

Defend Democracy in Tennessee

A Policy and Advocacy Plan

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Abstract

The right to vote is a basic human right that everyone in the United States is entitled to. Throughout American history, voting rights have been granted to all people, but it was easily taken away if convicted of crimes. When a felon is unable to pay fees and fines to court to complete a sentence, they may never get their voting right restored. Tennessee is ranked one of the most disenfranchised states in the country. Defend Democracy's goal is to have SB 0589 reintroduced to the state and have the bill passed and enforced. HB 0547 passed upon first consideration; SB 0589 needed to pass in order to reduce voter disenfranchisement in Tennessee. Among the convicted could be those who were wrongfully accused but still proceeded with the sentence. Defend Democracy will bring awareness of this bill to Tennessee voters to bring justice to the oppressed of this state.

Keywords: restoration of voting rights, voting right, felon disenfranchisement, Tennessee, coalition

Topic of Focus

Policy Description

We are centering our focus on Bill SB 0589. The primary goal of this policy is to restore the voting rights of people convicted of certain crimes upon the recipient of a pardon or completion of any sentence of incarceration, parole, or probation. The main issue addressed in this policy is that, subject to certain exceptions, a person convicted of a felony is disqualified from voting in Tennessee. This bill seeks to change the present law by limiting the period when a felony conviction renders a person ineligible to vote to the period when the person is incarcerated, serving parole, or on probation. An important aspect of this bill is that it “adds authorization for a person who has not satisfied the financial requirements for restoration of voting rights to be able to apply for a voter registration card and have the person’s voting rights provisionally restored after entering a payment plan”. This policy impacts those convicted of felonies whose voting rights have been revoked and makes the process to restore one’s voting rights much less tedious and challenging, especially when one considers the financial struggles and stigma many of those convicted of felonies face upon release. Some potential unintended consequences could be that a person convicted of a felony may not be able to make even the monthly payments required in order to maintain their provisional right to vote, primarily due to the challenges one convicted of a felony faces when trying to secure stable employment upon release. This vote is currently supported by 86 members of the House. There were no votes in opposition, but three members of the house were present and did not vote.

Policy Context

The chosen policy is a proposed bill to make an amendment to Tennessee state law that will limit the amount of time it takes for convicted felons, who have completed their sentences,

to be able to restore their right to vote. It also aims to alleviate the financial burden of completing the necessary payment requirements for restoring a felons' right to vote by offering payment plans rather than a one-time payment in full. Our group supports the passing of the SB0589/HB 0547 bill in Tennessee as well its proposed implementation starting January 1, 2021.

Importance

This bill provides voting rights for the person who receives pardon, and they will become eligible to vote again. The bill states that it “specifies that restoration of voting rights must not be denied based on inability or failure to pay civil or criminal penalties or the extension of a probationary period due to failure to pay monetary obligations or penalties” (SB 0589).

Authorities in Tennessee will restore voting rights to the person who is released from prison.

The ability to vote is a fundamental human right. There are some cases where some felons are wrongfully accused, suffering the consequences of serving prison time. In some states, felons will never obtain the right back to vote. Some argue that convicted felons have committed serious crimes, therefore, they are undeserving of the right to vote because they are dishonest and disreputable (Kiefer, 2020). Some argue that it does not matter what the person went through in life, they are still entitled to the right to vote, just like every other citizen. Our group aims to support this bill so that more and more states will be influenced to enforce this policy to restore voting rights, regardless of former convictions.

Theoretical Framework

A theoretical framework that coincides with the issue we are addressing is a Non-Rational Policy Analysis Theory; specifically, Social Construction Theory. This theory centers its focus on the idea that policy makers "socially constructed target populations and rated their worthiness or unworthiness as well as the potential benefits or burdens that should be provided to

address these populations' problems" (O'Connor and Netting, 2011). Central to the social construction theory are two dimensions that characterize the construction of target populations: the first dimension being the strength of the target group in terms of political resources, and the second being the social construction of the group along a positive to negative perception (O'Connor and Netting, 2011). This notion can easily be used to explain why some members in society might believe that denying felons the right to vote while incarcerated and, in some states, permanently, is justified. However, through the Defend Democracy campaign, we strive to reframe this through highlighting positive implications of felon re-enfranchisement and through utilization of significant political resources that support SB 0589/HB 0547.

Researching the Issue and Literature Review

Nature of Policy

The issue of voter disenfranchisement of ex-felons is more prevalent this year with the 2020 elections. The introduction of SB 0589/HB 0547 started in 2019 in the Tennessee House of Representatives and the Tennessee Senate. According to the bill, it only restores voting rights to persons convicted of certain crimes and the completion of any sentence. However, the bill amends the current law so that ex-felons are not required to pay all court and legal fees in one lump sum in order to restore their voting rights. The HB 0547 bill was introduced and passed by the House of Representatives, but SB 0589 did not pass this round of voting and was removed from the agenda.

According to Wishnia (2020), a felony is defined as any criminal offense that results in the imprisonment of one year or longer. In the past, there were stricter laws that were created in order to prevent restoring voting rights for former felons (Pantekoek, 2020). Approximately 6.1 million Americans lost their right to vote because of strict voting laws towards those convicted

of felony crimes (Uggen, Larson, Shannon, 2016). With the 2020 elections, more states were encouraging people to vote. They were working on making new laws to help restore voting rights to felons, such as the SB 0589/HB 0547 bills. Tennessee may deny the right to vote if the person is convicted of infamous crimes, according to the Tennessee Secretary of State Tre Hargett. However, even if a person is convicted of an infamous crime, they still have the right to vote; that only happens if the conviction has been appealed or pardoned (Hargett, 2019).

