



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

***Testimony of Alex Tsarkov and Sarah Russell before the Government Administration and Elections Committee on SB 233, An Act Concerning Elections***

Senator Flexer, Representative Fox, Senator Sampson, Representative France, and members of the Government Administration and Elections Committee. For the record, my name is Alex Tsarkov and I am the Executive Director of the Connecticut Sentencing Commission. With me is Sarah Russell, a law professor at Quinnipiac University School of Law and a member of the Sentencing Commission. We are here to testify in favor of Section 3 of SB 233, *An Act Concerning Elections*.

We would first like to give you some brief background about the Sentencing Commission. We are a permanent commission created nine years ago, consisting of all the stakeholders in Connecticut's criminal justice system. Our membership includes four judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, Emergency Services and Public Protection, community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; municipal police chiefs; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. We have adopted a policy of striving for consensus in our recommendations to the legislature and the governor. Our work is informed by all the major system stakeholders of the criminal justice system and aims to adhere to the best legal and evidence based research and practices.

The Sentencing Commission voted several years ago to adopt a proposal that would restore the electoral privileges to people on parole. Section 3 of SB 233 would accomplish that goal.

Under current law in Connecticut, individuals convicted of felonies may not vote until their release from confinement and discharge from parole. By denying parolees the right to vote, Connecticut stands out among states in the Northeast. In Maine and Vermont, citizens never lose the right to vote—even while incarcerated. In Massachusetts, New Hampshire, New Jersey, Pennsylvania, and Rhode Island, individuals have their right to vote restored automatically when released from incarceration. In New York, the Governor issued an executive order in 2018 removing restriction on voting for parolees. In 2019, Colorado and Nevada restored voting rights for those on parole. A number of other states nationwide already ensured this right.

Current law in Connecticut generates confusion. Individuals on probation are permitted to vote but many are unaware of their rights because of the parole restriction. In addition, it is not clear

whether individuals on special parole can vote given the distinction between parole and special parole. An individual on parole has been released by the Board of Pardons and Paroles prior to the completion of his or her maximum sentence of incarceration and then serves the remainder of that term under parole supervision. See Conn. Gen. Stat. § 54-125a. In contrast, special parole is part of the sentence that a judge can impose in some circumstances. The period of special parole comes after an individual completes his or her maximum sentence of incarceration. See Conn. Gen. Stat. § 54-125e. It appears that those on special parole may have the right to vote given that they have discharged from confinement and “parole.” However, the distinction between parole and special parole with respect to voting rights—if such a distinction exists—no doubt generates confusion for those with felony convictions. There is also confusion about voting rights for those serving terms of federal supervised release, which is a period of supervision that follows incarceration in the federal system.

SB 233 would help to eliminate confusion about voting rights for those with criminal convictions. We do recommend that the bill be amended to be clear that those released to halfway houses regain their voting rights.

In addition to the issues of voting rights for people on parole, we would like to highlight some issues around eligible-to-vote incarcerated individuals. People incarcerated pretrial and those convicted of misdemeanors can vote under Connecticut law. These individuals vote via absentee ballot in the town where they lived before they were incarcerated.

The Sentencing Commission has assembled a group of stakeholders to address access to voting for these incarcerated citizens. We have met several times together with the Registrars of Voters Association, Town Clerk’s Association, Unlock the Vote, ACLU, New Haven Legal Assistance and the Department of Correction. Together, we have conducted a registration workshop and an absentee ballot workshop at York Correction Institution, the women’s prison. We are working to help promote access to voting for this population and identifying where obstacles exist. We urge the Government Administration and Elections Committee to join the conversation to address these important issues. While we wholeheartedly support restoring of voting rights to people on parole, the eligible-to-vote incarcerated population is a sizable one too which we currently estimate to be about 4,000 people (one third of the DOC population).

Individuals are more successful at reintegrating into society when they are engaged in the community. The right to participate in the democratic process is central to fostering this engagement. Section 3 of SB 233, if passed, would support this reintegration and clarify the law with respect to voting rights.

We thank the Committee for raising this important legislation.