laws

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing H 63 and S 7 and urge its favorable report. The Sentencing Project thanks Rep. Erika Uytterhoeven and Sen. Liz Miranda for their primary sponsorship on H 63 and S 7.

I am Nicole D. Porter, Senior Director of Advocacy for The Sentencing Project. I have had extensive engagement in public policy research on criminal legal issues for many years, with a particular focus on sentencing, collateral consequences of incarceration, and racial disparity. I have also authored numerous journal articles, reports and public commentary on shifting trends in state policy impacting criminal legal reform including voting rights for people with felony convictions. It is my honor to submit testimony to the Joint Committee on Election Laws to guarantee voting rights for all persons completing their sentence inside prisons and jails regardless of their crime of conviction.

MOMENTUM TO GUARANTEE THE VOTE

Felony disenfranchisement laws and policies can be traced back to the founding of the United States when settler colonialists implemented the policy during their occupation of North America. The nation was founded on a paradox, a supposed experiment in democracy that was limited to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions. Vermont and Maine, the only states that have never disenfranchised prisoners, are also the whitest states in the nation.¹

Enacting H 63 and S 7 would be part of Massachusetts' long arc to guarantee voting rights for persons impacted by the criminal legal system. Since 1997, 26 states and the District of Columbia have expanded voting rights to people living with felony convictions. As a result, over 2 million Americans have regained the right to vote.²

Massachusetts stands as an outlier. In the late 1990s, incarcerated individuals in one of the state prisons established a Political Action Committee (PAC) to track elected officials' positions on prison reform and encourage electoral participation among incarcerated voters and their families. Then Governor Paul Cellucci banned the Massachusetts Prisoners Association PAC by executive order and proposed a constitutional amendment to disenfranchise voters sentenced to Massachusetts prisons. The number of Massachusetts

¹ Gross, D. (2020). [*Why Shouldn't Prisoners Be Voters?*](#) The New Yorker.

² Porter, N. D., & McLeod, M. (2023). [*Expanding the Vote: State Felony Disenfranchisement Reforms, 1997-2023*](#). The Sentencing Project.

residents disenfranchised from voting in prison and jail numbered over 7,300 as of 2024³, while nationally, more than 4 million Americans are disenfranchised.

Public opinion polls show that a majority - 56% of likely American voters - support voting rights for people completing their sentence inside and outside of prison.⁴

VOTING WHILE INCARCERATED

Massachusetts is among a growing number of states and jurisdictions that have worked to guarantee voting rights to incarcerated voters regardless of conviction status. In 2021, Massachusetts' lawmakers adopted the VOTES Act which guaranteed ballot access to eligible voters completing misdemeanor sentences in jail or detained pretrial.⁵

Maine and Vermont remain the only states that do not restrict voting based on criminal convictions while the District of Columbia and the Commonwealth of Puerto Rico also allow persons with felonies who would otherwise be eligible to vote to cast a ballot while completing their prison sentence.⁶

In some locations, eligible incarcerated voters can vote in-person.

- During 2024, Colorado lawmakers enacted a first-in-nation bill that mandates all county jails provide in-person voting. Lawmakers mandated the county clerk and the sheriff's designee to provide at least one day of in-person voting at the county jail or detention center.⁷
- In 2019, Illinois officials expanded voter access and education efforts in jails across the state by authorizing counties with a population of 3,000,000 or more to establish a temporary in-person voting center in county jails.⁸
- During 2016, more than 6,100 voters sentenced to prison in Puerto Rico cast their ballot at in-person voting centers in the Republican primary.⁹

³ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2024). [Locked out 2024: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

⁴ The Sentencing Project. (2022). [New National Poll shows Majority Favor Guaranteed Right to Vote for All](#).

⁵ Lamb, A. (2021). [Activists Seeking Voter Protections for Inmates](#). The Bay State Banner.

⁶ See note 3.

⁷ Colo. Rev. Stat. § 1-2-103

⁸ IL ST CH 10 § 5/19A-20

⁹ Newkirk III, V. (2016). [Polls for Prisons](#). The Atlantic Magazine.

VOTING AND COMMUNITY SAFETY

When this nation was founded as an experiment in democracy two centuries ago, it was a very limited experiment rooted in a paradox. Women were not permitted to vote, nor were African Americans or people who were poor or could not read. Over time, evolving public sentiment has enfranchised all those groups, and we now look back on that moment with a great deal of national embarrassment. It is long past time to remedy the exclusion of the last remaining group of citizens who are denied the right to vote. This would represent a healthy expansion of our democracy and community safety.

Furthermore, voting is strongly correlated with better public safety outcomes. Voting is among several prosocial behaviors for justice impacted persons, like getting a college education, that is associated with reduced criminal conduct.¹⁰ Having the right to vote or voting is related to reduced recidivism for persons with a criminal legal history.¹¹ Disenfranchisement has no deterrent effect on crime.¹²

Felony disenfranchisement also ignores the important distinction between legitimate punishment for a crime and one's rights as a citizen. Convicted individuals may be sentenced to prison, but they generally maintain their basic rights. Even if someone is held in a maximum security prison cell, they still have the right to get married or divorced, or to buy or sell property. And to the extent that voting is an extension of free speech, consider that a person in prison may have an op-ed published, perhaps with greater impact than casting a single vote. Persons who are currently disenfranchised are anchoring policy change campaigns in Nebraska and Texas, amongst other states.¹³

THE CASE TO GUARANTEE VOTING RIGHTS FOR ALL

Felony disenfranchisement policies, including for persons completing their prison sentence, are inherently undemocratic. The United States is very much out of line with world standards, and it is important to take a fresh look at the rationale and impact of policies that can only be described as aberrant by international norms.¹⁴

¹⁰ Bozick, R., Steele, J., Davis, L., & Turner, S. (2018). Does providing inmates with education improve postrelease outcomes? A meta analysis of correctional education programs in the United States. *Journal of Experimental Criminology*, 14, 389-428. <https://doi.org/10.1007/s11292-018-9334-6>; Uggen, C., Manza, J., & Behrens, A. (2013). 'Less than the average citizen': Stigma, role transition and the civic reintegration of convicted felons. In S. Maruna & R. Immarigeon (Eds.), *After crime and punishment* (pp. 258-287). Willan. <https://doi.org/10.4324/9781843924203>; 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.

¹¹ 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>; Uggen & Manza (2004).

¹² Poulos, C. (2019). [The fight against felony disenfranchisement](#). Harvard Law and Policy Review Blog.

¹³ Demetrius Gatson, an organizer with the ACLU of Nebraska, is disenfranchised while completing her parole sentence.; Jorge Renaud, director of criminal justice for LatinoJustice, is disenfranchised while completing his parole sentence in Texas.

¹⁴ Porter, N., Parker, A., Walk, T., Topaz, J., Turner, J., Smith, C., Laronde-K, M., Pierce, S., & Ebenstein, J. (2024). [Out of Step: U.S. Policy on Voting Rights in Global Perspective](#). The Sentencing Project.

A prison term results in barriers to employment, including reduced lifetime earnings and restrictions on access to various public benefits. Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. For the community at large, the challenges of reentry result in high rates of recidivism, the extraction of social and political capital, and the collateral impact of mass incarceration. Returning voting rights to those with a felony conviction is but one small way Massachusetts can expand its democracy while bettering public safety outcomes for everyone.

The Sentencing Project applauds Rep. Uytendaele and Sen. Miranda for H 63 and S 7 as champions guaranteeing voting rights for justice-impacted voters and urges a favorable report of H 63 and S 7 from the Joint Committee on Election Laws.