



February 15, 2019

State Senator Mae Flexer
Co-Chair, Joint Committee Government
Administration & Elections
Legislative Office Building, Room 3300
Hartford, CT 06106-1591

State Representative Daniel J. Fox
Co-Chair, Joint Committee Government
Administration & Elections
Legislative Office Building, Room 2202
Hartford, CT 06106-1591

RE: Support Legislation to Expand Voting Rights to Residents with a Felony Conviction

Dear: State Senator Flexer and State Representative Fox:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds the introduced legislation – **Senate Bill 53 and Senate Bill 25** – to expand voting rights to persons with felony convictions. Measures that end or narrow felony disenfranchisement have the capacity to facilitate full political and civic participation for thousands of Connecticut residents. The Sentencing Project urges the Joint Committee on Government Administration & Elections to advance measures that expand voting rights to justice involved residents with a felony conviction.

Connecticut currently disenfranchises individuals serving a felony sentence of incarceration or parole.¹ Analysis of 2016 data indicates that 17,345 eligible voters are disenfranchised.² Black voters are disproportionately excluded from the electorate: 2.66% of them are disenfranchised by reason of felony conviction.³ Latinos, too, are overrepresented in the state's criminal justice system and thus affected by disenfranchisement at greater rates than whites. These state-level figures contribute to a nationwide voting rights crisis in which over 5 million Americans cannot vote due to a felony conviction.⁴

There is substantial support in Connecticut to expand voting rights to persons with felony convictions. Advancing **SB 53**, legislation that would expand voting rights to the more than 6,200 residents incarcerated in state prisons would align Connecticut with Maine and Vermont, as a state that imposed no restrictions on justice involved residents, thereby permitting civic participation during incarceration. During 2019, several states – Hawaii, Massachusetts, Nebraska, New Mexico, and New Jersey - have advanced measures that would expand voting rights to incarcerated residents.

A more modest albeit critical step would be passage of **SB 25**, a legislative proposal expanding voting rights to the more than 1,000 residents living in the community under parole supervision. Nationally, 14 states⁵ only disenfranchise incarcerated residents. Maryland eliminated voting restrictions on persons under community supervision including parole in 2016, while a ballot measure in Rhode Island expanded the vote to persons under community supervision in 2006. Since 1997, 23 states have amended felony disenfranchisement policies in an effort to reduce their restrictiveness and expand voter eligibility. As a

¹ See CT. STAT. ANN. §§ 1. Section 9-46a

² The Sentencing Project, *6 Million Voters Lost: State-Level Estimates of Felony Disenfranchisement, 2016*, 15 available at <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

³ Id. at 16.

⁴ See generally id. (citing a figure of 6.1 million disenfranchised nationally before the recent constitutional amendment in Florida).

⁵ State include Hawaii, Illinois, Indiana, Massachusetts, Maryland, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah

result of the reforms achieved during the period from 1997-2018, an estimated 1.4 million people have regained the right to vote.⁶

While there is no legitimate justification for felony disenfranchisement, there is ample reason to believe that providing the right to vote would strengthen Connecticut. Researchers have documented, restoring the vote to persons leaving prison aids their transition back into community life. The revocation of voting rights compounds the isolation of formerly incarcerated individuals from their communities, and civic participation has been linked with lower recidivism rates. In one study, among individuals who had been arrested previously, 27 percent of non-voters were rearrested, compared with 12 percent of voters.⁷ Although the limitations of the data available preclude proof of direct causation, it is clear that “voting appears to be part of a package of pro-social behavior that is linked to desistance from crime.”⁸

In addition to public safety goals undoing felony disenfranchisement is one step toward addressing racial bias in voting. Felony disenfranchisement laws in the United States have troubling race and class dimensions that cannot be reconciled with today’s modern values of equality and dignity. In the post-Reconstruction period, several Southern states tailored their disenfranchisement laws in order to exclude black male voters, targeting those offenses believed to be committed most frequently by black residents.⁹ For example, party leaders in Mississippi called for disenfranchisement for offenses such as burglary, theft, and arson, but not for robbery or murder.¹⁰ The author of Alabama’s disenfranchisement provision “estimated the crime of wife-beating alone would disqualify sixty percent of the Negroes,” resulting in a policy that would disenfranchise a man for beating his wife, but not for killing her.¹¹ While it is debatable whether felony disenfranchisement laws today are intended to reduce the political clout of communities of color, this is their undeniable effect.

The right to vote is essential to the social contract and democracy. The enactment of policies in Connecticut to expand the franchise would help to build national momentum. Connecticut has already taken laudable steps to reduce its disenfranchised population, restoring voting rights to persons on felony probation in 2001 and repealing the requirement to demonstrate proof of restoration in 2006. The Sentencing Project estimates these policy changes restored voting rights to 33,000 Connecticut residents.¹²

The Sentencing Project urges Connecticut to seize this moment and further advance voting rights for justice involved residents. If you have any questions or would like to discuss this further, please contact Nicole D. Porter, Director of Advocacy at The Sentencing Project, at (202) 628-0871 or nporter@sentencingproject.org.

Sincerely,



Nicole D. Porter
The Sentencing Project

cc: Members of the Joint Committee on Government Administration & Elections

⁶ The Sentencing Project, *Expanding the Vote: Two Decades of Felony Disenfranchisement Reforms*, available at <https://www.sentencingproject.org/publications/expanding-vote-two-decades-felony-disenfranchisement-reforms/>

⁷ Uggen, C. & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36 (1), 193-215.

⁸ Id.

⁹ Holloway, P. (2009). ‘A chicken-stealer shall lose his vote’: Disenfranchisement for larceny in the South, 1874-1890. *Journal of Southern History*, 75 (4), 931-962.

¹⁰ Mauer, M. (2002). Mass imprisonment and the disappearing voters. In M. Mauer & M. Chesney-Lind (Eds.), *Invisible punishment: The collateral consequences of mass imprisonment* (pp. 50-58). New York, NY: The New Press.

¹¹ Shapiro, A. (1993). Challenging criminal disenfranchisement under the Voting Rights Act: A new strategy. *Yale Law Journal*, 103 (2), 537-566.

¹² Id., *Expanding the Vote: Two Decades of Felony Disenfranchisement Reforms*