Contextual Factors

Felony disenfranchisement laws are strategically set-in place to prevent individuals convicted of a felony from voting. Such laws have been ingrained in United States legislation since the birth of the nation and, although specific laws regarding a convicted felon's right to vote vary by state, voter disenfranchisement laws have been utilized to suppress the voices of vulnerable communities (Bradford, 2019). According to the US Constitution Amendment XV, Section 1, no person should be discriminated against regardless of race, religion, or past servitude in regards to voting. Tennessee's State Constitution Article 4 Section 2 directly violates the US Constitution by barring convicted felons from being able to exercise their right to vote. These laws disproportionately affect low-income communities and communities of color and have "no criminal deterrent or rehabilitative value" (Bradford, 2019). In recent years, attention has gradually shifted to the prevalence of voter disenfranchisement laws, warranting an extensive overview of its history as well as its consequences.

Felony Voter Disenfranchisement can be traced back to as early as 1792, when Kentucky became the first state to disenfranchise individuals convicted of a crime, with the Kentucky State Constitution declaring "laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes and misdemeanors"

(Sanders, 2018). Several states followed, including Tennessee in 1834, with Article IV, §2 declaring “Laws may be passed excluding from the right of suffrage, persons who may be convicted of infamous crimes”. Many states enacted felony disenfranchisement laws in the wake of the Civil War, with twenty-nine states enforcing felony disenfranchisement laws by 1869 (Chung, 2019).

In 2006, Tennessee legislation was passed that took the voting rights away from convicted felons that were convicted of committing certain heinous felonies (i.e., murder, rape, etc.) (Mauer, 2013). This drastically changed the way that voting would affect Tennessee for years to come. Today, seven percent of Tennesseans have lost their right to vote permanently (Uggens et al., 2016).

The democracy of the United States has been subject to bias and discrimination since its formation, with many states utilizing voter disenfranchisement laws to weaken the voting power of black individuals following the Civil War (Bradford, 2019). The passing of the 15th amendment gave black men the right to vote, followed by the 19th amendment giving black women the right to vote fifty years later. However, efforts were consistently made to interfere with these rights, as many states were already incarcerating black individuals at a much higher rate than white individuals by the end of the Civil War and “race neutral” voter disenfranchisement laws were selectively enforced by a predominantly white criminal justice system (Bradford, 2019). In the post-Reconstruction era, several Southern states tailored their felony disenfranchisement laws to exclude black voters, targeting specific offenses believed to be committed most often by the Black population (Chung, 2019). A notable example of this is in Mississippi, where party leaders upheld felony disenfranchisement for offenses such as burglary, arson, and theft but not for robbery or murder (Chung, 2019).

Furthermore, early efforts such as the “War on the Drugs”, a campaign that disproportionately impacted low-income communities and communities of color, laid the foundation for the current situation of mass incarceration (Bradford, 2019; Sanders, 2018). A 500% increase in the prison population over the last forty years has resulted in a 500% increase in voter disenfranchisement (Sanders, 2018). Additionally, it is important to note that “because prisons are disproportionately built-in rural areas, but most incarcerated people call urban areas home, counting prisoners in the wrong place results in a systematic transfer of population and political clout from urban to rural areas” (Sanders, 2018). This political dynamic effectively amplifies the votes of people in rural, predominantly white communities while silencing representation in urban low-income communities and communities of color (Sanders, 2018).

The aforementioned contextual factors beg the question of whether or not disenfranchisement laws would exist were it not for the granting of voting rights to marginalized and oppressed populations. Legal arguments have arisen over the last century that echo the racially tainted history of voter disenfranchisement and challenge disenfranchisement policies. In *Richardson vs. Ramirez* 418 U.S. 24 (1974), three men from California who had felony convictions and served time argued that California’s disenfranchisement policies denied them the right to equal protection under the laws of the United States Constitution. Nevertheless, the United States Supreme Court upheld that the voting rights of individuals convicted of a crime to be revoked by individual states to be constitutional, even if the individual has already served their time, citing section two of the 14th amendment as justification (Bradford, 2019). Critics have argued that the language of the 14th amendment does not indicate the prohibition of the application of the Equal Protection Clause to voting rights cases (Chung, 2019). Furthermore, supporters of felony voter re-enfranchisement point out that the Supreme Court’s ruling in

Richardson vs. Ramirez is inconsistent with prior decisions concerning citizenship and voting rights, in which the court stated that the scope of the Equal Protection Clause “is not bound to the political theories of a particular era but draws much of its substance from changing social norms and evolving concepts of equality” (Chung, 2019). Therefore, it is reasonable to conclude that even if the original indication of the 14th amendment was to enforce felony disenfranchisement, our present-day interpretation of the Equal Protection Clause should mirror ways in which our concept of equality has evolved.

The twenty-fourth and fourteenth amendments of the United States Constitution prohibit the use of poll taxes in voting. However, the restoration of voting rights in states that disenfranchise individuals convicted of a crime is often contingent on the payment of various fines, fees, and other legal obligations, providing states with an opportunity to disenfranchise citizens on the basis of income (Civil Rights Clinic, 2019). Currently, three states deny the right to vote indefinitely for any unpaid Legal Financial Obligations (LFOs) related to a disqualifying conviction (Alabama, Arkansas and Florida); five states deny the right to vote indefinitely for certain unpaid LFOs related to a disqualifying conviction (Arizona, Georgia, Kansas, Tennessee, and Texas); two states deny the right to vote indefinitely for certain types of conditions with unpaid LFOs (Connecticut and South Dakota); four states restore voting rights exclusively by a discretionary constitutional power (Iowa, Kentucky, Mississippi, and Virginia); and thirty-six states and D.C. do not deny disenfranchisement indefinitely due to LFOs (CCRS Staff, 2020).

