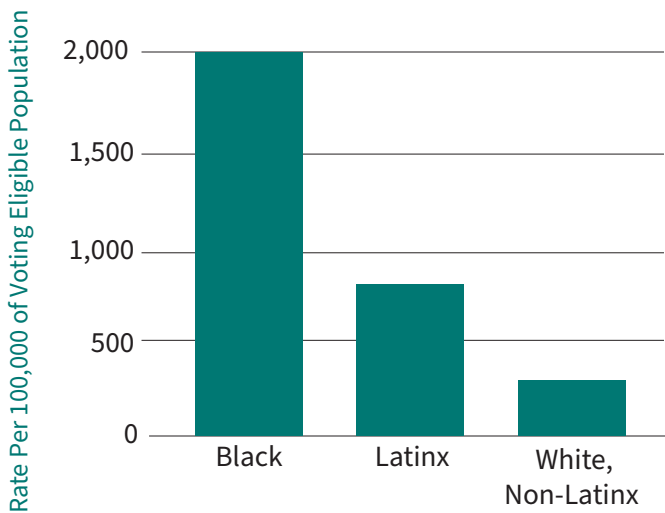


Colorado Should Restore Voting Rights to Over 17,000 Citizens

More than 17,000 Coloradans are banned from voting while serving a prison term for a felony conviction.¹ This ban on voting strips Colorado’s citizens of their political voice and does not reflect the principles within the state’s constitution that “all political power is vested in and derived from the people.”² Voter exclusion falls heavily on people of color in Colorado who are more likely to be prohibited from voting because of the stark racial disparities in the state’s criminal legal system.

Voter Exclusion Due to Incarceration for a Felony in Colorado by Race and Ethnicity, 2022



Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.

People of color are significantly more likely to be disenfranchised than white Coloradans in the state. Voting eligible Latinx citizens are nearly three times as likely as white Coloradans to lose their right to vote due to imprisonment for a felony. The Latinx disenfranchisement rate also ranks third highest among the 23 states that ban citizens from voting while serving a prison sentence for a felony but then reinstate voting rights upon release. Only Minnesota and New Mexico rank higher. The dis-

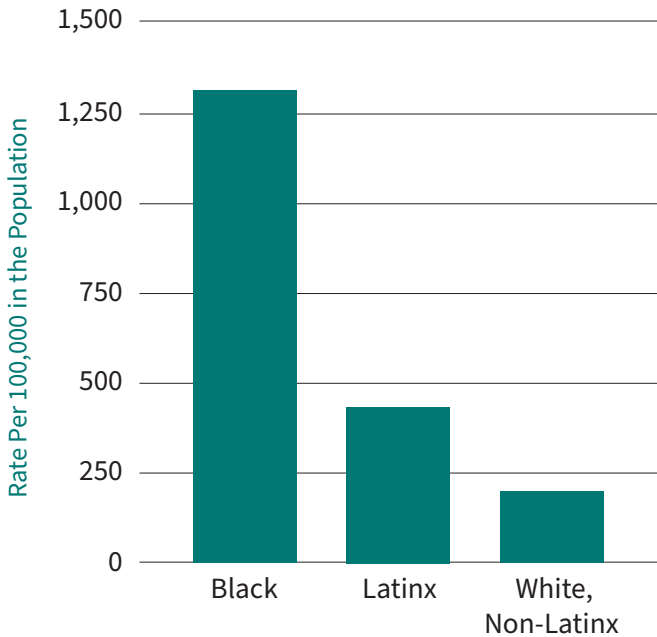
parities for Black Coloradans are even greater. Colorado bans voting eligible Black citizens from voting at a rate seven times that of white citizens.³

The law restricting Colorado’s citizens from voting while incarcerated for a felony conviction undermines Colorado’s democracy and extends the racial injustice embedded in the criminal legal system to its electoral system. To ameliorate this injustice and protect its democratic values, Colorado should follow the lead of Maine, Vermont, Puerto Rico, and Washington, DC, and extend voting rights to all citizens, including persons completing their sentence in prison.

Expanding Voting Rights in Colorado is a Racial Justice Issue

Being denied the right to vote is particularly acute for Black and Latinx residents of Colorado due to their disproportionate incarceration for felony convictions. Less than 4% of the state’s population is Black, but 17% of the prison population is Black. Similarly, 22% of the state’s population is Latinx, but Latinx people make up 31% of the prison population. That means, in Colorado, Black residents are more than six times as likely as white residents to be in prison and Latinx residents are more than twice as likely as white residents to be in prison.⁴

Imprisonment in Colorado by Race and Ethnicity, 2023



Colorado inmate population [Online Image]. (2023). Colorado Department of Corrections Inmate Population Profile.; U.S. Census Bureau. (2020). Hispanic or Latino, and not Hispanic or Latino by race. *Decennial Census, DEC 118th Congressional District Summary File, Table P9.*

This racial disparity is far more pronounced among Black Coloradans who are serving the longest prison sentences. More than 30% of individuals with life sentences are Black Coloradans, making them thirteen times more likely to be incarcerated for extremely lengthy sentences than white Coloradans.⁵ Lifelong imprisonment means they will never regain the right to vote and this fact disproportionately harms Black communities.

