



# House of Representatives

General Assembly

**File No. 452**

February Session, 2000

Substitute House Bill No. 5701

*House of Representatives, April 5, 2000*

The Committee on Judiciary reported through REP. LAWLOR of the 99<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***An Act Concerning The Forfeiture Of Electoral Rights And Privileges.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-45 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) The [Judicial Department] Commissioner of Correction shall, on  
4 or before the fifteenth day of each month, transmit to the Secretary of  
5 the State a list of all persons who, during the preceding calendar  
6 month, have been convicted in the Superior Court of [any crime for  
7 which the privileges of an elector are forfeited] a felony and committed  
8 to the custody of the Commissioner of Correction for confinement in a  
9 correctional institution or facility or a community residence. Such lists  
10 shall include the names, birth dates and addresses of such persons,  
11 with the dates of their conviction and the crimes of which such persons  
12 have been convicted. The Secretary of the State shall transmit such lists  
13 to the registrars of the towns in which such convicted persons resided

14 at the time of their conviction and to the registrars of any towns where  
15 the secretary believes such persons may be electors. The registrars of  
16 such towns shall compare the same with the list of electors upon their  
17 registry lists and, after written notice mailed by certified mail to each  
18 of the persons named at [his] the person's last-known place of address,  
19 shall erase such names from the registry lists in their respective towns  
20 or voting districts.

21 (b) Any person who procures [himself] such person or another to be  
22 registered after having been disfranchised by reason of conviction of  
23 crime and committal to the custody of the Commissioner of Correction  
24 for confinement in a correctional institution or facility or a community  
25 residence, and any person who votes at any election after having  
26 forfeited [his] such privileges by reason of conviction of crime and  
27 such committal, shall be fined not more than five hundred dollars and  
28 imprisoned not more than one year.

29 Sec. 2. Section 9-46 of the general statutes is repealed and the  
30 following is substituted in lieu thereof:

31 (a) A person shall forfeit [his] such person's right to become an  
32 elector and [his] such person's privileges as an elector upon conviction  
33 of a felony and committal to the custody of the Commissioner of  
34 Correction for confinement in a correctional institution or facility or a  
35 community residence.

36 (b) No person who has forfeited and not regained [his] such  
37 person's privileges as an elector, as provided in section 9-46a, as  
38 amended by this act, may be a candidate for or hold public office.

39 Sec. 3. Section 9-46a of the general statutes is repealed and the  
40 following is substituted in lieu thereof:

41 [(a) A person who has been convicted of a felony shall have his  
42 electoral privileges restored upon submission of written or other

43 satisfactory proof to the admitting official before whom he presents his  
44 qualifications to be admitted as an elector, that all fines in conjunction  
45 with the conviction have been paid and that he has been discharged  
46 from confinement, parole or probation, as the case may be.]

47 (a) Upon the release from confinement in a correctional institution  
48 or facility or a community residence of a person who has been  
49 convicted of a felony and committed to the custody of the  
50 Commissioner of Correction and, if applicable, the discharge of such  
51 person from parole, (1) the person shall have the right to become an  
52 elector, (2) the Commissioner of Correction shall give the person a  
53 document certifying that the person has been released from such  
54 confinement and, if applicable, has been discharged from parole, (3) if  
55 the person was an elector at the time of such felony conviction and,  
56 after such release and any such discharge, is residing in the same  
57 municipality in which the person resided at the time of such felony  
58 conviction, the person's electoral privileges shall be restored upon  
59 submitting to an admitting official such document or other satisfactory  
60 proof that the person has been released from such confinement and, if  
61 applicable, discharged from parole, and (4) if the person was an elector  
62 at the time of such felony conviction and, after such release and any  
63 such discharge, is residing in a different municipality or if the person  
64 was not an elector at the time of such felony conviction, the person's  
65 electoral privileges shall be restored or granted upon submitting to an  
66 admitting official (A) satisfactory proof of the person's qualifications to  
67 be admitted as an elector, and (B) such document or other satisfactory  
68 proof that the person has been released from confinement and, if  
69 applicable, discharged from parole. The provisions of subdivisions (1)  
70 to (4), inclusive, of this subsection shall not apply to any person  
71 convicted of a felony for a violation of any provision of title 9 until  
72 such person has been discharged from any parole or probation for  
73 such felony.

74 (b) The registrars of voters of the municipality in which a person is

75 admitted as an elector pursuant to subsection (a) of this section, within  
76 thirty days after the date on which such person is admitted, shall  
77 notify the registrars of voters of the municipality wherein such person  
78 resided at the time of [his] such person's conviction that [his] such  
79 person's electoral rights have been so restored. [to him.]

