

Texas Should Restore Voting Rights to 500,000 Citizens

The number of Texans denied voting rights due to a felony conviction is larger than the disenfranchised populations of 48 states. Second only to Florida, over 500,000 Texans are currently locked out of our democracy, a number that represents 2.8% of the state’s Voting Age Population (VAP).¹ The state forbids all people in prison, on felony probation or parole from voting—a practice that is more restrictive than 23 states plus Washington, D.C.² Texas denies the vote to a higher percentage of its VAP than its neighboring states of Louisiana, Oklahoma and New Mexico. Texas should extend voting rights to all people affected by the criminal legal system in the state.

Expanding Voting Rights in Texas is a Racial Justice Issue

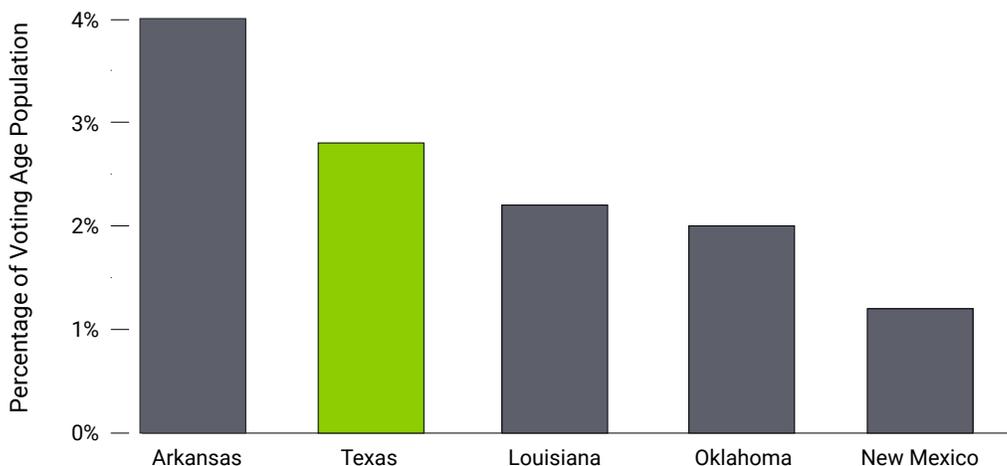
People of color are disproportionately impacted by Texas’s felony disenfranchisement laws. African Americans are disenfranchised at a rate 2.1 times higher than the state average, and Latinx Americans are disenfranchised at 1.2 times the state average. Nearly two-thirds (63%) of people disenfranchised in Texas due to a felony conviction are Black or Latinx.³

Texas law has disenfranchised people convicted of felonies since 1845.⁴ Throughout the state’s 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 African Americans.⁵ This terrible legacy of racist “Jim Crow” laws lives on today. At present, Black Texans are four times as likely to be incarcerated as whites.

The racist legacy of “Jim Crow” justice continues to this day and continues to undermine the impact of the voice of the Black community in our democracy. In the early years of the “War on Drugs,” African Americans were significantly more likely to lose their voting rights due to drug convictions. Despite similar rates of drug usage between African Americans and whites, between 1986 and 1999 African Americans

Felony Disenfranchisement Rates in Texas and Neighboring States, 2020



Black Texans are 4X as likely to be incarcerated as whites

represented 81% of the increase in the state's use of prisons for drug offenses.⁶ Another study shows that, on average, African Americans received longer sentences than whites for similar drug offenses in the state.⁷ 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 the democratic process in Texas.

Supporting Voting Rights Improves Public Safety

Research suggests that re-enfranchisement can facilitate successful re-entry and reduce recidivism. One report by Christopher Uggen and Jeff Manza finds 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."⁸ By removing felony disenfranchisement as a collateral consequence, Texas can improve public safety.

Texas Should Implement Universal Enfranchisement Laws

While Texas formally ended lifetime felony disenfranchisement in 1983 it has been slow to keep up with reforms across the country.⁹ 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 1997.¹⁰ Yet, in 2007, the state's governor vetoed a bill requiring the state to notify people of their restored voting rights.¹¹ This raises serious concerns about the state'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. Indeed, voting patterns of incarcerated people appear to mirror the larger society. One recent survey, conducted by the *Marshall Project* and *Slate*, found that a plurality of white people in prison supported Donald Trump in the last election. While data on the party affiliations of people in prison is limited, such evidence undercuts claims that restoring the vote will universally benefit a single political party.¹²

Texas can and should work to expand the franchise to all people affected by the criminal legal system. Maine and Vermont have never taken away the right to vote for people in prison and D.C. recently reinstated it. Eighteen states now extend the right to vote for people as soon as they leave prison. Texas lawmakers should follow in the footsteps of states around the country to expand the vote.

Endnotes

1. Chris Uggen, Ryan Larson, Sarah Shannon, and Arleth Pulido-Nava. 2020. [Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction](#). Washington: Sentencing Project.
2. Texas Election Code § [11.002](#).
3. Chis Uggen, et al. 2020.
4. George Brooks. 2005. "[Felon Disenfranchisement: Law, History, Policy, and Politics](#)." *Fordham Urban Law Journal*. 32(5), 101-148.
5. Robert Perkinson. 2010. *Texas Tough: The Rise of America's Prison Empire*. New York: Picador.
6. Nicole D. Porter. 2008. "[The Politics of Felon Disenfranchisement in Texas](#)." *The Black Electorate*.
7. Theodore R. Curry and G. Corral-Camacho. 2008. "[Sentencing Young Minority Males for Drug Offenses: Testing for Conditional Effects between Race/Ethnicity, Gender and Age during the US War on Drugs](#)." *Punishment and Society*. 10(3), 253-276.
8. Christopher Uggen and Jeff Manza. 2004. "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." *Columbia Human Rights Law Review*, 36(1), 193-216.
9. Christie Sennott and John F. Galliher. 2006. "[Lifetime Felony Disenfranchisement in Florida, Texas, and Iowa: Symbolic and Instrumental Law](#)." *Social Justice*. 33(1), 79-94.
10. Morgan McLeod. 2018. "[Expanding the Vote: Two Decades of Felony Disenfranchisement Reforms](#)." Washington: The Sentencing Project.
11. [HB 770](#), Texas 2007.
12. Nicole Lewis, Aviva Shen and Anna Flagg. (2020, March 13). [What Do We Really Know About the Politics of People Behind Bars?](#) *The Marshall Project*.