



# ACLU-TN Voting Rights Toolkit

## Introduction

Thank you for joining with us to advocate for voting rights in Tennessee.

To sustain a strong, robust democracy in our country, we need to ensure that the broadest possible base of voters can exercise their right to vote.

Voter suppression initiatives – from voter purges to photo ID laws to reduced ballot access – continue to disenfranchise eligible voters, especially people of color, the poor, the elderly, students, and people with disabilities.

Though President Trump disbanded his sham “election integrity” commission in early 2018, he and Kris Kobach, former head of the commission and architect behind voter restrictions across the country, have indicated that their attempts to lay the groundwork for voter suppression will continue through the Department of Homeland Security.

The ACLU is aggressively countering numerous efforts to block the vote and seeking out new strategies to guarantee free and easy access to the ballot box for every American.

**Part 1** of this toolkit offers you an overview of the voting rights landscape in Tennessee, including two key areas: the disenfranchisement of people with felony convictions and low voter participation.

**Part 2** includes actions you can take related to these areas.

We hope this toolkit will empower you to reach out to your family, friends, colleagues, acquaintances, elected officials and others to raise awareness and advance voting rights in Tennessee. This toolkit is also available at: <http://www.aclu-tn.org/no-barriers-ballot-box/>.

Please continue to check this site for updates, as additional resources that can support your advocacy will be added as they become available. With your help, we can expand access to the ballot for all Tennesseans. Thank you.

## Part 1: The Voting Rights Landscape in Tennessee

Tennessee has a mixed history when it comes to voting rights.

In 1920 Tennessee was the deciding state in efforts to ratify the 19th Amendment, which expanded access to the ballot to women. In 1965, both Tennessee senators voted for passage of the Voting Rights Act, a landmark piece of legislation which prohibited racial discrimination in voting.

However, today many people face significant barriers to exercising the right to vote. Tennessee’s 2011 law requiring presentation of a photo ID to vote particularly burdens senior

citizens, racial and ethnic minorities, students, people with disabilities and low-income voters, who are both less likely to have the documentation required to vote, or the means to get it.

Another 2011 state law reduced early voting periods, limiting access to the ballot box.

The state has also purged hundreds of thousands of voters from the voting rolls for inactivity, a practice the Sixth Circuit Court of Appeals has ruled violates the National Voter Registration Act.

Individuals can permanently lose the right to vote following a felony conviction, barring an entire group of people from voting. Many people remain disenfranchised after they have completed their sentences simply because they lack the funds necessary to restore their voting rights.

Of the 50 states and the District of Columbia, Tennessee ranked fiftieth in overall voter turnout in the 2014 election, indicating the need for modernization of Tennessee's voter registration practices to make it easier for people to vote.

Voting is essential to a healthy democracy and every citizen should have an equal voice. This toolkit provides an overview of voting rights issues in Tennessee, recommended action steps you can take to protect and expand access to the ballot box, and tools to support your efforts.

Thank you again for taking a stand to protect voting rights in Tennessee.

## Disenfranchisement of People with Felony Convictions

### The Problem

**Scope of the Problem.** Nationwide, an estimated 6.1 million people are denied the right to vote because of laws that restrict voting for people who have a felony conviction.<sup>i</sup> The majority of people denied the right to vote nationwide are no longer incarcerated.

Tennessee's disenfranchisement laws are among the most complicated and onerous in the country. Tennessee prevents people from voting if they have been convicted of a felony and are incarcerated, on parole, on probation, or not up to date on child support payments or court-ordered restitution and court costs.

Under these policies, over 420,000 Tennesseans, or approximately one out of every twelve voting-age people, are disenfranchised.<sup>ii</sup> Three quarters of disenfranchised Tennesseans have completed their sentences yet are still unable to vote due to Tennessee's burdensome process for restoring the right to vote.<sup>iii</sup>

Many people find it difficult to meet the financial hurdles they must overcome to get their right to vote back, which is compounded by the difficulty people with records face when seeking employment. Imposing a financial requirement on the right to vote creates a modern-day poll tax and punishes people who are trying to get their lives back on track for being poor.

