

Thinking Aloud About Voting

As a voter, I look forward to next month's election: the main issue on the ballot is whether a person convicted of a felony should be able to vote.



Some people think that voting—having an active voice in the decisions that impact our lives, families, and communities—is the very heart of what it means to be a member of a democracy.¹ They say voting is a civil right for everyone that can't be taken away; even if you commit a felony, your rights cannot be taken away just like you can't lose the right to practice your religion if you get in trouble in school. Democracy is founded on the principle of voting. Disqualifying prisoners, even those who committed serious crimes, from voting could work against a fair community, by creating two levels of citizens: those that can vote and those that can't.

A person convicted of a felony continues to pay taxes, even while in prison, and the idea of “no taxation without representation” suggests they should still have a say in the laws that affect their lives. If they are allowed to participate as citizens to pay taxes, why would they be disqualified from voting? After serving their sentence, shouldn't people who have been convicted of a felony be restored to full participation as citizens, including the right to vote? Is it unjust to continue to punish them by denying them their vote? These are some of the questions I am wrestling with as the election approaches.

Others consider voting a privilege that can be forfeited just like you can lose the privilege to attend a school dance if you get in trouble in the classroom. This line of thinking considers government as a kind of social agreement between individuals and their community: individuals can vote as long as they follow the community's rules. A person convicted of a felony is thought to have broken the rules and “if you're not willing to follow the law yourself, then you shouldn't have a right in making laws for everyone else.”² Being in prison also forfeits other basic privileges like serving on a jury, working as a police officer, or owning and carrying a gun; no one seems to be arguing for the return of those privileges.³

Disqualifying prisoners from voting might be a natural consequence of committing a serious crime. Allowing someone who has committed a felony to vote could undermine the integrity of elections, as individuals who have broken the law in a serious way might not hold up the values and responsibilities that come along with voting. Maybe voting should be reserved for those who abide by the laws of their communities, and people convicted of a felony, by their actions, have shown a disregard for these laws and shouldn't have a say.

If a person is convicted of a felony, should they be allowed to vote? And if so, what restrictions would be appropriate and fair to place on them?

I ask because in the election next month, I will need to vote between five options on the ballot: (1) yes, every adult citizen can vote regardless of imprisonment; (2) yes, a person convicted of a felony can vote after their prison sentence is finished; (3) yes, a person convicted of a felony can vote after completing their parole and/or probation; (4) yes, a person convicted of a felony can with specific and rather strict conditions determined by law enforcement; or (5) no, a person convicted of a felony can never vote again.



This is a very difficult decision. How should I vote? Grappling with whether voting is a civil right or a privilege and then how to fairly treat people convicted of felony, is challenging. When the election arrives next month, how will I answer:

Should people convicted of a felony be allowed to vote?

Definitions

Ballot = a device used to cast votes in an election, it could be by paper or electronic means

Felony = a serious crime that is usually punishable by imprisonment

Civil Right = legal entitlement protected by laws for the purpose of establishing and maintaining equal social opportunities for all community members regardless of race, religion, or other characteristics

No Taxation... = a political slogan from the American Revolution which expressed a primary grievance of the colonists: because they were not represented in the distant British Parliament, all taxes it imposed on them were illegal

Privilege = a special advantage granted or available only to a particular person or group

Social agreement = sometimes called a "social contract," an implicit agreement among the members of a society to cooperate for social benefits

Forfeits = to give up something as a necessary consequence of some action

Grappling = struggle with, work hard to deal with or understand

References

¹ <https://civilrights.org/value/voting-rights/>

² quoted in Gross, D. (February 27, 2020). *Why Shouldn't Prisoners Be Voters?* <https://www.newyorker.com/news/the-future-of-democracy/why-shouldnt-prisoners-be-voters>. Paragraph 9.

³ von Spakovsky, H.A. (March 15, 2013). Ex-Cons Should Prove they Deserve the Right to Vote. <https://www.heritage.org/election-integrity/commentary/ex-cons-should-prove-they-deserve-the-right-vote>