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## Felons and the Right to Vote

**A**bout 4.7 million Americans, more than 2 percent of the adult population, are barred from voting because of a felony conviction. Denying the vote to ex-offenders is antidemocratic, and undermines the nation's commitment to rehabilitating people who have paid their debt to society. Felon disenfranchisement laws also have a sizable racial impact: 13 percent of black men have had their votes taken away, seven times the national average. But even if it were acceptable as policy, denying felons the vote has been a disaster because of the chaotic and partisan way it has been carried out.

Thirty-five states prohibit at least some people from voting after they have been released from prison. The rules about which felonies are covered and when the right to vote is restored vary widely from state to state, and often defy logic. In four states, including New York, felons on parole cannot vote, but felons on probation can. In some states, felons must formally apply for restoration of their voting rights, which state officials can grant or deny on the most arbitrary of grounds.

Florida may have changed the outcome of the 2000 presidential election when Secretary of State Katherine Harris oversaw a purge of suspected felons that removed an untold number of eligible voters from the rolls. This year, state officials are conducting a new purge that may be just as flawed. They have developed a list of 47,000 voters who may be felons, and have asked local officials to consider purging them. But The Miami Herald found that more than 2,100 of them may have been listed in error, because their voting rights were restored by the state's clemency process. Last week, the state acknowledged that 1,600 of those on the list should be allowed to vote.

Election officials are also far too secretive about felon voting issues, which should be a matter of public record. When Ms. Harris used inaccurate standards for purging voters, the public did not find out until it was too late. This year, the state tried to keep the 47,000 names on its list of possible felons secret, but fortunately a state court ruled this month that they should be open to scrutiny.

There is a stunning lack of information and transparency surrounding felon disenfranchisement across the country. The rules are often highly technical, and little effort is made to explain them to election officials or to the people affected. In New York, the Brennan Center for Justice at New York University Law School found that local elections offices often did not understand the law, and some demanded that felons produce documents that do not exist.

Too often, felon voting is seen as a partisan issue. In state legislatures, it is usually Democrats who try to

restore voting rights, and Republicans who resist. Recently, Republicans and election officials in Missouri and South Dakota have raised questions about voter registration groups' employment of ex-felons, although they have every right to be involved in political activity. In Florida, the decision about whether a felon's right to vote will be restored lies with a panel made up of the governor and members of his cabinet. Some voting rights activists believe that Gov. Jeb Bush has moved slowly, and reinstated voting rights for few of the state's ex-felons, to help President Bush's re-election prospects.

The treatment of former felons in the electoral system cries out for reform. The cleanest and fairest approach would be simply to remove the prohibitions on felon voting. In his State of the Union address in January, President Bush announced a new national commitment to helping prisoners re-enter society. Denying them the right to vote belies this commitment.

Restoring the vote to felons is difficult, because it must be done state by state, and because ex-convicts do not have much of a political lobby. There have been legislative successes in recent years in some places, including Alabama and Nevada. But other states have been moving in the opposite direction. The best hope of reform may lie in the courts. The Atlanta-based United States Court of Appeals for the 11th Circuit and the San Francisco-based Court of Appeals for the Ninth Circuit have ruled recently that disenfranchising felons may violate equal protection or the Voting Rights Act.

Until the whole idea of permanently depriving felons of their right to vote is wiped away, the current rules should be applied more fairly. The quality of voting roll purges must be improved. Florida should discontinue its current felon purge until it can prove that the list it is using is accurate.

Mechanisms for restoring voting rights to felons must be improved. Even in states where felons have the right to vote, they are rarely notified of this when they exit prison. Released prisoners should be given that information during the discharge process, and helped with the paperwork.

The process for felons to regain their voting rights should be streamlined. In Nevada, early reports are that the restoration of felon voting rights has had minimal effect, because the paperwork requirements are too burdensome. Ex-felons who apply to vote should have the same presumption of eligibility as other voters.

Voting rights should not be a political football. There should be bipartisan support for efforts to help ex-felons get their voting rights back, by legislators and by state and local election officials. American democracy is diminished when officeholders and political parties, for their own political gain, try to keep people from voting.