Even if these financial hurdles are met, the process for restoring the right to vote is convoluted and challenging in and of itself, requiring a person to make a significant investment of time to track down numerous government officials in different locations and get them to sign off on a

certificate of restoration prior to actually registering to vote. There is no set time frame within which these various government agencies must act, and a 2008 ACLU of Tennessee survey found that most election officials themselves did not know or understand Tennessee's law governing the restoration process.<sup>iv</sup> It is so difficult to restore voting rights that between 1990 and 2015, only 11,581 people managed to do it.<sup>v</sup>

**Disparate Racial Impact.** The disproportionate impact of felony disenfranchisement on the African-American community is profound. Many of the laws that deprive the right to vote stem from Jim Crow era efforts to disenfranchise African-Americans and they have been devastatingly effective. More than a third of the 6.1 million people disenfranchised nationwide are Black. Nationally, this adds up to more than seven percent of the adult African-American population being disenfranchised, compared to less than two percent of non-African-Americans.<sup>vi</sup> In Tennessee, a shocking 21 percent of Black people – more than one in five – are disenfranchised.<sup>vii</sup>

**Effects.** Disenfranchising people with felony convictions also runs counter to the goal of public safety. Restricting voting rights does not prevent crime. In fact, disenfranchising people after they are released from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of ex-offenders into society.

Voting is a powerful symbol of being part of our democracy. Restoring the right to vote is critical for individuals to reintegrate into society, bringing electoral power back to marginalized communities.

Far from making the streets safer, felony disenfranchisement may also be detrimental to public safety. Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of felony disenfranchisement is that the very behavior that society strives to encourage – the commitment to the larger social and political collective – is undermined by a policy that prevents people who are trying to get their lives back on track from voting.

## The Solution

Ideally, Tennessee would follow Vermont and Maine's lead and never disenfranchise individuals with felony convictions at all, or, short of that, restore people's right to vote automatically upon release from prison.

However, a more feasible, initial goal for Tennessee is to ensure that people can regain their right to vote upon completion of their prison sentence, parole and probation.

Removing the financial burden currently imposed on the right to vote will ensure that a person's ability to have a voice in our democracy is not tied to his or her financial status.

Recognizing that this is a long-term goal, ACLU-TN may also support other initiatives along the way that raise public awareness and expand access to the ballot box to more disenfranchised people.

We will continue to post resources and action items as they arise at:

<http://www.aclu-tn.org/no-barriers-ballot-box/>.

# Expanding Voter Participation

## The Problem

In 2014, Tennessee ranked 50<sup>th</sup> of all of the states and the District of Columbia in overall voter turnout.<sup>viii</sup> Tennessee's voter turnout remains one of the lowest in the nation with only 52 percent of the eligible population voting in the 2016 presidential election.<sup>ix</sup>

Several restrictive voting laws passed in recent years have contributed to Tennessee's voter participation problem. According to the Government Accountability Office, following the passage of Tennessee's photo ID law in 2012, turnout decreased relative to other states. Tennessee's turnout was disproportionately reduced among young people and African-Americans. Eighteen-year-olds turned out 1.3 percent less than older Tennesseans and African-Americans turned out 1.5 percent less than white Tennesseans following implementation of the photo ID law.<sup>x</sup> Thus this law disproportionately affects individuals who already lack representation in the halls of our Capitol. The voter ID law is credited with the loss of 88,000 voters, who likely would have voted if the provision was not in place.<sup>xi</sup>

The same year that the photo ID law was passed, Tennessee also reduced its early voting period.

Laws that restrict access to the ballot box have contributed to fewer Tennesseans making their way to the polls. To improve our low voter registration and turnout, we must make it as easy as possible for eligible voters to participate in elections.

## The Solution

While not a cure-all for low voter participation, one proactive step in the right direction is to make it as easy as possible for people to register to vote.

