

February 2, 2011

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The Honorable Bill Wielechowski, Chair
The Honorable Joe Paskvan, Vice-Chair
Senate State Affairs Committee
Alaska State Senate
Juneau, AK 99801

via email: Senator_Bill_Wielechowski@legis.state.ak.us
Senator_Joe_Paskvan@legis.state.ak.us

Re: Senate Bill 7
ACLU Statement of Support

Chair Wielechowski, Vice-Chair Paskvan:

Thank you for the opportunity to submit a written statement of support for SB 7.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions.

Felony disfranchisement is a policy that bars citizens from the ballot box upon conviction of a felony. In the United States, over 5.3 million Americans cannot vote due to a felony conviction. Felony disfranchisement laws vary from state to state, but 48 states bar incarcerated individuals from casting a ballot, with only Maine and Vermont allowing inmates to vote. Eight states permanently ban certain individuals with a felony conviction from voting and two states bar all persons with felony convictions from voting.

The vast majority of disfranchised individuals are no longer incarcerated, but are living in their communities on probation or parole; 2.1 million of the disfranchised population have fully completed their sentence. These disfranchised individuals are tax-paying citizens, involved with the issues in their community, but unable to vote to affect them.

The impact of felony disfranchisement falls disproportionately upon communities of color. Nearly one and a half million African-American men, or 13%, are disfranchised due to felony convictions, a rate that is seven times the national average of one out of forty-one adults. If incarceration rates hold steady, three in ten of the next generation of black men can expect to be disfranchised at some point in their lives.

However, over the last decade the national trend has moved toward lowering barriers for the disfranchised. Since 1997, 19 states have made progressive changes to their felony disfranchisement laws, enfranchising over 700,000 formerly incarcerated individuals. In a democracy voting is a right, not a privilege. But for over 5 million Americans, that is not the case. We hope SB 7 will change that in Alaska.

Alaska Disfranchisement Policy

Alaska bars individuals with a felony conviction from voting until full completion of sentence, including incarceration, probation and parole. Upon completion of sentence the right to vote is automatically restored but individuals must include a copy of their discharge papers when registering to vote. Individuals with misdemeanor convictions never lose the right to vote, but they must vote by absentee ballot if in jail.

Who is Disfranchised in Alaska?

An estimated 10,176 people with felony convictions are barred from voting in Alaska. Approximately 44% of disfranchised people are in prison while 56% of disfranchised people are on probation or parole. Probationers and parolees are law-abiding citizens who are living in the community, working, raising their families and paying taxes.

Racial Impact

Alaska Natives are significantly overrepresented in the disfranchised population. Alaska Natives comprise 32% of the total disfranchised population, though they only comprise 16% of the total population of Alaska. African-Americans comprise 9.5% of the disfranchised population, yet comprise only 3.5% of the total population of Alaska.

Voting & Public Safety

Felony disfranchisement runs counter to the goal of public safety. Restricting voting rights does not prevent crime, nor does it provide compensation to victims. In fact, disfranchising persons after release from prison is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of ex-offenders into society. Recent research finds a link between voting participation and reoffense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote. Similar effects were found among people with a prior arrest; 27% of non-voters were re-arrested, compared to 12% of people who had voted.

Senate State Affairs Committee

ACLU Support of S.B. 7

February 2, 2011

Page 3

Far from making streets safer, felony disfranchisement may be detrimental to public safety. Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of felony disfranchisement is that the very behavior that society strives to encourage – the commitment to the larger social and political collective – is undermined by a policy that requires people who desire to engage in that behavior to relinquish the right to vote.

Please feel free to contact the undersigned should you require any additional information. We are happy to reply to any questions that may arise, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our thoughts.

Sincerely,



Jeffrey Mittman

Executive Director

ACLU of Alaska

cc: Senator Albert Kookesh
 Senator Kevin Meyer
 Senator Catherine Giessel
 Senator Bettye J. Davis