Such disparities in incarceration go beyond differences in criminal offending and result from differential treatment throughout Colorado's criminal legal system. The following examples illustrate the disparate effects of these practices on people of color in Colorado:

Policing:

- Researchers who analyzed data from the Aurora Police Department found a pattern of racially disparate interactions with people of color, especially Black residents, who were 2.5 times as

likely as white residents to be arrested. In all Aurora districts, police disproportionately interacted with Black residents and were more likely to arrest Black residents they interacted with compared to white residents. Where the law allowed police discretion in whether or not to make an arrest, Black residents were the most likely to be arrested.⁶

Prosecutorial Discretion:

- Black and Latinx defendants charged with a felony drug offense in Denver County were half as likely to have their cases moved to drug court as white defendants even in cases of comparable severity, according to a study by the Colorado Evaluation and Action Lab at the University of Denver. Drug courts typically offer a misdemeanor charge and a mandatory treatment program as an alternative to a felony charge.⁷
- A study of prosecutorial decisions at the University of Denver found Black defendants were 70% less likely to receive a deferred judgment and Latinx defendants were 50% less likely to receive a deferred judgment compared to white defendants after comparing cases of similar severity. A deferred judgment is a form of plea agreement that allows the defendant to have their sentence reduced or their case dismissed if they complete a period of supervision without committing additional offenses.⁸

Racial disparity in incarceration is diluting the political voice of people of color in Colorado. Colorado should safeguard democratic rights and not allow a racially disparate criminal legal system to restrict voting rights.

Supporting Voting Rights Improves Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one's perceived status as an "outsider." The act of voting can have a meaningful and sustaining positive influence on jus-

tice-impacted citizens by making them feel they belong to a community.⁹ Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota's Christopher Uggen and New York University's Jeff Manza find that among people with a prior arrest, there are "consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior."¹⁰ Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states that continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.¹¹ Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including persons completing felony sentences in prison, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, Colorado can improve public safety while also promoting reintegrative prosocial behaviors.

Colorado Can Strengthen its Democracy by Restoring the Right to Vote

Since 1997, 26 states and the District of Columbia have expanded voting rights to people with felony convictions.¹² As a result, over 2 million Americans have regained the right to vote.¹³ As part of this movement, the Colorado General Assembly expanded voting rights to Coloradans on parole supervision.

In 2019, Governor Jared Polis signed H.R. 19-1266 to restore voting rights to individuals on parole, re-enfranchising an estimated 11,500 people.¹⁴ Still, Colorado continues to disenfranchise an entire group of their citizens: those serving a sentence in prison due to a felony conviction. Colorado should carry forward the momentum of H.R. 19-1266 and ensure that all Coloradans have access to the ballot regardless of criminal-legal involvement.

Excluding an entire population of people from exercising their right to vote erodes democracy and is not in accordance with Colorado's bill of rights that states "no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."¹⁵ When the state of Colorado takes away its citizens' ability to vote, it also removes an important avenue for them, especially for people of color, to advocate for their own needs and the needs of their communities.

Colorado should strengthen its democracy and advance racial justice by re-enfranchising its entire voting eligible population.

Endnotes

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.; C.O. Const. art. VII, § 10.

² C.O. Const. art. II, § 1.

³ Uggen, et al. (2022), see note 1.

⁴ Colorado inmate population [Online Image]. (2023). Colorado Department of Corrections Inmate Population Profile.; U.S. Census Bureau. (2020). Hispanic or Latino, and not Hispanic or Latino by race. *Decennial Census, DEC 118th Congressional District Summary File, Table P9*.

⁵ Ayers, A., personal communication, March 20, 2024, Colorado Department of Corrections.

⁶ Mordecai, D. K. A., Kappagoda, S., Kwak, M., Gokhale, M., Mathews, N., & Horvath, P. (2021). *Investigation of the Aurora Police Department and Aurora Fire Rescue*. Colorado Attorney General.

⁷ Bosick, S. J. (2021). *Racial disparities in prosecutorial outcomes: An analysis of felony cases accepted for prosecution by the Denver District Attorney's Office in the City and County of Denver*. Colorado Evaluation and Action Lab at the University of Denver.

⁸ Bosick (2021), see note 7.

⁹ Budd, K. M., & Monazzam, N. (2023). *Increasing public safety by restoring voting rights*. The Sentencing Project.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>

¹⁰ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.

¹¹ Budd & Monazzam (2023), see note 9.

¹² Porter, N. & McLeod, M. (2023). *Expanding the vote: State felony disenfranchisement reform, 1997-2023*. The Sentencing Project.

¹³ Porter & McLeod (2023), see note 12.

¹⁴ H.R.19-1266. (Colo. 2019).; Burness, A. (2019, July 5). As of today, 11,467 Colorado parolees can register to vote. Will they? *The Colorado Independent*.

¹⁵ C.O. Const. art. II, § 5.



This fact sheet was created by Research Fellow Rachel Jollie and Research Analyst Kristen M. Budd.

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