**Online Voter Registration (OVR).** A new law, effective July 1, 2017, allows Tennesseans to register to vote online. As this is a new law, many people do not yet know about it. You can help bolster voter participation in our state using some of the tactics below to spread the word about Tennessee's new online voter registration.

**Automatic Voter Registration (AVR).** Another way to modernize Tennessee's voting system and make it as easy as possible for people to register to vote is to implement automatic voter registration. This would mean that when individuals apply for or renew their driver's licenses, their information would automatically be submitted to the county election commission. If an individual does not want to register to vote, he or she would have a set number of days to notify the commission. Automatic voter registration will ensure that all eligible voters are easily registered to vote and it will allow more Tennesseans the opportunity to fulfill their civic duty.

Automatic voter registration will increase the number of people registered to vote significantly. Oregon saw an increase of about 52,000 people to their voter rolls in the four months following passage of an automatic voter registration provision, more than double the registrations the state typically gets in a year.<sup>xii</sup>

As of July 2017, nine states had automatic voter registration, bolstering voter rolls by the thousands.<sup>xiii</sup>

**Same-Day Registration.** One of the most effective ways to improve voter participation is to allow voters to register during early voting or on Election Day. As of November 2016, 16 states and the District of Columbia allowed people to register and vote at the same time.

One study found that in states that allowed same-day registration, voter participation was 3 to 6 percentage points higher than it would have been without same-day registration.<sup>xiv</sup> Since 1996, in states that allow same-day registration, turnout has been consistently 7 to 13 points higher than in states that do not allow it.<sup>xv</sup>

## Part 2: What You Can Do

The following is a list of potential actions you can take to advance the cause of voting rights in your community. These tactics generally support two objectives – raising public awareness and pressuring legislators to support expanding access to the ballot box. The idea is that as people become more aware about the issue, they too can help pressure legislators to support the cause. This list is by no means exhaustive – be creative and flexible!

**PLEASE NOTE:** As you take action, you will be representing your own causes as a concerned citizen and constituent – this is critical to the strength as a movement. You are not representing the ACLU as an organization, and we ask that you not represent yourself directly or by implication as a member of ACLU staff, refer to your local group as an ACLU affiliate or chapter, or solicit donations using the ACLU or People Power name, given the potential implications, legal and otherwise, for the ACLU as an organization. Any questions regarding the ACLU as an organization can be referred to us at (615) 320-7142 or [aclutn@aclu-tn.org](mailto:aclutn@aclu-tn.org). Thank you again for your passion and initiative!

- **Keep checking back in at our campaign hub** for the latest resources and actions: <http://www.aclu-tn.org/no-barriers-ballot-box/>.
- **Educate yourself about the issues.** Here are a few resources to get you started:
  - “Get Your Right to Vote Back: A Guide to Voting with a Felony Conviction in Tennessee.” ACLU of Tennessee. 2014. <http://www.aclu-tn.org/wp-content/uploads/2015/01/RTV2014.pdf>
  - “6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016.” The Sentencing Project. <http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf>
  - “Addressing Barriers to the Ballot Box: Registering to Vote in Tennessee with a Past Felony Conviction.” ACLU of Tennessee. 2008. <http://www.aclu-tn.org/wp-content/uploads/2015/01/FinalRTVSurvey1.pdf>

