DePaul University
University Libraries

DePaul Journal for Social Justice

Volume 18
Issue 2 *Summer 2025*

Article 4

Voting as a Crime Prevention Strategy

Joseph R. Dole

VOTING AS A CRIME PREVENTION STRATEGY

By Joseph R. Dole

TABLE OF CONTENTS

Joseph R. Dole is an award-winning author and artist with a BA in critical legal studies from NEIU/UWW. He is one of the co-founders and policy director of Parole Illinois, a 501(c)(3) nonprofit organization working to abolish death-by-incarceration in Illinois and has been published in the Northwestern's *Journal of Law and Social Policy*; *Journal of Ethical Urban Living*; *Justice*, *Power and Resistance*; and *Truthout*, among many others.

Mr. Dole wrote this article while in the role of National Public Housing Museum (NPHM) Public Engagement Intern, supervised by Chicago Lawyers' Committee for Civil Rights, a non-profit, non-partisan organization that works to advance racial equity and economic opportunity. Chicago Lawyers' Committee for Civil Rights, including Ami Gandhi (Director of Midwest Voting Rights Program), expresses immense gratitude to Mr. Dole for his diligent work and meaningful insights shared through the course of the internship, making an impact on civil rights and voting rights in the Midwest and beyond. He can be contacted at JosephDole4ParoleIllinois@gmail.com.

VOTING AS A CRIME PREVENTION STRATEGY

By Joseph R. Dole

For over four decades, Americans largely voted for political candidates who falsely claimed that they would reduce or prevent crime by enacting stricter and stricter criminal penalties. Politicians spouting these "tough-on-crime" fantasies largely knew that the sentencing laws they were enacting would not deter anyone from committing a crime, but staying silent or appearing soft on crime was political suicide.

By voting for "crime prevention" in this manner, voters let politicians off the hook. Politicians didn't have to meaningfully solve the crime problem, and voters got nothing in return; definitely not lower crime rates – look around. As politicians continuously increased the punitiveness of Illinois' criminal code, not a single increase — nor the cumulative effect of all the increases — had any real measurable effect on the crime rate. Instead, we saw the constant fluctuation of the crime rate going a little bit up and a little bit down. Today, our crime rates are no better than they were in the 1970's when Illinois' prison population was about one-fifth of what it is today. Studies show imprisonment can actually have a criminogenic effect, meaning mass incarceration may have actually increased crime rather than reducing it as intended. Nonetheless, we've spent billions of dollars over-incarcerating people in Illinois, yet our streets are no safer.

I. A CRITICAL LOOK AT REDUCING CRIME

What if the simple act of voting itself could actually prevent or reduce crime? What if universal suffrage could be one of the numerous policy changes necessary to begin to make our society safer? As a state, Illinois seems to have finally come to the natural conclusion that there is no single magic bullet that can "solve" the crime problem — especially not longer sentences. Voters in Illinois' recent elections largely voted against the tough-on-crime rhetoric regurgitated by Republicans in statewide races in 2022 and mimicked by Paul Vallas in Chicago's 2023 mayoral race. Instead, voters chose the Democrats and Brandon Johnson, respectively, choosing a more nuanced policy agenda to try to reduce crime through community building and social programs. Time will tell whether voters will be rewarded with lower crime rates.

That is one way that voting might help reduce crime — electing officials who will shape a policy agenda that increases safety by investing in communities, rather than wasting resources on mass incarceration, which has proven ineffective. Another way, which would complement this new strategy, would be to give people in Illinois' prisons the right to vote. While America has long conned itself into believing it is the ultimate guarantor of individual rights and freedoms, it has repeatedly failed to "live up to the hype". Whether it is our foreign policies, our torture of terrorists and criminal suspects, or our love affair with incarceration, we can hardly call ourselves "the land of the free" and "protector of democracy" with a straight face.

Rather than respect and protect everyone's rights, we often trample on them. Even something as essential to democracy as the right to vote is treated as a privilege here: something that can be easily revoked or impeded. The United States Supreme Court itself excuses disenfranchising millions of Americans while duplicitously calling the right to vote both "fundamental" and more precious than any other right in a free country. For instance, in 1974, in the case of *Hunter v. Underwood*, the Court ruled that disenfranchising people for a felony conviction did not run afoul of the United States Constitution.[1] This ruling has allowed the disenfranchisement of millions of people across the country. Nearly 100 years earlier in 1886, however, the Court noted in *Yick Wo v. Hopkins* that the right to vote is "preservative of all rights,"[2] and then in 1964, in the case of *Wesberry v. Sanders*, the Court acknowledged that all rights "are illusory if the right to vote is undermined."[3]

II. MODELS FROM ABROAD

In dozens of democracies around the world, the right to vote is treated as sacrosanct. It is a right that one cannot be stripped of no matter how heinous their crime. A right that can even be exercised from behind prison walls. These countries include most European countries, Canada, South Africa, and Israel, with additional countries like New Zealand and Kenya having very rare restrictions on voting rights for those with criminal convictions.[4]

---

[1] *Hunter v. Underwood*, 471 U.S. 222, 222 (1985).
[2] *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).
[3] *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).
[4] *See* Nicole D. Porter et al., *Out of Step: U.S. Policy on Voting Rights in Global Perspective*, The Sentencing Project, Human Rights Watch, and American Civil Liberties Union (2024), https://www.sentencingproject.org/publications/out-of-step-u-s-policy-on-voting-rights-in-global-perspective.

