

Texas woman sentenced to five years in prison for voting while on probation

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On Wednesday, a woman from Rendon, Texas was sentenced to five years in prison for voting in the 2016 election while she was on supervised release from a fraud conviction in 2011. Crystal Mason, 43, said she never would have cast a ballot had she known it was illegal.

Mason waived her right to a jury trial and allowed District Judge Ruben Gonzales to oversee her trial. During her testimony, Mason told the court that she received a provisional ballot when going to vote at her usual polling station. She said her name was not on the voter roll.

Gonzales asked Mason why she didn't fully read the documents given to her at the time, inferring that the provisional ballot would have informed her she was not allowed to vote. The form you are required to sign to get the provisional ballot is called an affidavit, Gonzales told Mason. "There's a legal connotation to that, right?" Gonzales asked.

Mason responded that she was never told she wasn't allowed to vote while serving her sentence, probation included. The federal court, her probation officer, US District Judge John McBryde (the judge who presided over her fraud case), and the electoral workers all failed to inform Mason of her ineligibility, she said.

Mason was subsequently told by Tarrant County prosecutor Matt Smid that she had jeopardized her freedom in connection with her 2011 admission of violating tax laws.

"I inflated returns," Mason said. "I was trying to get more money back for my clients. I admitted that. I owned up to that. I took accountability for that. I would never do that again. I was happy enough to come home and see my daughter graduate. My son is about to graduate. Why would I jeopardize that? Not to vote... I didn't even want to go vote."

Mason said she went to vote only after being encouraged by her mother to do so and repeatedly stated that she wouldn't have voted if she had known it would threaten her freedom.

J. Warren St. John, Mason's defense attorney, said an appeal was filed after the verdict and hoped his client would be released on bond.

"I find it amazing that the government feels she made this up," St. John told the court. "She was never told that she couldn't vote, and she voted in good faith. Why would she risk going back to prison for something that is not going to change her life?"

This case can only be seen as an attempt to intimidate workers and poor people from voting. There is a long history of voter suppression in the United States.

Between 1890 and 1910, many Southern states adopted new laws or reconfigured pre-existing laws to obstruct newly enfranchised black citizens whose rights had been expanded by both the 14th and 15th Amendments. Laws such as these were overturned with the enactment of the Voting Rights Act of 1965.

However, efforts to restrain voting redoubled after the 2000 election, in which the US Supreme Court intervened to close down a vote recount in Florida and hand the presidential election to Republican George W. Bush, who had lost the popular vote to the Democratic candidate, Vice President Al Gore.

The stolen election of 2000 was followed by a drive by state governments, mainly Republican-controlled, to discourage poor and working class voters from going to the polls through the enactment of voter ID laws, restrictions on early and absentee voting and other reactionary measures. The Democrats, who were impacted electorally by such laws, never mounted serious opposition to the campaign of voter suppression. They themselves worked to exclude third

party and independent candidates from the ballot when it served their electoral aims.

In 2002, President Bush signed into law the “Help America Vote Act,” which required all first-time voters in federal elections to show photo or non-photo ID upon either registration or arrival at the polling place. In 2005, the Commission on Federal Election Reform made a bipartisan recommendation for voter identification at the polls.

In 2013, the US Supreme Court in *Shelby v. Holder* struck down Section 4(b) of the Voting Rights Act of 1965, which required states with a history of voter discrimination to receive clearance from the federal government before amending voting laws. This encouraged the proliferation of state voter ID laws and other anti-democratic measures. In total, 33 states currently have some form of voter identification law, varying in strictness.

In 2017, US District Judge Nelva Gonzales Ramos struck down a Texas law that required voters to present a form of identification at the polls. In her ruling, Gonzales Ramos wrote that changes made to the law did not “fully ameliorate” practices that were “enacted with discriminatory intent—knowingly placing additional burdens on a disproportionate number of Hispanic and African-American voters.”

Only 15 of the 50 US states allow felons to vote once they have been released from incarceration. Twenty-nine states, including Texas, restore voting rights only after the convicted person has fully served out his or her sentence, including parole. The remaining states deny felons, including those who have fully served their sentence, the right to vote.

Project Vote estimates that some 5.8 million people are not able to vote because of laws that temporarily or permanently ban people convicted of felonies from voting. According to a 2016 report by the Sentencing Project, more than 6 million felons in the United States and nearly 500,000 in Texas were ineligible to vote in 2016.



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