

# 4.17 FELONY DISENFRANCHISEMENT

**Essential Question(s):** On what grounds, if any, should an adult U.S. citizen be prevented from voting? Should there be felony disenfranchisement laws?

## Overview

During the 2018 midterm elections, Florida voted on whether to allow those who have been incarcerated to gain back their right to vote. Florida was one of a handful of states that did not allow previous felons to have their voting rights restored following completion of their prison sentences.

Various states have different laws in place for felony disenfranchisement and only two states allow those who are still incarcerated to vote. This means that there is a large group of the U.S. population who are unable to vote. This can impact elections and local laws in a variety of ways.

**Recommended Preceding Lesson(s):**  
“1.4 Creating a Brave Space”

## Snapshot

### What Students Will Learn:

In this lesson, students will participate in a Philosophical Chairs dialogue about whether felony disenfranchisement should remain intact.

### Standard(s):

D2.Civ.2.9-12

**Time:** 50 minutes



## Objective

Discuss the pros and cons of felony disenfranchisement.

## Differentiation

Consider partnering students during the dialogue prep worktime.

## What's Needed

- Writing utensil and paper or 1:1 technology
- WiFi, internet, computer, screen or projector, speakers
- (Optional) Prepare the “[Felony Disenfranchisement Laws \(Map\)](#)” for whole class viewing.
- Make copies of “[Felony Disenfranchisement: Dialogue Prep](#)” and “[Philosophical Chairs Dialogue Reflection](#),” one of each for each student.
- “Why Florida’s Ex-Felons Should Be Able to Vote - NYT Opinion” YouTube clip (2018, 3:57 min., *The New York Times*, [www.youtube.com/watch?v=hCNlyHid5LM&feature=youtu.be](http://www.youtube.com/watch?v=hCNlyHid5LM&feature=youtu.be))
- Prepare the rules for a successful Philosophical Chairs dialogue in step #10 for whole class viewing. (Or, if previously conducted, use the display created from “[1.6 Dialogue vs. Debate: Philosophical Chairs](#)” lesson.)

## Key Vocabulary

disenfranchisement  
felony  
felony  
disenfranchisement  
incarceration  
prison  
vote  
voting



## Classroom Setup

Students will work in groups and independently. They will participate in a Philosophical Chairs dialogue. Desks should be set up to best support group learning.

## Direct Teaching

1. As a warm-up, ask students the following question:

*If someone’s rights have been taken away due to a perceived harm committed against the community, should they get those rights back at some point? Why or why not?*

2. Call on a few students to share their response.
3. Ask students if they are familiar with the term **disenfranchisement**, then provide students with the following information:

*Disenfranchise is a verb. To disenfranchise someone means taking away a right or privilege. Most commonly, disenfranchising someone means that you have taken away their right to vote in an election. In certain states, voting is one of the rights that can be taken away if you are incarcerated. Those who have been convicted of a felony are disenfranchised and do not get to vote in any election.*

*As of 2021, the District of Columbia and only two states, Maine and Vermont, allow those who are incarcerated to*

vote. In 16 states, those who have been incarcerated have their voting rights automatically reinstated following their release from prison.

That leaves 32 states with laws that are stricter about disenfranchisement. There are 11 states where those incarcerated lose their voting rights indefinitely or require a governor's pardon, face an additional waiting period after completion of sentence or additional action before voting rights can be restored.

Felony disenfranchisement is not the only way that a person can be disenfranchised. Voter suppression laws disenfranchise people by creating barriers that inhibit them from exercising their right to vote.

**Optional:** As you provide statistical information on felony disenfranchisement by states, display the "[Felony Disenfranchisement Laws \(Map\)](#)."