The Restoration of Voting Rights Movement is gaining significant traction in the fight to restrict and end the use of felony disenfranchisement laws in the United States, resulting in the introduction of 130 bills restoring voting rights in 30 state legislatures, with four of those states considering allowing incarcerated people the right to vote (Bradford, 2019). Currently, only two

states, Maine and Vermont, allow incarcerated individuals the right to vote; however, the concerted efforts of nonprofits and grassroots organizations to restore voting rights for incarcerated and convicted felons has increased awareness among the public and among key political figures.

Government officials are paying more attention to the history of voter disenfranchisement and the arbitrariness of the laws, resulting in continual changes being made in disenfranchisement laws across the country (Bradford, 2019). Over the last two decades, 25 states have enacted a range of reforms, variously either eliminating categories of disenfranchisement or introducing practices that serve to ease the rights-restoration process (Amicus Brief in Support of North Carolina Felony Disenfranchisement Lawsuit, 2020). These reforms reflect a recognition that access to the ballot box can improve the likelihood of successful reentry and decrease recidivism (Amicus Brief, 2020). As a result of such efforts, the voting rights of an estimated 1.4 million individuals were restored between 1997 and 2018 (Bradford, 2019).

It is imperative to recognize that activists and organizations in communities that are predominantly affected by voter disenfranchisement have been fighting for the restoration of voting rights for years; such organizations include the Emancipation Initiative (“Ballots over Bars”), The Sentencing Project, Just Leadership U.S.A, and the Prison Policy Initiative (Sanders, 2018). Such efforts demonstrate the rising momentum to make universal voter enfranchisement a reality and serve as a reminder that the United States would not have heightened to this level of progressive reform without them and that any future reform will not be successful without them (Bradford, 2019; Sanders, 2018).

Policy Impact

The current policy related to ex-felons' right to vote is explained in the Tennessee State Constitution. According to article 4, section 2 of the Tennessee Constitution, there are specific dates and crimes in which a person would lose their right to vote permanently (Hargett, 2019; ProCon.org, 2020). However, if a person is convicted of a felony and does not match any of the dates or crimes listed, they have the option to restore their right to vote (Hargett, 2019).

However, to fully restore their voting rights, felons are required to pay all court fees, be up to date on child support payments (if applicable), and pay restitution according to their court sentence, if they are unable to, they are denied reenfranchisement (CCRC Staff, 2020; Civil Rights Clinic, 2019). One of the key impacts that this policy has for aggregate populations is the lack of stable income or employment to be able to afford to pay off all fees (Gross, 2017).

Without stable employment or income, ex-felons are unable to restore their voting rights.

In Tennessee, approximately 7 percent of the total adult population had lost the right to vote in 2016 and research has shown that there is a differential impact on African Americans who make up approximately 21% of felon disenfranchisement (Uggen et. al., 2016). Based on national rates, African Americans make up 7.4% who are disenfranchised while only 1.8% of non-African Americans are disenfranchised (Bradford, 2020). As for people in the Latinx community, "over 2 percent of the voting eligible population are disenfranchised" (Uggen et. al., 2020). This disparity shows that while the aggregate population is affected as a whole, the African American and Latinx communities have high incarceration rates (Bradford, 2020; Uggen et. al., 2016). Due to the loss of voting rights, both these racial populations are unable to have a voice in the political realm which limits their access to political power.

Future Direction

In the future, any related policy will need to focus on funding to help ex-felons be able to pay all fines and court fees so that their voting rights can be restored. Due to the stigma surrounding ex-felons, the chances of finding secure, stable employment is very low (Gross, 2017). This makes it more difficult for former felons to be able to secure the finances to be able to afford to pay all court and legal fees. As Gross mentions, one of the key reasons that ex-offenders are more likely to recidivate is due to a lack of steady income (2017).

The SB 0589 bill would also need to work on addressing lowering the total cost of fees that ex-felons are required to pay. Currently, the average cost of all court and legal fees varies between cases since judges and juries may give fines differently based on the charges. For example, for a Class A felony, a jury may assign a fine no larger than \$50,000 USD (Felony & Misdemeanor Charges in Tennessee, 2017). Yet, the actual fine itself can be anywhere between \$0 USD to \$50,000 USD. By lowering the total cost for the different classes of felonies, it would be easier for ex-felons to be able to regain their right to vote.

Presentation of the Brand and Support Mapping

The Brand

The title of our campaign is “Defend Democracy Tennessee” This title reframes the issue of felon voter disenfranchisement as it elicits contemplation of the full concept of democracy; a concept in which voting serves as the foundation. A well-functioning democracy necessitates inclusion and equal representation, two principles that are absent in the enactment of voter disenfranchisement laws. Felon voter disenfranchisement correlates directly with voter suppression, with both posing a serious threat to the democracy of this nation.

Support/Opposition

There are several stakeholders that would have a major impact on the passing of the legislation that is being proposed. These stakeholders have been placed on a positional map that shows the likelihood of said legislation being proposed or opposed. See Appendix B.

Persuasive Argument for Support

There are several arguments that can be used to help move potential supports closer to supporting the restoration of the SB SB0589 bill. One of the first arguments is that this bill supports democracy and the idea that those who lead the country are chosen by all of its citizens. But not only does it support freedom, but it also shows the effectiveness and legitimacy of the justice system. By having felons complete their sentences, such as time in prison, parole, or community service, they have successfully completed their debt to the state. Having paid their dues, former felons should be able to reenter society as citizens once more. However, current laws in Tennessee make it difficult for former felons to restore all their rights. So, by making it easier for former felons to be allowed to regain their voting rights, it will help to reintegrate them into society since they will be treated as citizens and can do their civic duties. But most importantly, it supports the United States Constitution. More specifically, it supports the 14th Amendment, section 1 where “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (U.S. Const. amend. XXIV). By completing their sentences, former felons should be given their right to vote.