- Nonprofit VOTE and U.S. Elections Project. “America Goes to the Polls 2016.” <http://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf>
- The Pew Charitable Trusts. “Elections Performance Index.” <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#intro>
- **Learn effective ways to communicate about the issue.** A fact sheet that includes talking points on disenfranchisement can be found at <http://www.aclu-tn.org/no-barriers-ballot-box/>.
- **Write letters to the editor of your local newspaper or draft an op-ed explaining the issue.** Raising the issue in your local news outlets can help further the conversation in your community. You will want to check out the specific requirements for length and the submission process for your local paper.
- **Get the word out on social media.** Social media is another platform where you can share information about an issue, get a conversation going, or invite people to take action. Here are some sample social media tweets and posts related to voting rights:
  - Tennessee’s felon disenfranchisement laws are a relic from the Jim Crow era and they are disturbingly effective – a shocking 21 percent of Black people – more than one in five – are disenfranchised in our state.
  - Tennessee’s laws make it very difficult for people with a felony conviction to restore their right to vote, even after they are no longer incarcerated. Of the 420,000 people who have been disenfranchised, fewer than 12,000 have managed to restore their voting rights in the past twenty-five years.
  - TN disproportionately bans 21% African-Americans from #voting because of felony convictions. Jim Crow still alive. Strengthen #VotingRights
  - 20K+ Tennesseans are disenfranchised due to felony convictions, though ¾ of them have already completed their sentences. #LetPeopleVote
  - Time to change TN’s disenfranchisement laws, which are among the most complicated & onerous in the country. #EndNewJimCrow #LetPeopleVote

You can also follow the ACLU of Tennessee on social media and share our posts and tweets with others. (<https://www.facebook.com/ACLUTN> or <https://twitter.com/aclutn>)

- **Share information with faith organizations.** Are you part of a faith organization that has a social justice committee or clergy person who would be interested in this issue? Consider meeting with them to help them understand the importance of expanding access to the ballot box and see whether it is something that they would like to help support.

- **Participate in or organize information sessions, rallies and other public events** to promote the importance of expanding access to the ballot box. Two places to check for events going on in your area are: <http://www.aclu-tn.org/category/events/> and <https://map.peoplepower.org/>. You can also sign up to receive e-mails from ACLU-TN about upcoming events and more at: <https://action.aclu.org/secure/tn-email-updates>.
- **Check out our “Lobbying 101” guide** for info on the legislative process and how to communicate what’s important to you to lawmakers in Tennessee: <http://www.aclu-tn.org/lobbying-101/>
- **Urge local elected officials to pass a resolution** in support of expanding access to the ballot box. Such a resolution will help advance public conversation about the issue by drawing attention to it in the media. Local resolutions are also powerful building blocks in the effort to convince state lawmakers to change Tennessee’s voter restoration laws, as they can be shared with state lawmakers to demonstrate the breadth of commitment to solving this issue.
- **Introduce yourself to your state legislators.** While Tennessee’s legislative session runs from January until late spring, it’s always a good time to reach out to your state senator and state representative to introduce yourself, share your concerns, and tell them that you want them to support expanded access to the ballot box in general.
- **Take action on voting rights legislation during the legislative session.** Tennessee’s legislative session begins in January and the deadline for legislators to file bills is typically early to mid-February. Once bills related to voting rights have been introduced, you can request that legislators support or oppose them.

As we move into the legislative session in the spring, ACLU-TN will be posting legislative actions you can take in our online legislative action center: <http://www.aclu-tn.org/category/take-action/> and at <http://www.facebook.com/aclutn>.

Additionally, you can sign up to receive alerts from ACLU-TN about pending legislation, actions you can take, and upcoming events at: <https://action.aclu.org/secure/tn-email-updates>.

Once you have identified bills you want to take action on, call or send letters or emails to state legislators. Sometimes hearing from even a handful of concerned residents will cause a senator or representative to pay attention to a particular issue and persuade him or her to vote to protect civil liberties and civil rights.

Consider hosting a letter-writing party or phone bank, or asking others to join with you at a local gathering or event – organized waves of calls or letters to elected officials can be highly effective at communicating your message and influencing their stance.

- **Meet with state elected officials in person.** Call and request an appointment or attend a town hall or other event hosted by your elected official and make your case directly. If you attend as a group, you’ll want to coordinate and assign roles ahead of time, such as

sharing a personal story of being affected, sharing data, asking questions about the legislator's position, or requesting that the lawmaker to support your position.