Israel's Supreme Court called the right to vote a "prerequisite of democracy," and in 1996 supported these words by ensuring that the man who murdered Israeli Prime Minister Yitzhak Rabin retained his right to vote while incarcerated. The Court stated that Israelites must separate "contempt for his act" from "respect for his right."[5]

Emmett Sanders, who served more than two decades in prison in Illinois and authored the report, *Full Human Beings: An Argument for Incarcerated Voter Enfranchisement*, notes that granting everyone in America the right to vote, even while in prison, would mean that the "United States might join the ranks of countries that view incarcerated people as fully human beings."[6]

Regulating the right to vote in the U.S., however, is largely left up to the individual states. Here in Illinois, even if we are nowhere near viewing incarcerated people as fully human, we are just small steps away from universal suffrage – enfranchising people in prison.

III. Opportunity for Expanding Suffrage in Illinois

We can now achieve it. There is currently a bill before the Illinois House and Senate that would grant people in prison the right to vote (SB 1733). Some politicians believe this is too radical an idea. They use a mixture of fearmongering and excuses recycled from opponents to the women's suffrage movement more than a century ago to explain why they won't vote to pass it. They act like the idea of people in prison voting is unheard of.

Not only is it common practice in many countries around the world, but here in the United States there are several places where people in prison retain their right to vote. For instance, in both Maine and Vermont all anyone in prison needs to do to vote is simply register and mail in an absentee ballot. In Alabama and Mississippi, some incarcerated individuals can likewise vote depending on

[5] Marc Mauer, *Virginia Topples a Relic of Colonial-Era Disenfranchisement*, Open Society Foundations (April 26, 2016), https://www.opensocietyfoundations.org/voices/virginia-topples-relic-colonial-era-disenfranchisement#:~:text=In%201996%2C%20the%20Israeli%20Supreme,his%20right%E2%80%9D%20as%20a%20citizen.

[6] Emmett Sanders, *Full Human Beings: An Argument for Incarcerated Voter Enfranchisement*, https://www.peoplespolicyproject.org/projects/prisoner-voting/ (last visited June 12, 2025).

what crimes they are convicted of.[7] Even Puerto Ricans can vote if they are locked up in Puerto Rico, but once they move to any of the 48 states that ban most or all people from voting in prison, they will lose that right if incarcerated. Most recently, in July 2020, Washington D.C. passed "Restore the Vote" legislation to re-enfranchise all its incarcerated citizens. This meant that throughout the federal prison system, D.C. residents are able to vote by absentee ballot.

It is likely that several other states will re-enfranchise their prison populations soon. In addition to the campaign by Chicago Votes and the Unlock Civics Coalition to pass the Reintegration and Civic Empowerment Act (RACE Act or Voting in Prison) bill in Illinois, numerous organizations in other states have launched campaigns to re-enfranchise their incarcerated citizens. These include organizations in California, New Jersey, New Mexico, New York, Massachusetts, Virginia, Michigan, and Oregon.

Thus, enfranchising people inside Illinois' prisons is not so radical an idea after all. In fact, it should be seen as both a way to uphold our democratic ideals and as a public safety measure.

By now it should be obvious to everyone that demonizing and marginalizing anyone who commits a crime does very little to reduce or prevent crime. This makes sense when you think about it; if you are constantly despised and ostracized by society, is that going to make you concerned with the welfare of society? Thus, it should come as no surprise that there is zero evidence that disenfranchising people after they commit one crime deters them from committing additional crimes, nor does it help them to rehabilitate any faster.

IV. "USEFUL CITIZENSHIP"

Illinois' Constitution claims that one of the goals of incarceration is to return people to "useful citizenship." If that is truly one of the goals, then it makes no sense to deny people in prison the most important right of citizenship. Illinois shouldn't be denying people the right to vote or even discouraging voting. It should be both encouraging and facilitating both voting and civic engagement in general throughout incarceration.

[7] Dale E. Ho, *Captive Constituents: Prison-Based Gerrymandering and the Current Redistricting Cycle*, 22 STAN. L. & POL'Y REV. 355, 366 n. 61 (2011).

Voting and being civically involved could very well be the thing that prompts someone to turn away from a life of crime and toward useful citizenship. It could be the impetus that transforms someone from being labeled a "criminal," to someone working to prevent crimes from occurring.