4. Divide students into small groups and have them discuss the following question in their small group:

*Based on population statistics, Black people are disproportionately represented in prisons, relative to white people. Also, while more men than women are incarcerated, women's prisons are growing faster than men's. Given the relationships between incarceration and voting rights, along with relative impacts of incarceration on different groups, how might disenfranchisement impact elections?*

5. Have groups share what they discussed. Provide feedback to students based on the following conclusion:

*Felony disenfranchisement impacts elections, as people's voting rights are impacted by their incarceration, which disproportionately impacts marginalized groups. While Black people and women, among other groups, have long fought for their right to vote, and various rights have been gained, state and federal laws continue to create barriers preventing them from voting. While we may debate the merits of allowing the formerly incarcerated to vote, the denial of that right disproportionately impacts segments of the population, which in turn has other impacts on elections and on our representative democracy.*

6. Distribute the handout "[Felony Disenfranchisement: Dialogue Prep](#)" to each student. Talk through Part I of the handout and provide time for students to complete.

**Note:** It may be helpful to remind students of various aspects of the Constitution and the Bill of Rights, which may impact their thinking. For example, the 8th Amendment prohibits cruel and unusual punishment, and the 14th Amendment provides equal protection under the law.

7. Talk through Part II of the handout. Explain to students that they are going to watch a short movie that will help them fill out Part II. They should take notes while watching the movie.
8. Show students the "[Why Florida's Ex-Felons Should Be Able to Vote - NYT Opinion](#)" YouTube clip.
9. Provide a few minutes for students to complete filling out Part II.
10. Explain to students that they are going to participate in a Philosophical Chairs dialogue that is based on felony disenfranchisement. Remind students about creating a brave space and share the following six rules with the class.
  - a. Ask high level questions with open endings.
  - b. Questions need to relate to the text.
  - c. Acknowledge the person and paraphrase what was said before you.
  - d. Move sides if you feel persuaded.
  - e. Two people should speak before you speak again.
  - f. Be respectful and kind.

Stress the importance of responding to the idea and not the person (for example, “I disagree with the idea that \_\_\_\_” instead of “I disagree with you”).

**Note:** Be mindful that there may be students who may have direct or indirect experiences with this topic and/or the carceral system.

11. Start the dialogue by asking the following question:

*Should those who have been disenfranchised due to a felony lose their right to vote indefinitely?*

