

Tennessee Denies Voting Rights to 450,000 Citizens

Tennessee denies the right to vote to more people with a felony conviction than 47 other states.¹ Over 450,000 Tennesseans are excluded from participation in our democracy, representing 9% of the state's voting age population.² Tennessee has the country's highest rate of disenfranchisement for Latinx Americans and the second highest rate of disenfranchisement for African Americans. Driving this nationally high disenfranchisement rate is the state's suspension of voting rights for 66,600 people on probation and parole, and 360,000 people who have completed their sentence. To ameliorate this racial injustice and protect its democratic values, Tennessee should extend voting rights to all people affected by the criminal legal system.

Racial Injustice Causes Disparities in Disenfranchisement

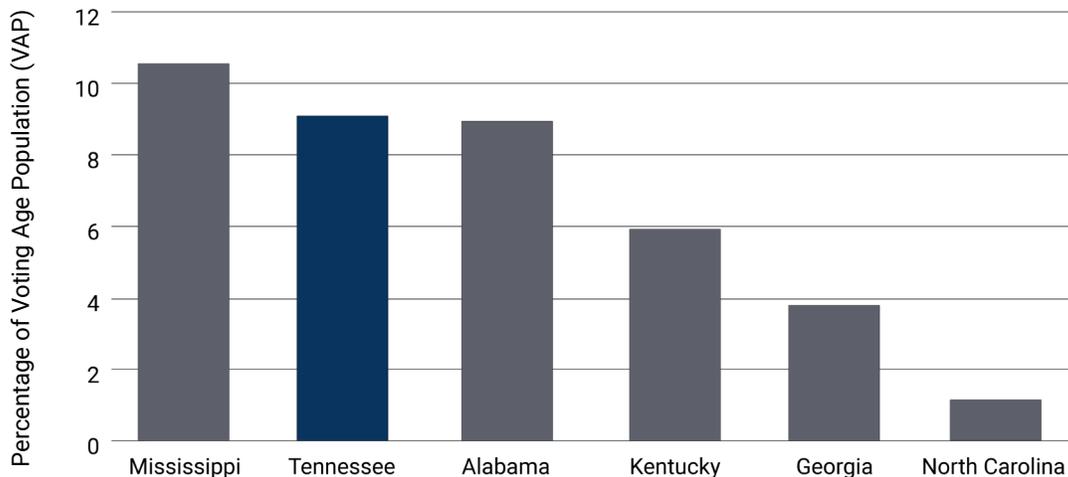
People of color are disproportionately disenfranchised in Tennessee because they are overrepresented in the state's criminal legal system. The state denies voting rights to 22% of Black voting age Tennesseans and 11% of Latinx voting age Tennesseans due to system

involvement. The rate of disenfranchisement for Black Tennesseans is twice the national average for Black Americans.³

Racial bias and discrimination in the justice system lock people of color out of the democratic process. While African Americans make up only 17% of the population in Tennessee, they represent 42% of people in prisons and 36% of people on felony probation or parole.⁴ The racial injustices of the Tennessee legal system have gained the attention of the state's supreme court, resulting in the creation of a two-year plan by the Access to Justice Commission to reduce systemic discrimination.⁵

Racial disparities in Tennessee's criminal legal system go beyond differences in criminal offending and can stem from factors including implicit bias affecting police and prosecutorial decisions-making. For example, Nashville and Memphis police have arrested African Americans at roughly three times the rate of others, targeting communities of color for low-level arrests.⁶ In 2019, Tennessee was one of 14 states in which all elected prosecutors were white.⁷

Rates of Disenfranchisement in Tennessee and Neighboring States, 2020



Uggen, C., Larson, R., Shannon, S., & Pulido-Nava, A. (2020). *Locked out 2020: Estimates of people denied voting rights due to a felony conviction.* The Sentencing Project.

Tennessee's Felony Voting Laws Remain Outdated and Inaccessible

Tennessee's complicated and protracted voting restoration process prevents many Tennesseans with felony convictions from regaining their right to vote. Under Tennessee's current law, people convicted of felonies can regain their voting rights only after completing their sentence and repaying court fees and outstanding child support.⁸ However, voting rights are not automatically restored when citizens become re-eligible. Those wishing to apply for voting restoration must file a separate form for each felony conviction.⁹ The forms must be completed by a probation or parole officer, or criminal court clerk—many of whom have not been trained on the process.¹⁰ Regulations for voting restoration vary across county lines; there is no universal process through which to attain a Certificate of Restoration, nor a uniform method of determining eligibility.¹¹ Rejections come with no explanatory statements, and there are no official means for appeal.¹²

Tennessee's voting restoration process is also not open to everyone with a felony conviction. The state constitution specifies that citizens convicted of "infamous" crimes—as classified by trial judges—can be permanently disenfranchised.¹³ For those eligible to restore their voting rights, the process depends upon the type of offense and year of conviction, meaning that Tennessee does not have one universal law regarding enfranchisement. Many Tennesseans with felony convictions are uninformed of their eligibility for voting restoration. For those who are aware of their rights, monetary and bureaucratic barriers prevent them from regaining their right to vote.

Supporting Voting Rights Improves Public Safety

Research suggests that re-enfranchisement can facilitate successful re-entry and reduce recidivism. 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 Having a say and a stake in the life and well-being of your community is at the heart of democracy. By ending disenfranchisement as a collateral consequence of a conviction, Tennessee can improve public safety.

Tennessee Can Preserve Its Democracy by Restoring the Right to Vote

Excluding an entire population of people from exercising their right to vote undermines democracy. Between 2016 and 2020, only 3,415 Tennesseans with felony convictions successfully restored their voting rights—less than 1% of people who had completed their sentence.¹⁵ Dispelling notions that people with convictions do not wish to engage in the political process, studies have found that voter turnout is greater in states that actively inform formerly incarcerated people of their rights.¹⁶

Felony disenfranchisement is the ultimate form of voter suppression, as it can result in indefinite disenfranchisement that is onerous to reverse. Voting rights restoration has become a bipartisan cause in Tennessee. According to a 2019 poll, 60% of Republicans and 78% of Democrats were in favor of restoring voting rights to Tennesseans with felony convictions who had completed their sentence.¹⁷ Further supporting voting restoration as a bipartisan goal, a survey conducted by the *Marshall Project* and *Slate* found that re-enfranchising people with criminal justice involvement will not universally benefit one party over the other.¹⁸

Relieving the barriers to enfranchisement for Tennesseans with felony convictions requires a change in the law. The Campaign Legal Center and the Tennessee NAACP have brought a lawsuit against Tennessee, arguing that the failures of the state's restoration process violate the Equal Protection Clause and the National Voter Registration Act.¹⁹ Universal voting promotes fair and equal representation and establishes trust between communities and their governments. Tennessee should take immediate action to remedy its anachronous restoration system and re-enfranchise its entire voting age population, regardless of criminal legal involvement.

Endnotes

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1705 DeSales Street NW, 8th Floor
Washington, D.C. 20036
sentencingproject.org

This fact sheet was created by Research Fellow Emma Stammen and Senior Research Analyst Nazgol Ghandnoosh. Published January 2022.

The Sentencing Project promotes effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.