Legislative Allies and Detractors

Representative Curcio (R) introduced HB 0547 and Senator Dickerson (R) introduced SB 0589. They are the obvious allies of the bill. Other co-sponsors include Senator Akbari (D), Senator Robinson (D), Senator Yager (R), and more . Detractors include Senator Bailey (R), Senator Jackson (R), Senator Kyle (D), and Senator Powers (R).

The Representatives who are co-sponsors for the bill include Representative White (R), Representative Freeman (D), Representative Lamar (D), and Representative Stewart (D). Detractors include Representative Crawford (R), Representative Griffey (R), and Representative Ragan (R).

Opposition

There are two main oppositions against the SB 0589 bill. The first is that due to the nature of the crimes that felons have committed, the chances for recidivism are higher. Therefore, former felons should not be able to be granted the right to vote since they are more likely to commit a similar crime after leaving prison. Second, if allowed to vote, former felons may vote for politicians, legislators, or policies that are more lenient on crime and could therefore weaken the justice system (Bradford, 2019).

Plans to Form a Coalition

There are several different organizations that would make logical partners of the coalition for the Defend Democracy campaign. Many of these organizations work closely with legislation that involves voting rights and accessibility. Some partners would include the American Civil Liberties Union of Tennessee (ACLU), the Equity Alliance, the League of Women Voters of Tennessee, Tennessee Black Voter Project, the Tennessee chapter of the NAACP, and Spread the Vote. One of the ways these organizations are working towards helping restore voting rights to

former felons would be the Equity Alliance which proactively advocates for Black Americans and other communities of color to have a just and fair opportunity. They also advocate for voter re-enfranchisement as a response to 8.2% of Tennessee's voting population being disenfranchised due to criminal records (Uggen, Larson, & Shannon, 2016). A primary focus of the ACLU is felony disenfranchisement laws. The organization continually advocates for policies that restore voting rights to individuals with felony charges, including the SB0589/HB547 bills.

The Equity Alliance would be responsible for educating partners and legislators about the importance of reopening the SB0589 bill. They would also be able to share the information within the Black communities that they are working with and the ACLU would be responsible for reaching out to lawmakers to advocate for the bill's reopening. Each of the aforementioned organizations is fervently dedicated to social justice, promoting civic engagement among minority populations, and creating alliances with individuals and groups to present a united front against any economic barriers that seek to marginalize and disenfranchise.

Some odd bedfellows that the Defend Democracy campaign would work with would include the American Muslim Advisory Council, the Tennessee Young Republicans, the Tennessee Young Democrats, and Women for Tennessee Future Young Leaders. With each of these groups being connected to different demographics and having a combination of bipartisan support, these organizations would help by reaching a large audience of voters. Not only do they have a variety of members, but also a variety of experiences that will help to educate people about voter disenfranchisement.

For the group member roles, Mr. Khalil will be the lead person to approach elected officials to provide education about the SB0589/HB547 bills, why they are important, and

sharing testimonies for those affected by current Tennessee laws. He will also be in charge of presenting policy briefs to Tennessee Senators and Representatives. Ms. Riley will connect with coalition partners and bedfellows to help coordinate the activities that each organization would be willing to do. She will also serve as the recruiter for other organizations and individuals to join the campaign. Ms. Yates will be in charge of researching the issue more thoroughly and creating educational material based on the research. This will be translated into a policy brief and a radio ad. Ms. Yi will be in charge of campaign marketing. She will collect the evidence from Ms. Yates, who researched the issue and will add the most prominent elements to social media accounts, presentations, and fact sheets.

Media Campaign

Campaign Goals

The ultimate goal of Defend Democracy is for SB0589 to become a law in Tennessee to ensure restoration of the right to vote to all individuals convicted of a crime. A media campaign will be launched to each intended audience throughout the state to assist in the accomplishment of this goal.

We will begin by promoting awareness of the issue through educating on the history and implications of voter disenfranchisement. We will target all age groups, particularly young voters and middle-aged voters, with an approach that reflects their collective interests and values.

For young adult voters, one goal is that each young voter is able to recognize the ways in which voter disenfranchisement affects diverse communities and the vast voter underrepresentation of minority populations in Tennessee. We will educate the middle adult age group on the historical context of voter disenfranchisement and the ways in which it has influenced the current political climate. Our goal with both age groups is to not only raise

awareness but to do so in a way that encourages them to actively participate in the discussion pertaining to this issue and to effectively advocate for policy reform with local and state representatives. Our efforts include encouraging all Tennessee residents to support voter re-enfranchisement through signing a petition, making phone calls to local and state representatives, and spreading the message to thousands of Tennessee residents across the state via social media platforms.

For potential coalition members, Defend Democracy has a campaign goal of recruiting members to advocate for legislation that supports felon voter re-enfranchisement through social media and at public events, in addition to reaching out to local and state social justice initiatives. An additional goal is that we hope coalition members and community collaborators will advocate at the state level through providing compelling testimony at the Tennessee General Assembly of why the restoration of voting rights for convicted felons is pertinent and necessary to ensure a well-functioning democracy.

For state legislators, our goal is to educate them on the importance of voter re-enfranchisement for individuals convicted of a crime and to point out that doing so will ensure equal voter representation, particularly pertaining to underserved and minority populations in Tennessee. The media campaign has a specific goal of getting other sponsors to join Sen. Steven Dickerson and Rep. Michael Curcio in the Tennessee General Assembly in influencing other Tennessee legislators to pass SB0589. The eventual goal is an overall vote of “Yes” and to support Defend Democracy’s campaign goal of restoring voting rights to all individuals convicted of a crime.

