



Seattle Post-Intelligencer

# Court upholds modern-day poll tax

GUEST COLUMNIST

**ERIKA WOOD**

More than 40 years ago the U.S. Supreme Court declared in *Harper v. Virginia*: "Wealth or fee paying has . . . no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened or conditioned."

The idea that a citizen's eligibility to vote should never hinge on his ability to pay has long been accepted as a basic tenet of our democracy. Nevertheless, last week the Washington Supreme Court rejected this bedrock principle.

The decision in *Washington v. Madison* upheld Washington's law that requires people convicted of a felony to not only complete their prison term and any subsequent parole or probation, but also to satisfy all fees, fines and restitution that accompanied their sentence, including all accrued interest and penalties.

The result of the court's ruling is clear: Wealthy citizens can vote despite a felony conviction while poor citizens cannot.

Washington's law creates a lifetime voting ban for low-income individuals. Because the state charges interest and surcharges on top of heavy economic sanctions, a person who cannot afford higher monthly installments will continue to accrue debt even as he makes his monthly payments.

That is what happened to Beverly Dubois, a plaintiff in the *Madison* case. Dubois has completed all terms of the non-financial elements of her sentence. Although she makes monthly payments set by the court, the interest continues to accrue on her debt at a rate that is more than she can afford on her fixed disability income. Unless she wins the lottery, Dubois will never pay off her full debt and she will be denied the right to vote indefinitely.

Washington is one of only nine states that require people to pay fi-

nancial obligations before being able to vote. Most of the others are in the Deep South where the voting rights of poor and minority citizens have long been under attack. There used to be 10 but Maryland lawmakers, recognizing that wealth should never be a voting qualification, removed the requirement from their state's law in April.

Secretary of State Sam Reed has lamented the administrative burden of the current law. After the controversy created when ineligible people with felony convictions voted in the dead-heat gubernatorial election in 2004, Reed called for simplifying the system by allowing everyone to vote as soon as they are released from prison. Last week, Reed's office admitted it has no way of checking whether people out of prison meet the complicated eligibility requirements of the current law.

It is time for Washington lawmakers to get in step with the national

movement to restore voting rights to people who are out of prison, living and working in the community. States across the country have come to understand that giving someone a stake in the political process helps build community ties and foster social responsibility.

Since 1997, 16 states have reformed their laws to expand the franchise or ease voting rights restoration procedures. In the past year alone, Rhode Island, Maryland and Florida reformed their laws.

Washington's modern-day poll tax has no place in a democratic society. Restoring voting rights as soon as people are out of prison would create a system that is fair and democratic, and one that the state can fairly administer.

---

**Erika Wood directs the Right To Vote Project at the Brennan Center for Justice. The Brennan Center filed an amicus brief in the case.**

