



STATE OF CONNECTICUT
SENTENCING COMMISSION

Testimony of Honorable Judge Robert Devlin, Jr. and Alex Tsarkov before the Government Administration and Elections Committee on HB 5318, An Act Concerning Restoring Electoral Privileges to Convicted Felons Who are on Parole

Senator Flexer, Representative Fox, Senator Sampson, Representative Mastrofrancesco, and members of the Government Administration and Elections Committee. For the record, my name is Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission. With me is John Santa, vice-chair of the Sentencing Commission. We are here to testify in favor HB 5318, *An Act Concerning Restoring Electoral Privileges to Convicted Felons Who are on Parole*.

We would first like to give you some brief background about the Sentencing Commission. We are a permanent commission created ten 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 and Emergency Services and Public Protection, community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; a municipal police chief; 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. HB 5318 would accomplish that goal.

Under current law in Connecticut, convicted felons may not become electors until their release from confinement and discharge from parole. By denying parolees the right to vote, Connecticut stands alone among the New England states. In Maine and Vermont, citizens never lose the right to vote—even while incarcerated. In Massachusetts, Rhode Island, and New Hampshire, (along with at least eleven other states and the District of Columbia) individuals have their right to vote restored automatically when released from incarceration. In 2018, New York removed restrictions on voting for parolees.

It should be pointed out that the current law generates ambiguities. For example, it is not clear whether individuals on special parole can vote given the distinction between discretionary parole and special parole. An individual on discretionary parole has been released by the Board of Pardons and Paroles prior to the completion of his or her maximum sentence of

incarceration. The individual then serves the remainder of that sentence of incarceration under parole supervision. During this period, the person “shall remain in the custody of the Commissioner of Correction.” See Conn. Gen. Stat. § 54-125a. In contrast, special parole is part of a sentence that a judge may 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.

In addition, we respectfully suggest that the Committee address a more comprehensive restoration of voting rights. In December, the Sentencing Commission approved a proposal that would eliminate restrictions on the right to vote for any person convicted of a felony with a possibility of release. We have submitted this proposal to this committee.

The Sentencing Commission’s proposal also addresses many of the obstacles currently faced by incarcerated people who attempt to vote using an absentee ballot. Among its provisions, the proposal would require the Commissioner of Correction to provide voter registration and absentee ballot applications to each incarcerated person within fourteen days after initial incarceration or transfer from another facility. The proposal also creates a new “presumptive absentee ballot status” that would enable eligible incarcerated persons to receive an absentee ballot for each election conducted in the person’s municipality, upon applying for such status. Presumptive absentee ballot status is modeled after the existing “permanent absentee ballot status” for permanently disabled persons. You can find full language of this proposal, which was created with input from Registrars of Voters, Town Clerks, and other interested parties, here: <http://ctsentencingcommission.org/wp-content/uploads/2020/12/Voting-Proposal-12.16.2020.pdf> .

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. HB 5318, if passed, would support this reintegration and clarify the law with respect to voting rights.

We thank the Committee for raising this important legislation, and hope to work together on a more comprehensive restoration of voting rights in the future.