Media Avenues

The Defend Democracy campaign will utilize several different social media platforms, a public policy brief and a radio advertisement. The campaign will have an official Facebook, Twitter, and Instagram account. The radio ad will be played through several different radio stations across Tennessee including WRXR-FM, Easy 106.9, and Hits 96. The press release will be shared with local newspapers including *The Tennessean*, *The Times Free Press* as well as televised news agencies including News Channel 5 and WRCBtv.

Media Content

As outlined above, the Defend Democracy campaign will be utilizing several different avenues to advocate for the SB059 bill. Social media is one of the ways for Tennesseans to stay updated on local current events. Defend Democracy plans to use social media platforms to its full potential so that the SB0589 bill will be brought back during the next voting period. Social media is a strong tool to bring awareness of current social issues to the people. Defend Democracy's Twitter will be used to give updates on the process and give some background of the bill. Instagram will be utilized by giving the audience spotlight stories of ex-felons' experience with restoring their voting rights back. Hashtags such as #felonswhovote, #voterdisenfranchisement, #defendingdemocracy, #votingrightsforexfelons, #votingrights, #democracy will be used in each Instagram and Twitter content. On the Facebook page, statistics and articles about voter disenfranchisement will be shared as well as spotlight stories (also shared on Instagram) and interviews with legislators and activists on their stance with the bill. For all of the social media platforms that the Defend Democracy campaign will utilize, there will be more information about the campaign and how Tennesseans can join.

A 30 second radio ad will be created summarizing the problem and importance of legislative change for voter disenfranchisement in the state of Tennessee. It will also briefly cover ways that Tennesseans can make a difference. A policy brief (see appendix C) will be sent to Tennessee State Representatives, local politicians, and posted on all social media accounts for Defend Democracy.

Implementation Steps

The following are steps Defend Democracy will take to launch the social media campaign:

- 1) Democracy will begin launching social media contents by September 4, before the elections in November. This will begin to draw the attention of Tennesseans about the need for the bill to pass and become Tennessee law. Twitter account, Facebook page, and Instagram account will open around the same time. Content will be posted in each social media handle upon launch so the viewers can see what needs to be voted on for Tennessee.
- 2) Radio advertisements will begin to launch on October 5 to spread awareness of the bill proposed. This will continue for about a month so that there is time to release all information before elections.

Advocacy Plan

Goal

The primary goal of Defend Democracy is to get SB0589 passed in the Tennessee General Assembly. This will amend the Tennessee Code Annotated Section 2-2-102 and Title 40, Chapter 29 by limiting the period when a felony conviction renders a person ineligible to vote to the period when the person is incarcerated, serving parole, or on probation. Additionally,

this bill specifies that the restoration of voting rights must not be denied based on an individual's inability or failure to pay civil or criminal penalties and makes issuance of a certificate of voting rights restoration mandatory for releasing authorities.

Focus and Target Population

The main focus for the Defend Democracy campaign will be on the legislature, within the state of Tennessee, since they are the ones who have the power to be able to change the laws. While the focus of the campaign will be on the legislative sector, those who will be affected by this policy change will be part of the public. The intended beneficiaries are felons who have successfully completed their sentences in Tennessee.

Advocacy Strategy

As a result of ongoing advocacy efforts across the United States, attention toward the prevalence of felony voter disenfranchisement and its consequences continues to grow. Increased awareness of voter disenfranchisement legislation has prompted policy makers and advocates in a number of states to take action and to push for laws that seek to eradicate an issue that has disproportionately affected marginalized communities for decades. Several social justice initiatives, such as the American Civil Liberties Union (ACLU) and The Sentencing Project, have released reports that highlight the history and implications of voter disenfranchisement as well as effective advocacy strategies that will be utilized by Defend Democracy to combat this pertinent issue.

In 2003, Michael Coyle, a research assistant at The Sentencing Project, released a briefing that highlighted state-based advocacy on felony disenfranchisement. This briefing assessed the successful advocacy efforts of coalitions in three states: Connecticut, Delaware, and Maryland. In Connecticut, legislation signed into law in 2001 granted felons on probation the

right to vote; In Delaware, the lifetime voting ban on ex-felons was removed and replaced with a five-year waiting period upon completion of a sentence; in Maryland, similar legislation was enacted that removed the lifetime voting ban on ex-felons and replaced it with a three-year waiting period upon completion of a sentence (Coyle, 2003). Although each campaign was specifically tailored to the political climate at the time, each one remains relevant and instructive for advocates seeking change on this issue (Coyle, 2003).

Although the campaigns of the aforementioned states differed in their approaches, several characteristics are apparent within each one: organization of a coalition, determination, persistence, and education. In 2001, a diverse coalition of civil rights advocates and election reform advocates formed the Connecticut Voting Rights Restoration Coalition (Coyle, 2003). Collectively, the coalition developed many strategies to achieve its victory. When the proposed bill to restore voting rights to convicted felons initially failed, the coalition garnered support through ongoing work in the community, such as creating public awareness through education efforts that included billboards in English and Spanish, public education campaigns that targeted both legislators and the wider community and communicating through the media via newspaper articles and radio (Coyle, 2003). Through their tireless efforts, they were gradually able to develop key allies in the Senate and in the broader community (Coyle, 2003). They accredited their eventual success to forming a coalition and ensuring everyone is on-board, pointing out that, although this takes time, “without it, success is difficult” (Coyle, 2003). Coalition leaders also insisted that having a clear idea of the constituency and strong leadership in the community and in the legislature is critical, citing that “a bill cannot be passed without political leadership, a coalition of advocates, and developing a working relationship with key legislative leaders” (Coyle, 2003).

