

Reflections on Disenfranchisement: Voting Rights in 2022

By Adam Troy

Midterm elections in the United States will be held on November 8, 2022, and despite record-setting voter turnout in 2020, a dark cloud hangs over the future of the country's electoral process. [Unsubstantiated fraud claims](#) have set in motion [actions](#) that could disenfranchise and suppress the vote of socially vulnerable communities.

One such threatened group consists of those whose voting rights have been withdrawn or jeopardized due to drug crime convictions. Currently, [1 in 5 people incarcerated](#) in the United States are imprisoned for drug offenses. Given the historic and continued imposition of harsh penalties for drug-related crimes, millions of citizens who have struggled with substance use or been impacted by punitive drug policies have had their voices silenced, with the result that their economic and social concerns are not represented in the political process. For returning citizens, the barriers and challenges they face in reengaging with society and participating in elections are outside the international norms regarding [human rights](#) and imprisonment as a path to rehabilitation.

Restricting access to the ballot box goes back to before the founding of the nation, and the long [history](#) of voter restrictions has unduly impacted communities of color, including those that have been subject to oversurveillance. Today, [voter laws](#) vary widely in the United States. Maine and Vermont, for example, allow incarcerated citizens to vote, whereas Virginia and Kentucky permanently disenfranchise those with felony convictions. Yet, the United States as a whole is set apart as a [nation that imprisons its population more](#) than any other and disenfranchises more of its people than most. Moreover, the disparities in policing, along with punitive drug policies and sentencing guidelines, lead to greater disenfranchisement of black and brown citizens, who infamously had to deal with Jim Crow voter suppression tactics such as literacy tests, poll taxes, and the grandfather clause.

Florida provides a thought-provoking case study on the politics and implications of voting rights restoration. In November 2019, Florida voters [overwhelmingly voted](#) to restore voting rights to individuals with felony convictions (excluding those convicted of murder or felony sexual offenses) via a ballot initiative. As the amendment to the state constitution went into effect,

more than a million people gained their right to vote. Soon after, Governor Ron DeSantis [approved a law](#) requiring people with felony convictions to pay any outstanding court fines or fees before legally casting their ballots, effectively creating a "wealth test" for the restoration of voting rights. This new voter law disenfranchises hundreds of thousands of otherwise eligible voters. Although the ACLU challenged this law, it has survived all legal challenges. In Florida, where less than 40,000 votes decided the governorship, this move by DeSantis could prove pivotal to his reelection.

According to the Sentencing Project's "[Locked Out 2020](#)" report, an estimated 5.17 million people are disenfranchised due to a felony conviction, about 45% of whom are individuals convicted of drug offenses ([BOP, 2022](#)). While the number of disenfranchised citizens has declined by almost 15% since 2016, due to the enactment of state laws to curtail disenfranchisement, emerging policies purportedly intended to prevent voter fraud are raising concerns that their impact on voting could play a decisive role in some of the coming elections.