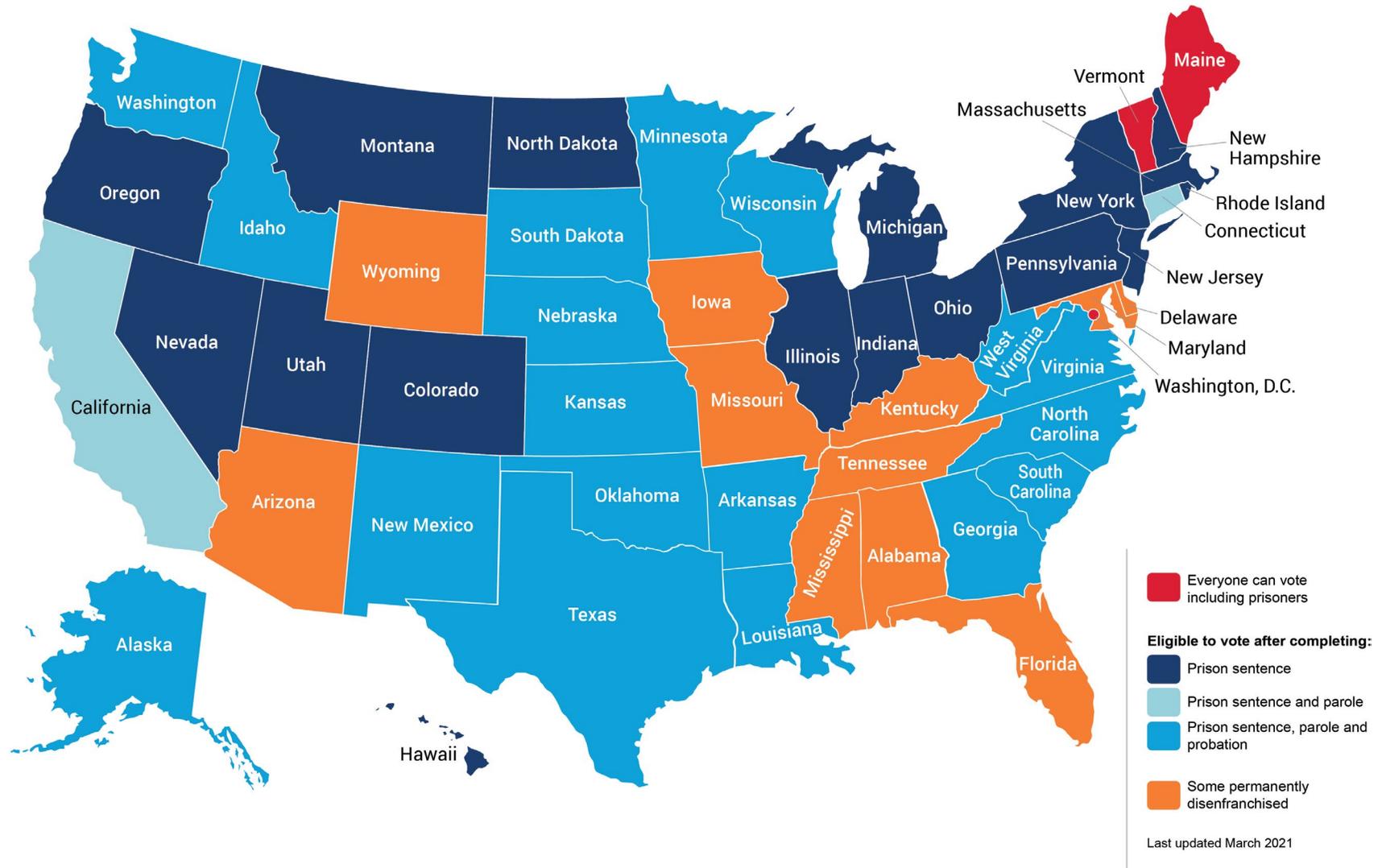
Instruct students to move to the left side of the room if their answer is yes and to the right side of the room if their answer is no. Explain to students that they should spend the rest of class asking and answering questions, trying to persuade their audience to understand their beliefs about felony disenfranchisement while also making an effort to understand the other points of view.

Remind students that they need to reference the evidence that they have been given, to switch sides and to remain open minded about each comment. Their focus is on discourse and not debate.

## Closing

Students should complete their “Philosophical Chair Reflection.”

# FELONY DISENFRANCHISEMENT LAWS (MAP)



# FELONY DISENFRANCHISEMENT: DIALOGUE PREP

Name: \_\_\_\_\_ Class: \_\_\_\_\_

**Disenfranchise:** To deprive someone of a right or privilege. **Felony disenfranchisement:** To prohibit a person from voting because they have been convicted of a felony.

## Part I

What are three reasons why some people might think felony disenfranchisement is a good idea?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Reflect on the above three reasons. What do you think about those reasons? Do you think they are valid?

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## Part II

What are three reasons why some people might think felony disenfranchisement is a bad idea?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Reflect on the above three reasons. What do you think about those reasons? Do you think they are valid?

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# PHILOSOPHICAL CHAIRS DIALOGUE REFLECTION

1. What was the topic of the dialogue today? \_\_\_\_\_

2. What was your original stance on the topic? \_\_\_\_\_

3. Did you change sides? Why or why not? \_\_\_\_\_

\_\_\_\_\_

4. What went well for you during the dialogue today? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. What can we work on so the next dialogue is even more successful? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Reflect on ONE of the topics listed below.

a. Based on the Philosophical Chairs, I believe that people can have more open conversations about debatable topics.

b. Based on the Philosophical Chairs, I believe that people cannot have open conversations about debatable topics.

c. The Philosophical Chairs made me realize that I do not think about other perspectives often.

d. The Philosophical Chairs made me realize that I do think about other perspectives often.

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