

FACT SHEET

The new poll tax: Court debt and voting rights

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Everyone should be able to have a voice in governmental decisions that affect their daily lives. Voting is the most straightforward way Alabamians have to shape those decisions. But our state has a long, sad legacy of voter suppression tactics. As a result, Alabama today has more disenfranchised citizens than California, a state with eight times the population.

More than 280,000 Alabamians – one of every 13 otherwise qualified citizens in the state – have had voting rights stripped away by the state’s anti-democratic voting limitations, according to a Sentencing Project survey. And Alabama’s history of wielding voting restrictions more heavily against black people remains a problem, even decades after passage of the Voting Rights Act. Voting barriers still deny the franchise to one out of every seven black citizens in Alabama today.

Felon disenfranchisement’s racist origins

The states with the most hostile policies on voting rights fit a predictable historical pattern. Seventeen states – none of which were in the Confederacy – restore voting rights automatically to all people upon release from prison. Two other states outside the South, Maine and Vermont, disenfranchise no otherwise qualified citizens, even if they are incarcerated. Meanwhile, states that fought to maintain slavery constitute more than half of

the states that still impose permanent disenfranchisement for some people with a felony conviction.

This is no coincidence. Alabama’s voter disenfranchisement practices have their roots in post-Reconstruction politicians’ efforts to avoid the 15th Amendment’s ban on explicitly race-based voting rights restrictions. Instead of directly prohibiting black people from voting, many Southern states erected barriers to voting for people convicted of crimes. Officials then set to work convicting large numbers of black people – often at trials lacking due process – with the intent of taking away their voting rights.

A series of voting barriers

The president of Alabama’s 1901 state constitutional convention openly said delegates’ goal was to establish white supremacy to the extent that the U.S. Constitution would allow. With the 15th Amendment outlawing explicitly race-based restrictions, the convention sought other methods to bar black people from voting.

For decades, Alabama officials required poll taxes and literacy tests for people registering to vote. To reduce the number of disenfranchised white voters, the convention exempted people whose ancestors were U.S. or Confederate military veterans. Black people largely had been barred from military service to that point in history.

For black citizens able to get through these barriers, a catch-all provision allowed the state to bar people from voting due to a conviction for undefined “crimes of moral turpitude.” Officials stripped voting rights from people convicted of minor crimes, including vagrancy and writing bad checks.

These manufactured convictions further entrenched the Jim Crow system for decades. They denied voting rights to hundreds of thousands of black Alabamians. And they forced many into convict leasing systems – effectively slavery by another name.

Modern voting restrictions yield similar results

Federal law has outlawed many but not all of these voting barriers in recent decades.

The 24th Amendment prohibits poll taxes in federal elections, and the U.S. Supreme Court has barred them in state elections as well. In 1965, Congress stopped states from using literacy tests to attack voting rights. As a result of these changes, today the widespread use of criminal convictions and their associated costs to disenfranchise citizens is one of the largest remaining policy obstacles to voting rights.

These barriers still harm black Americans at a far higher rate than the general population. Thirty-eight percent of disenfranchised Americans are black, according to the Vera Institute for Justice, though only 13% of the population is black. And the sentiment that voting is a privilege, not a right, still festers in too many places.

Even in states that have taken active steps to fix their anti-democratic voting laws, progress has met resistance. For example, Floridians overwhelmingly voted to restore voting rights to nearly all people with a felony conviction in 2018. But the Florida Legislature responded with a law requiring people with such a conviction to pay all outstanding fines and

fees before their voting rights are restored. Advocates have scrambled to address this problem, and a federal lawsuit is still ongoing.

How Alabama can carve a new path on voting rights

Alabama has made progress on breaking down barriers to voting, but there’s plenty of work left to do. The Definition of Moral Turpitude Act, passed in 2017, codified the offenses considered to be “crimes of moral turpitude.” Before then, local election officials often differed on which felonies disqualified an otherwise eligible citizen from voting. That created a web of confusion, with eligibility determined not on the basis of the offense but of which county someone called home.

Ending this inconsistency was a good start toward strengthening voting rights in Alabama. A meaningful next step would be to remove the financial limits that disenfranchise struggling people across our state.

Inability to repay court fines and fees is a harsh barrier that denies voting rights to thousands of otherwise eligible Alabamians who already struggle to make ends meet. Citizens’ right to vote shouldn’t come with conditions, restrictions or asterisks. People shouldn’t have to jump through a series of bureaucratic hoops to regain voting rights. And the color of a citizen’s skin shouldn’t predict a lesser likelihood of that person’s ability to cast a vote.

Alabama’s maze of hurdles to exercising voting rights is needlessly cruel and divisive. Our state needs to move beyond its troubled past on voting rights and into a future where every Alabamian can participate in democracy without unnecessary barriers. One significant step toward voting rights for all would be to change state law to ensure that the right to vote is never conditioned on someone’s ability to pay money.