Canada's Supreme Court noted in the 2002 *Sauvé v. Canada* case, that denying people in prison the right to vote "is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values."[8] The Court went on to explain that the "legitimacy of the law and the obligation to obey the law flow directly from the right of every citizen to vote. To deny prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility."[9]

Advocating for universal suffrage in our nation's capital, D.C. Attorney General Karl Racine said, "[w]hen people violate the law we should hold them accountable, but we shouldn't strip them of their rights as citizens."[10] Illinois Representative LaShawn Ford, the chief sponsor of HB39, agrees, "I'm a firm believer that people in prisons ... deserve the right to participate in democracy."[11]

Most people in prison are not only citizens but also have a vested interest in a safe society. We have mothers, fathers, grandparents, wives, sisters, brothers, children, and grandchildren who remain out there. We want them to be safe and feel safe. Those who think otherwise are irrationally biased by decades of dehumanizing tough-on-crime rhetoric about "criminals."

In 2019, a survey by *Initiate Justice* found that over ninety percent of those incarcerated individuals surveyed listed reducing crime as "very important."[12] They also rated "very important" the issues of jobs, the economy, education, and healthcare - all of which affect crime rates.[13]

---

[8] *Sauvé v. Canada (Chief Electoral Officer)*, [2002] 3 S.C.R. 519, 548 (Can. 2002).
[9] *Id.* at 522.
[10] Karl A. Racine (@AGKarlRacine), TWITTER (June 4, 2019, 12:43 PM), https://twitter.com/AGKarlRacine/status/1135965210391584771.
[11] Kira Lerner, *Illinois Legislation Would Allow People to Vote While Serving Felony Sentences*, Minnesota Reformer (March 14, 2022), https://minnesotareformer.com/2022/03/14/illinois-legislation-would-allow-people-to-vote-while-serving-felony-sentences/.
[12] Taina Vargas-Edmond, et al., *Democracy Needs Everyone: The Urgency of Ending Felony Disenfranchisement in California*, INITIATE JUSTICE 6 (2019).
[13] *Id.* at 15.

The same survey found that while only thirty-seven percent of respondents had voted prior to incarceration, more than ninety percent wanted to vote now.[14] The main reasons they wanted to vote were: "to have a voice in society;" "to contribute positively to their community;" and "to have a say in elected leadership."[15]

Studies show that people who commit crimes are less likely to recidivate if they are voters compared to non-voters, and disenfranchisement seems to be related to increased recidivism.[16] For instance, states that permanently disenfranchise people who commit felonies have nearly twenty percent higher rearrest rates than states that restore the right to vote upon release. People who have arrest records are half as likely to be rearrested if they are voters (twelve percent), compared to non-voters (twenty-seven percent).[17]

So, if reducing recidivism is a goal of the Illinois Department of Corrections, and voting upon release can reduce one's likelihood of recidivating, we should want people to begin voting while in prison. That's because, as Cara Suvall notes in the Rutgers University Law Review, "[v]oting is habit forming – once a person votes, they are more likely to continue voting."[18]

Most people in prison have no prior experience voting, so getting them into the habit of voting while in prison will increase the odds that they will vote upon release and thereby increase the odds that they won't recidivate and will successfully transition into "useful citizenship."

Even if you have no respect for the rights of "criminals," you should still support re-enfranchising people in prison if you are interested in public safety. Ninety percent of people in prison will return to the streets sooner or later. The fewer that recidivate, the less crime that will occur, and the safer society will be. Moreover, the fewer people who recidivate, the fewer resources we will waste on incarceration, and the more resources we can invest in crime prevention strategies.

---

[14] *Id.* at 5.
[15] *Id.*
[16] *See, e.g.,* Christoper Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 COLUMBIA HUM. RIGHTS L. REV. 193, 205-206 (2004-2005); Taina Vargas-Edmond, et al., *supra* note 13.
[17] *Id.*
[18] Cara Suvall, *Out Before the Starting Line: Youth Voting and Felony Disenfranchsement,* 74 RUTGERS UNIV. L. REV. 1933, 1937 (Summer 2022), https://rutgerslawreview.com/wp-content/uploads/2023/02/09_Suvall.pdf.

Mass incarceration has been an unmitigated disaster as far as deterring crime and keeping society safe. Increasing prison terms did nothing but negatively impact millions of families. Decades of tough-on-crime rhetoric did nothing but dehumanize and ostracize millions of Americans. Untold damage was done to our democracy in the process.

V. CONCLUSION

Enfranchising people in prison and thereby respecting them as both humans and fellow citizens will contribute to making society safer. It will increase the number of people who feel like they are a part of society, and who are civically engaged. It will also increase the likelihood that they, in turn, will respect others' right to be safe.

We will never have a crime-free society, and there is no single magic bullet that can completely prevent everyone from committing crimes. There are however, a thousand little things that can be done to help prevent or reduce crime a little bit each. If we commit to identifying and doing as many as possible, we can at least get to a point where crime is rare (rather than the norm), where our streets are relatively safe, and where our democracy is stronger.

Passing SB 1733, the RACE Act, is one of the easiest of those thousand little things. All Illinois legislators must do is care enough to vote yes.