

Alaska State Legislature

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Senator Bettye Davis

SB 7 - "An Act relating to the civil rights of felons."

SPONSOR STATEMENT

The Alaska State Constitution Article V, Sec. 2 bars a person to vote "who has been convicted of a felony of moral turpitude unless his civil rights have been restored." The right to vote remains suspended from the date of conviction through the date of release from all conviction-related disabilities, including probation and parole (AS15.05.030; AS 15.60.010(39)). According to the Alaska Department of Corrections Offender Profile, in 2009 more than 10,000 Alaskans were ineligible to vote pursuant to this provision. This bill allows felons to register to vote immediately upon release from incarceration and start assuming responsibility for their reintegration in their communities.

Harsher sentencing laws over the past 30 years have allowed the prison population to balloon while reducing the rehabilitative model to almost non-existence. Article I, Section 12 of the Alaska Constitution requires: "Criminal administration shall be based upon . . . the principle of reformation." In Alaska the prison population increased from 800 prisoners in 1984 to over 5,000 in 2008, an increase of over 600%. Of those incarcerated in Alaska 48% were Caucasian, 52% were minorities. Although Alaska Natives represent only 16% of the population, they comprised 35% of total offenders in institutions in 2009. Likewise, African American represent 4% of the population but comprised 10% of the incarcerated. Nationally, minority felons are disproportionately disenfranchised under current law and the harm of this continued disenfranchisement after release is exacerbated by stigma and other forms of discrimination as they try to reenter society.

An estimated 5.3 million American citizens cannot vote because of a criminal conviction. Of these, 4 million are out of prison and living and working in communities. Restoring a person's right to vote is a critical element to successful reentry into society after incarceration and is consistent with our democracy's modern ideal of universal suffrage. The Democracy Restoration Act of 2009 was introduced in both houses of Congress to restore the right to vote to citizens once released from prison. It would affect more than 41,000 people on parole.

Felons across the country often cannot sit on juries, serve as teachers, firefighters or even barbers or plumbers; receive food stamps or live in public housing. These ex-offenders have a vested interest in what happens in society and if they are to participate they should have a right to vote.

The National Conference of State Legislatures (NCSL) in 2009 found that disenfranchisement still varies tremendously from state to state:

- In Maine and Vermont, felons do not lose their right to vote; even felons who are serving a prison sentence can vote.
- In 13 states and the District of Columbia, felons are ineligible to vote only while serving a prison sentence. Ex-offenders and those on probation and parole can vote.
- In 25 states, prisoners and people under community supervision, probation and/or parole are ineligible to vote, but ex-offenders are eligible.
- In eight states, all felons in prison and those in community supervision, as well as certain ex-offenders, are ineligible to vote.
- In Kentucky and Virginia, all felons and ex-offenders are permanently ineligible to vote, absent a pardon.

NCSL reported that between 1996 and 2008 28 states passed new laws on felon voting rights which included:

- Seven states repealed lifetime disenfranchisement laws, at least for some ex-offenders.
- Two states gave probationers the right to vote.
- Seven states improved data-sharing procedures among state agencies.
- Nine states passed requirements that ex-offenders be given information and/or assistance in regaining their voting rights at the time they complete their sentence.
- Twelve states simplified the process for regaining voting rights, for instance, by eliminating a waiting period or streamlining the paperwork process.

While this bill falls short of a Constitutional amendment to eliminate the voting prohibition entirely, it does limit disenfranchisement to those incarcerated and restores voting rights upon release. A hallmark of participatory democracy, voting affirms our membership in the social compact. Exclusion of criminal offenders from this process and from one of the most fundamental rituals of community involvement does nothing to promote public safety and reduce recidivism. It can only serve to impede social reintegration of these citizens. Felon disenfranchisement statutes rest on outdated retributory practices antithetical to contemporary standards of equal representation in the political process, standards explicitly stated in the Voting Rights Act.

Former US Supreme Court Justice Thurgood Marshall said:

"It is doubtful whether a state can demonstrate either a compelling or rational policy interest in denying former felons the right to vote. Ex-offenders have already paid their debt to society. They are as much affected by the actions of government as any other citizen and have as much of a right to participate in governmental decision-making. Furthermore, the denial of a right to vote to such persons is hindrance to the efforts of society to rehabilitate former felons and convert them into law abiding and productive citizens."