



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

**Testimony of John Santa and Alex Tsarkov before the Judiciary Committee on HB 5702 , An Act Allowing Incarcerated Individuals to Vote**

Senator Flexer, Representative Blumenthal, Senator Slap, Representative Morrin Bello, Senator Sampson, Representative Mastrofrancesco and members of the Government Administration and Elections Committee. Thank you for allowing us to testify before you today. We are here to testify in support of HB 5702, *An Act Allowing Incarcerated Individuals to Vote* .

We would first like to give some background about the Sentencing Commission. We are a permanent commission consisting of stakeholders in Connecticut 's criminal justice system. Our membership includes judges; the Chief State's Attorney; the Chief Public Defender; the commissioners of Correction and Emergency Services and Public Protection; the chair of the Board of Pardons and Paroles; the undersecretary of the Office of Policy and Management 's Criminal Justice Policy and Planning Division; community members interested in the criminal justice system; as well as others vitally engaged in the criminal justice system. Our work is informed by the major stakeholders of the criminal justice system and aims to adhere to the best legal and evidence-based research and practices.

We are here to testify in support of HB 5702 , *An Act Allowing Incarcerated Individuals to Vote* , and we respectfully request that the Committee vote to draft the proposed bill as a committee bill. If the Committee votes to draft a committee bill, we recommend review of the language suggested in the Sentencing Commission's proposed [Voting Access and Reenfranchisement Act](#) which could be found on the Commission's website: <https://ctsentencingcommission.org/wp-content/uploads/2022/02/Voting-Bill-2022.pdf>

The Sentencing Commission has been studying issues related to voting and incarceration since 2019. That year, the Commission formed a subcommittee that included members from the Department of Correction, the Registrars of Voters Association of Connecticut, the Connecticut Town Clerks Association, the American Civil Liberties Union, other advocacy groups, law professors, and the Institute for Municipal and Regional Policy. After studying the legal and practical issues involved with voting from prison, informed by an absentee ballot drive program at York Correctional institute, the working group developed a comprehensive proposal — [the Voting Access and Reenfranchisement Act](#) — that would address the issues faced by incarcerated individuals who seek to vote. This statutory proposal would both reduce the logistical barriers to voting from a jail or prison, and dramatically expand the incarcerated franchise.

In Connecticut, people detained pretrial and those incarcerated on misdemeanors—who constitute 30-40% of the incarcerated population —already have the right to vote by absentee ballot under current law. Yet the practical realities of incarceration prevent them from exercising this fundamental right.

Registering to vote and obtaining an absentee ballot from jail or prison is a complicated process that often requires access to a computer, personal identification, and postage. Thus, even if the state does not expand suffrage to all incarcerated individuals, the state can and should remove practical obstacles for those incarcerated who can already vote under current law.

The Commission's proposal would create a "presumptive" absentee ballot eligibility status for incarcerated individuals. Incarcerated individuals with "presumptive" absentee ballot eligibility status would be mailed absentee ballots by their hometown clerk. This absentee ballot proposal, which is mirrored on an existing statute for disabled voters, would remove logistical barriers to voting for incarcerated voters without creating significant changes to election law for municipal officials. The Commission voted in favor of these changes in late 2020 and proposed its reforms to the Government Administration and Elections Committee in the 2021 and 2022 sessions.

The Commission's proposal also includes an expansion of the franchise to all incarcerated individuals—except those sentenced to life without the possibility of parole. Such a change would affirm the centrality of voting as a core civic right and make Connecticut a national leader in democracy restoration and racial justice.

The right to vote is a hallmark of citizenship. Connecticut's incarcerated citizens are taxpayers; more than half are parents. These citizens retain their civic interest in the policies that shape their lives and the lives of their children and grandchildren and their communities. Civic participation has been linked with lower recidivism rates and higher measures of well-being, including employment, education, and both mental and physical health. Cities in Connecticut with the lowest voter turnout have the highest arrest and reincarceration rates.

Two other New England states, Maine and Vermont, already protect the voting rights of incarcerated individuals. Washington D.C. and Puerto Rico also allow individuals with felony convictions to vote while incarcerated, and other states and localities, including Alabama and Mississippi, allow certain individuals to vote while incarcerated.

We thank the Committee for having a hearing on this important subject and ask the committee to vote to draft the bill as a committee bill.