In Delaware, a state that had denied individuals convicted of a felony the right to vote since the 1800s, the Delaware Center for Justice formed an alliance for the restoration of voting rights for convicted felons in 1990 (Coyle, 2003). Initially, the alliance gained traction when a local peace group became interested and garnered support from others in the community, including labor unions, the NAACP, and the ACLU (Coyle, 2003). These early lobbying efforts proved to be very successful and led to eventual support in both the House and the Senate, despite the refusal of Senator James Vaughn to move on the issue (Coyle, 2003). However, coalition members demonstrated exceptional determination as the partners met monthly for ten years and maintained a strong political presence (Coyle, 2003). In response to Senator Vaughn, the election commission innovatively proposed a solution: a viable system that utilized the correction's database to track an ex-felon's completion of parole and restitutions; in response to this, the Senator agreed to send the bill to the floor, where it passed with a large majority in 2000 (Coyle, 2003).

Similar strategies were demonstrated in Maryland, where a coalition was formed that consisted of fifty organizations, including the NAACP, League of Women Voters, religious organizations, and ex-offender groups (Coyle, 2003). Doc Cheatham, widely recognized as the driving force behind the Maryland Voting Rights Coalition, accredits the success of enacting HB535 and SB104 to the forming of the coalition in itself, in addition to the diverse representation within the coalition and the efforts that went into each aspect of the campaign: rallies, posters, mailings, flyers, and other media (Coyle, 2003). Doc Cheatham also advised that coalitions must take advantage of the current political climate and "put a face on the issue", reporting that, in Maryland, "legislators who were on the fence or who did not know much about

the issue were deeply influenced by ex-felon testimonies of how disenfranchisement affected their lives” (Coyle, 2003).

Recent advocacy efforts towards felony voter re-enfranchisement reflect the advocacy strategies demonstrated by their predecessors and also those outlined in Pat Libby’s Lobbying Strategy Handbook (2011). In 2008, ACLU released a report titled “Breaking Barriers to the Ballot Box: Felon Enfranchisement Toolkit” as part of their Right to Vote campaign. The report provides several evidence-based strategies that, when combined, will assist in the launch of a successful Defend Democracy advocacy campaign. The strategies mentioned include forming a coalition of diverse organizations, identifying and engaging key allies in communities of color, involving formerly incarcerated individuals, and conducting state-based research consisting of surveys that measure state and county election officials’ knowledge and implementation of voter disenfranchisement and restoration policy (ACLU, 2008).

In the Lobbying Strategy Handbook (Libby, 2011), two key elements mentioned regarding successful advocacy campaigns are developing educational materials and launching a media campaign. This is also highlighted in ACLU’s (2008) report, which emphasizes forming a comprehensive public education strategy and using technological tools to educate and mobilize. A low-cost way to raise awareness and garner support for Defend Democracy is through the utilization of social media websites such as Facebook, Twitter, and YouTube. A notable example of such efforts is in Kentucky, where voting rights activists have posted video stories on YouTube and communicate regularly via a listserv dedicated to monitoring legislative developments (ACLU, 2008).

Although social media campaigns can be beneficial and useful, Libby (2011) does advise that policymakers are more likely to pay attention to a cause that has received significant press

coverage. To accomplish this, ACLU (2008) suggests that advocates calibrate their strategy to the partisan environment of their state legislature and continually reach out to policymakers through letters and phone calls. Additionally, utilizing key criminal justice and legal agencies nationally and locally, such as the ACLU, CALEB, The Equity Alliance, and The Sentencing Project, to leverage support for Demand Democracy has the potential to provoke widespread coverage of the issue and, in turn, elicit prominent support for Defend Democracy at the local and state levels.

Inclusion of Target Population

One of the main ways in which the Defend Democracy campaign will include the beneficiaries in the advocacy efforts will be through social media. Through both Facebook and Instagram, felons who have lost their right to vote will have the opportunity to be part of spotlight stories shared on both social media platforms. These stories will share the real-life experiences of felons who have been disenfranchised and how losing their right to vote has affected them. By being able to share the personal stories of people who are being affected by the current policy, we can help increase awareness of the issue. This would positively benefit the campaign as more people would be able to see that the current laws are negatively affecting people.

Another way that beneficiaries are going to be involved is through contacting their legislators and encouraging them to bring back the SB059 bill since it directly affects them. Through personal communication from the beneficiaries, legislators will be made aware of the direct impact that their policies have on their constituents. This would help the campaign since those who benefit from the SB059 bill are the ones taking initiative to have this bill be reintroduced.

Potential Ramifications

By including the beneficiaries in the advocacy activities, the Defend Democracy campaign can show the real ramifications that the current policies have on the affected population and why it is important for change. Through personal testimony, former felons can share how their lives have been directly affected and have their story be humanized. By creating an emotional appeal, beneficiaries can make a stand for their rights as United States citizens. This process would also help to decrease social isolation between other former felons as more share their stories through social media and other outlets. Another positive consequence of including the beneficiaries in the campaign is that legislators will hear directly from their constituents. As constituents, former felons' voices are stronger as they are the ones who are targeted by the laws that legislators create.

However, a potential negative consequence of involving former felons to the campaign would be the negative stereotypes that surround people who are considered "criminals." While former felons have completed their sentences, the stigma associated with them is not positive and could potentially seep into the campaign. With these negative stereotypes, legislators and citizens may feel that former felons are untrustworthy and should not be allowed to have their voting rights restored. This would hurt the campaign as it would likely be unable to reintroduce the SB059 bill back during the next voting period. As for the beneficiaries, by involving them in the process they could be harassed or targeted by sharing their stories.

