



## WHY DID ACLU-TN LAUNCH THE “RIGHT TO VOTE” CAMPAIGN?

In 1965, Congress passed “The Voting Rights Act,” one of the most effective civil rights laws ever enacted. The Act immediately outlawed the worst Jim Crow laws in the South, such as literacy tests and other devices that kept African-American citizens out of the voting booth.

Then gradually, through court decisions and legislative initiatives, more subtle schemes to disenfranchise minorities fell by the wayside. In Mississippi, for example, black registration rose from 6.7% in 1964 to 70.8% in 1986. Today, nearly 5,000 African-Americans hold elective office across the South.

But in 1993, the tide shifted ominously when the Supreme Court delivered its decision in Shaw v. Reno and struck down a majority minority voting district in North Carolina as unconstitutional. Since Shaw, the Court has continued to chip away at voting rights. Moreover, the “War on Drugs” has disproportionately convicted and incarcerated people of color, resulting in their disenfranchisement. Today, the hard won gains to ensure voting rights of blacks and other minorities are in danger of being extinguished.

Consider the facts:

- Nearly 5.3 million Americans cannot vote because of felony convictions. 98,000 of them live in Tennessee.
- Nationally, 585,000 veterans who have risked their lives for this country and more than 676,000 women have been disenfranchised.
- 13% of African-American men in the U.S. – 38,200 of whom are Tennesseans – have been barred from voting forever because of felony convictions. In parts of the South, 30% of black men cannot vote.

Tennessee’s felony voting rights restoration law, a patchwork quilt of rules, restrictions, and procedures, was the most confusing and complicated in the United States. On July 1, 2006, after two years of legislative advocacy and broad organizational and bipartisan support, Public Chapter 860 was enacted. The new law:

- creates a uniform system for restoring voting rights to persons with past felony convictions;
- makes it easier for people who have been convicted of a felony to determine if they will lose their right to vote and how to get it restored;
- allows most individuals with felony convictions to restore their voting rights without going to court or hiring an attorney;
- reduces economic and administrative burdens by providing state and county officials with one set of eligibility and restoration guidelines to follow; and
- helps reintegrate persons convicted of a felony who have completed their sentences back into society, which encourages social responsibility and civic involvement. (One study has shown that those who vote are rearrested at lower rates than those who do not vote.)

The new law is an important first step in streamlining the restoration process and ensures that persons convicted of a felony who have completed their sentence can, in most cases, have their voting rights restored. Although a former felon no longer needs to go before a judge to have his or her right to vote restored, the law continues to be complicated and requires several procedural steps before restoration is complete. ACLU-TN and its “Right to Vote” partners remain committed to securing additional reforms to make the law more user-friendly and to ensure that all former felons can regain their full voting rights, because voting is the cornerstone of a free and democratic society.

ACLU-TN has serious concerns about one provision in the new law which was added at the last minute during the legislative process. The provision, which prevents restoration of voting rights if individuals are not current in their child support payments, unfairly penalizes poor mothers and fathers who may never have enough money to buy back their franchise. ACLU-TN is now in the process of identifying individuals adversely affected by this provision and preparing a lawsuit to challenge this unconstitutional provision. ACLU-TN is also monitoring the law’s restitution requirement to determine its impact on excluding people from voting who have completed their sentence but are too poor to pay full restitution upon release.

Voting is a fundamental right that is the cornerstone of our democracy. A voice is a vote, and ACLU-TN is committed to ensuring that every citizen has the right to use his or her voice.