## Resources

**ACLU-TN No Barriers to the Ballot Box Campaign Hub Page -**

<http://www.aclu-tn.org/no-barriers-ballot-box/>

**ACLU-TN Voting Rights Webpage -** [http://www.aclu-tn.org/issue\\_types/voting-rights/](http://www.aclu-tn.org/issue_types/voting-rights/)

**ACLU-TN Voting Rights Resources -**

<http://www.aclu-tn.org/let-people-vote-aclu-tns-voting-rights-resource-center/>

**ACLU Voting Rights Webpage -** <https://www.aclu.org/issues/voting-rights>

**People Power Webpage -** <https://peoplepower.org/> - People Power is, at its core, a grassroots member-mobilization project. Through People Power, the ACLU engages volunteers across the country to take action when Trump or his administration attempts to enact unconstitutional policies or trample on people's constitutional rights. By mobilizing in defense of our civil liberties, volunteers build local communities that affirm our American values of respect, equality, and solidarity.

**Tennessee Secretary of State Webpage -** <https://sos.tn.gov/elections>

**Election Commission Webpage -** [http://tnsos.org/elections/election\\_commissions.php](http://tnsos.org/elections/election_commissions.php)

Updated 02-21-18

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<sup>i</sup> Uggen, Christopher, et al. "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016." *The Sentencing Project*, The Sentencing Project, 6 Oct. 2016, <http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf>. Retrieved August 24, 2017.

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> ACLU of Tennessee. "Addressing Barriers to the Ballot Box: Registering to Vote in Tennessee with a Past Felony Conviction, 2008." <http://www.aclu-tn.org/wp-content/uploads/2015/01/FinalRTVSurvey1.pdf>. Retrieved August 24, 2017.

<sup>v</sup> Uggen et al.

<sup>vi</sup> Ibid.

<sup>vii</sup> Ibid.

<sup>viii</sup> Pew Charitable Trust Elections Performance Index. Data from 2014. Published 2016.

<http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#state-TN>. Retrieved Aug. 28, 2017.

<sup>ix</sup> Nonprofit Vote. "America Goes to the Polls 2016." <http://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf>. Retrieved August 28, 2017.

<sup>x</sup> United States Government Accountability Office. *Issues Related to State Voter Identification Laws*. Government Accountability Office, Washington D.C., 2014. <https://www.gao.gov/assets/670/665966.pdf>. Retrieved August 28, 2017.

<sup>xi</sup> Bump, Philip. "Voter ID Laws in Kansas and Tennessee Dropped 2012 Turnout by over 100,000 Votes." *The Washington Post*, WP Company, 9 Oct. 2014, [www.washingtonpost.com/news/the-fix/wp/2014/10/09/gao-voter-id-laws-in-kansas-and-tennessee-dropped-2012-turnout-by-over-100000-votes/?utm\\_term=.bbd2d153c0eb](http://www.washingtonpost.com/news/the-fix/wp/2014/10/09/gao-voter-id-laws-in-kansas-and-tennessee-dropped-2012-turnout-by-over-100000-votes/?utm_term=.bbd2d153c0eb). Retrieved August 28, 2017.

<sup>xii</sup> Hansen, Kristena. "Oregon Automatic Voter Registration a Success, with a Hitch." *Business Insider*, Business Insider, 13 May 2016, [www.businessinsider.com/ap-oregon-automatic-voter-registration-a-success-with-a-hitch-2016-5](http://www.businessinsider.com/ap-oregon-automatic-voter-registration-a-success-with-a-hitch-2016-5). Retrieved Aug. 28, 2017.

<sup>xiii</sup> "Rhode Island Becomes Ninth State to Enact Automatic Voter Registration." *Rhode Island Government*, Rhode Island Government, 19 July 2017, <http://www.ri.gov/press/view/30957>. Retrieved August 28, 2017.

<sup>xiv</sup> Alvarez, R. Michael and Jonathan Nagler. Demos. "Election Day Voter Registration in California." Spring 2011. [http://www.demos.org/sites/default/files/publications/CA\\_EDR\\_Report-Demos.pdf](http://www.demos.org/sites/default/files/publications/CA_EDR_Report-Demos.pdf). Retrieved August 28, 2017.

<sup>xv</sup> Nonprofit Vote.