Potential Oppositions

When it comes to SB059 the main opposition that the proposed amendments, known as Defend Democracy, to the Tennessee Code, Section 2-2-102 and Title 40, Chapter 29 will have been the members of the General Subcommittee of the Senate Judiciary Committee. In the 111th

Tennessee General Assembly, the former legislation died. The approach to rectify this from happening again is to have the administrators of Defend Democracy meet with the subcommittee to address the issues with the prior assembly's bill in order to strengthen it along with the co-sponsors who will submit the bill.

Elected Officials to Approach

In order to successfully introduce the Defend Democracy campaign, to the 112th Tennessee General Assembly in 2021, the team of administrators needs to partner with the cosponsors from the 111th Tennessee General Assembly that supported Senate Bill 0589. These representatives are Senators Seven Dickerson and Ken Yager (from the Republican party), and Senators Brenda Gilmore, Raumes Akbari, and Katrina Robinson (Democratic). Ahead of setting up any meetings with the representatives that are aforementioned, the administrative team will send copies of the policy brief, and fact sheet, to make them aware of the campaign. The team with the campaign will request to meet with the majority leaders to determine what caused the previous bill to die in committee. This will help to make adjustments and strengthen the new proposed legislation. The administrators of Defend Democracy will request meetings with each senator individually and their aides to determine their interest in being a co-sponsor on the new piece of legislation. Once these senators' views are known, the administrators can request a meeting of all the involved co-sponsors and draft the legislation to be introduced in the General Assembly.

Key Talking Points

When given the opportunity, Defend Democracy would first like to address that of the total felony disenfranchisement, 8-9% are in Tennessee (Uggen, 2020). That is a high number compared to other states. With SB 0598/HB 0547, the percentage could go lower. Research

shows that one in thirteen people are disenfranchised in Tennessee, including Alabama and Mississippi (Uggen, 2020).

Next, Defend Democracy would address restoring voting rights to those convicted of crimes but are not able to fully pay their fines due to their socioeconomic status. This prevents individuals from exercising their right to vote, going against the U.S. Constitution. This includes addressing the 7% of Tennessee felons who permanently lost their right to vote (Uggen, et al. 2016). Information from the fact sheet and policy brief will be shared to address voting rights restoration.

Finally, Defend Democracy will petition with Tennessee legislators to reintroduce SB 0589. HB 0547 has passed on first consideration. The reintroduction of this bill could restore voting rights to individuals convicted of crimes with pardon or completion of any sentence, parole, or probation much easier. The bill promises to restore voting rights to individuals convicted of certain infamous crimes upon release when all fees are paid.

Progress Monitoring Plan

Defend Democracy will monitor to see if the bill is reintroduced to legislation by checking the Tennessee General Assembly website. Since the bill has passed in the House of Representatives, it would need to pass the Senate for the bill to be official. Once the bill becomes official, it will be added to the website. The coalition can then announce the passing to the social media accounts so that the audience will know. Coalition members will attend legislative meetings to ensure that bill has passed.

Conclusion

Defend Democracy was formed to advocate for the restoration of voting rights for felons in Tennessee. The goal is to reintroduce SB 0589 to the Tennessee General Assembly to have it

passed and enforced. This will be accomplished by educating Tennessee residents through social media campaigns and meeting with Tennessee state legislators to inform them the benefits of the bill. The coalition will educate Tennessee legislators of the importance of voting and remind them of the right to vote again that felons should be allowed to uphold. When this bill is passed, the percentage of voter disenfranchisement will decrease, allowing all Tennessee residents to gain a voice.

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Appendix A – Fact Sheet

Restore Voting Rights in TN for Convicted Felons

Problem: We are in the midst of a vital election in American history. Due to strict voting laws surrounding those convicted of felony crimes, 6.1 million Americans cannot vote.¹ This is not only a problem with the process, but a lack of education to those going through recidivism and attempting to better themselves and their situations. The policy being addressed is for Tennessee, SB0589. Tennessee currently has the fourth highest rate of voter disenfranchisement in the United States.²

Policy Concern: The issue of restoring voting rights to ex-felons is more prevalent this year with the upcoming election. The introduction of SB 0589/HB 0547 started in 2019. It shows that this bill is still new. According to the bill that has passed, it only restores voting rights to persons convicted of certain crimes or completion of any sentence.

Proposed Solution:

- Automatically make convicted felons in Tennessee eligible to register to vote upon completion of their sentence.³
- Create a curriculum for recidivism programs in penitentiaries in Tennessee to explain the processes for regaining the right to vote.
- Remove the requirements in Tennessee for ex-felons to have paperwork signed by the courts and convert to an online database.

Human Interest: In today's world, numerous states are in the process of, or have already decriminalized marijuana. We met an ex-felon, Jonathan, who shared his story with us and his process of reapplying for his right to vote. Jonathan has been out of prison for over 6 years and has never received any information from any source on how to reclaim his right to vote.

Supportive Organizations: here is a list of other organizations that are in the fight to get felons their votes back:

1. <https://www.commoncause.org>
2. LEAP - <https://www.peoplespolicyproject.org>
3. Campaign Legal Center - <https://campaignlegal.org>
4. The Sentencing Project - <https://www.sentencingproject.org>
5. The Marshall Project - <https://www.themarshallproject.org>