80 (c) The [Judicial Department, the] Commissioner of Correction [and  
81 the Board of Parole] shall establish procedures to inform those persons  
82 who have been convicted of a felony [, have been under the  
83 jurisdiction of said department, commissioner or board] and  
84 committed to the custody of said commissioner for confinement in a  
85 correctional institution or facility or a community residence, and are  
86 eligible to have their electoral privileges restored or granted pursuant  
87 to subsection (a) of this section, of the right and procedures to have  
88 such privileges restored. The Office of Adult Probation shall, within  
89 available appropriations, inform such persons who are on probation  
90 on the effective date of this section of their right to become electors and  
91 procedures to have their electoral privileges restored.

92 (d) The Commissioner of Correction shall, on or before the fifteenth  
93 day of each month, transmit to the Secretary of the State a list of all  
94 persons convicted of a felony and committed to the custody of said  
95 commissioner and who, during the preceding calendar month, have  
96 been released from confinement in a correctional institution or facility  
97 or a community residence and, if applicable, discharged from parole.  
98 Such lists shall include the names, birth dates and addresses of such  
99 persons, with the dates of their convictions and the crimes of which  
100 such persons have been convicted. The Secretary of the State shall  
101 transmit such lists to the registrars of the municipalities in which such  
102 convicted persons resided at the time of their convictions and to the  
103 registrars of any municipalities where the secretary believes such  
104 persons may be electors.

105 Sec. 4. This act shall take effect January 1, 2001.

**JUD** **Committee Vote:** Yea 23 Nay 17 JFS

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The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Correction, Offices of the Secretary of State and Adult Probation

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill requires the Department of Correction to send the Secretary of State a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. The bill also requires the Office of Adult Probation to inform people on probation of their right to become voters. It is anticipated that these requirements can be carried out within the agencies' normal resources.

It should be noted that the Secretary of State would continue to disseminate this information to municipalities.

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**OLR Bill Analysis**

sHB 5701

**AN ACT CONCERNING THE FORFEITURE OF ELECTORAL RIGHTS AND PRIVILEGES.****SUMMARY:**

With one exception, this bill makes felons eligible to have their voting rights restored while they are on probation. It does this by limiting the amount of time a person can be disenfranchised to the period when he is committed to the Department of Correction (DOC) commissioner's custody to be confined in a correctional institution, facility, or community residence or placed on parole. A person who is released from prison after serving time for an elections-related felony conviction is not eligible to get his rights back until he is discharged from parole or probation.

The bill requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. It establishes a new procedure for restoring felons' voting rights.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2001 of their right to become voters and of the restoration procedures.

EFFECTIVE DATE: January 1, 2001

**FORFEITURE OF VOTING RIGHTS AND PRIVILEGES*****Applicability***

Under current law, felons forfeit their electoral rights and privileges while serving their sentence, which may include parole and probation. The bill limits the law's application to felons imprisoned in a state

correctional institution or facility or a community residence.

### ***Procedure***

By the 15<sup>th</sup> of each month, the bill requires the DOC commissioner to send the secretary of the state a list of all convicted felons committed to his custody during the preceding calendar month. Under current law, the Judicial Department provides the secretary with this list.

As with the Judicial Department's list, the DOC commissioner's list must include each inmate's name, birth date, address, date of conviction, and crime. The secretary gives the list to the registrar of the town where (1) each felon lived when he was convicted and (2) the secretary believes each one was registered to vote. The registrars must compare the list with the voter registry list and, after written notice to the felon's last known address, erase the name from the voting list.

### **RESTORATION OF VOTING RIGHTS AND PRIVILEGES**

With one exception, the bill provides that a felon is eligible to have his voting rights restored when he is released from the DOC commissioner's custody.

If, upon release, the person resides in the town where he was registered to vote, the town's registrar must restore his voting privilege upon satisfactory proof that he was released from prison and completed any parole. The commissioner must give a release certificate to inmates who complete their term of incarceration and any parole.

If the person was not registered to vote when he was convicted or he moves to a different town upon release, he must prove that he is qualified to vote and that he was released from prison and completed any parole.

Under current law, a felon can have his rights restored only after submitting proof that he has paid all court-ordered fines related to the conviction and that he has been discharged from confinement, parole, or probation, whichever applies.

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**LIST OF PEOPLE ELIGIBLE TO HAVE THEIR VOTING RIGHTS RESTORED**

The bill requires the DOC commissioner, on the 15<sup>th</sup> of each month, to send the secretary of the state a list of all felons released from his custody during the preceding calendar month. The list must include the same information as the list required upon conviction (i.e., each inmate’s name, birth date, address, date of conviction, and crime). The secretary must send the list to the registrar of (1) each inmate’s town of residence at conviction and (2) the town where she believes he was registered to vote.

By law, the commissioner must inform felons in his custody of their right to, and the procedure for, have their voting privileges restored. The bill eliminates a requirement for the parole board to provide such information.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 23    Nay 17