



## Legislation Summary:

### Proposal for a legislative amendment to the Constitution relative to voting rights

Initial bill number(s): H.26/S.8

Sponsors: Rep. Erika Uyterhoeven, Sen. Liz Miranda

#### What the bill does, why LWVMA supports or opposes it, and the League position relative to this bill.

The bill proposes a constitutional amendment to restore the right to vote of incarcerated felons who are citizens. To amend the constitution, this bill will have to pass in two successive sessions of the legislature and then the proposal will be a ballot question.

From its founding, Massachusetts permitted incarcerated people to vote. But in 1997, some incarcerated people formed a political action committee to gather information on elected officials' voting records on prison issues and encourage incarcerated people and their families to vote based on this information. Acting Governor Paul Cellucci immediately suggested a constitutional amendment to take away their right to vote. In 2000, the ballot question to do that passed with 60% of the vote, leaving only Maine, Vermont and Washington DC as jurisdictions allowing incarcerated felons to vote. [How Massachusetts Prisoners \(Recently\) Lost the Right To Vote \(wgbh.org\)](http://wgbh.org)

LWVMA opposed that ballot question in 2000.

The right of every citizen to vote is the core League position. People do not lose their citizenship when they are incarcerated.

Massachusetts revoked the right of incarcerated felons to vote with a ballot question amending the constitution in 2000. This decision disproportionately affects Black and brown men, who make up the majority of incarcerated felons. Most incarcerated felons will be released when they have served their sentence. Their right to vote will be restored at that time. But allowing felons to vote while they are incarcerated is, first, the right thing to do if they are citizens, and second, will encourage them to maintain one more form of connection with their communities. It also gives them a voice against unfair treatment. Disenfranchising prisoners serves no purpose. Additionally, most incarcerated felons will vote in the communities where they lived, increasing the voter turnout in those communities. It is estimated by supporters that this bill would affect around 8,000 people.

A 2004 analysis of the impact of the 2000 vote by the Prison Policy Initiative noted: “Massachusetts amended its constitution in 2000 to deny prisoners the right to vote. Out of a population of 4.9 million people of voting age, the amendment affects less than 15,000 people. But it creates a stark racial disparity that was likely not intended by the voters.

“Almost 1.5% of Black adults in Massachusetts are disenfranchised. This is 6 times the rate for White adults. Over 3% of Black men are disenfranchised in Massachusetts. Blacks are only 5.5% of Massachusetts citizens, but are 29% of the state's disenfranchised. Latinos are 6.8% of the state, but are almost 24% of those barred from the polls.”

[Impact on Issues](#), Principles, p.10