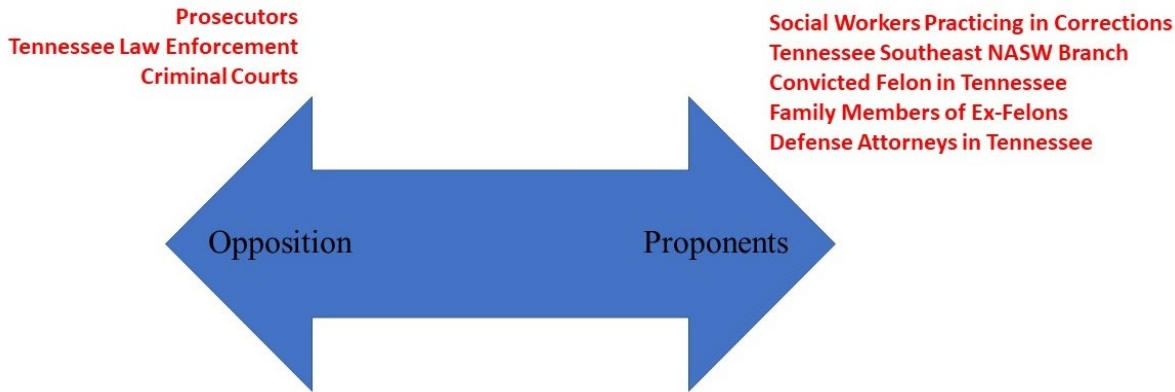
Principle Researcher: If you have questions or require more information about the study, please contact Susan Yates, at syates@southern.edu

Website: For more information on this project, please visit www.votesforfelons@info.org.

Footnotes:

1. Uggen, C., Larson, R., & Shannon, S. (2016, October 19). *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016*. The Sentencing Project. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
2. *Felony Disenfranchisement*. The Equity Alliance. (2019, March 24). <https://theequityalliance.org/tag/felony-disenfranchisement/>.
3. ProCon.org. (2020, September 14). State felon voting laws - Felon voting. <https://felonvoting.procon.org/state-felon-voting-laws/>


Appendix B – Positional Maps



- Senator Bailey (R)
- Senator Jackson (R)
- Senator Kyle (D)
- Senator Powers (R)

- Senator Akbari (D)
- Senator Dickerson (R)
- Senator Robinson (D)
- Senator Yager (R)

Appendix C – Policy Brief

A stylized graphic of the American flag, featuring the stars and stripes, waving against a dark blue background. The flag is positioned at the top of the page, with the stars and stripes clearly visible.

Refuse to be *silenced.*

DEFEND DEMOCRACY
ENACT TENNESSEE
SB0589/HB547

For more information, visit www.defenddemocracyTN.org.



TN RIGHT to Vote

PROTECT OUR DEMOCRACY BY ALLOWING CONVICTED FELONS TO HAVE
ACCESS TO THEIR RIGHT TO VOTE!

PROBLEM:

Tennessee currently has the FOURTH highest level of voter disenfranchisement in the U.S.* This means that individuals who have been convicted of felony crimes cannot exercise their right to vote given to ALL citizens per Section 1, Amendment XV of the United States Constitution. This means that currently the TN State Constitution is in direct refusal to follow the U.S. Constitutional rights of convicted felons.

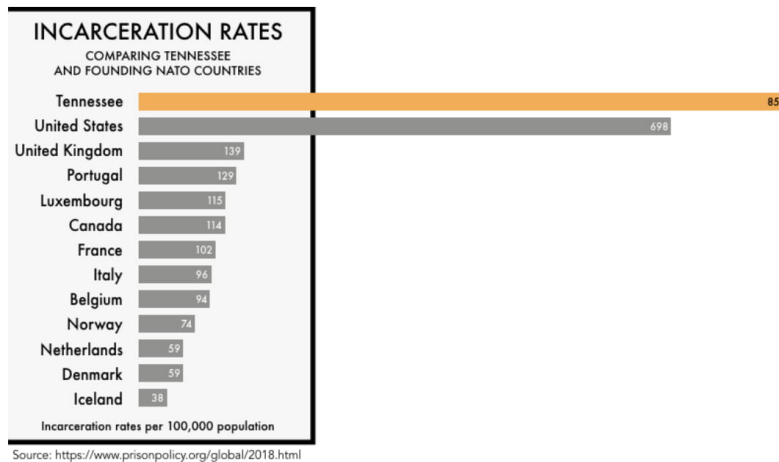
7% of the adult population in Tennessee has, as of 2016 lost their right to vote due to voter disenfranchisement.* This may seem like a small number, but it is a direct negligence of those individual's constitutional rights.

CURRENT GAPS:

SB0589 will correct the unconstitutional injustice currently in the aforementioned TN Constitution, specifically Article 4, Section 2. Where it states that specific dates and crimes of individuals will lose their right to vote permanently.* This removal of any citizen's right to vote is illegal, and needs to be addressed, it is YOUR responsibility as elected officials of your constituents, INCLUDING those convicted felons that this policy directly effects.

Currently, the Tennessee Secretary of State identifies these infamous crimes convictions to be permanently disenfranchised*:

- Voter Fraud
- Any Degree of Murder or Rape
- Sexual offenses where the victim was a minor.
- Treason
- Felonies involving bribery, misconduct involving public officials or employees, or interference of government operations.



Proposed Change:

SB0589 proposes an amendment that upon completion of the sentence for said convicted felon, the individual will IMMEDIATELY be able to register and exercise their right to vote given by the U.S. Constitution.

There has been great success in Vermont and other states with this process of restoring voting rights to convicted felons. There have been greater rates of civic engagement and allowing felons to vote has lowered the recidivism rates in Maine and Vermont.

Conclusion:

Part of YOUR constituents, convicted felons of the aforementioned crimes, are directly affected every day by being denied their right to vote. Do your part and support SB0589, when you swore into office, you swore to uphold the constitution above all else. Do that, by voting yes on SB0589!

Footnotes*:

1. Felony Disenfranchisement. The Equity Alliance. (2019, March 24). <https://theequityalliance.org/tag/felony-disenfranchisement/>
2. Uggen, C., Larson, R., & Shannon, S. (2016, October 19). 6 million lost voters: State-level estimates of felony disenfranchisement, 2016. The Sentencing Project. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
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