

SB

26

ALASKA STATE LEGISLATURE

Senate
Labor & Commerce
Committee

•
Senate
State Affairs
Committee

While in Session
State Capitol
Juneau, Alaska 99801
(907) 465-3822
Fax: (907) 465-3756

•
While in Anchorage
716 West 4th Avenue
Anchorage, Alaska 99501
(907) 269-0144
Fax: (907) 269-0148

SENATOR BETTYE DAVIS

Senator_Bettye_Davis@legis.state.ak.us
www.akdemocrats.org

March 18, 2005

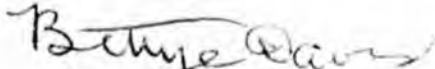
Senator Gene Therriault, State Affairs Chairman
State Capitol Building
Juneau, Alaska 99801

Dear Chairman Therriault,

I am requesting a hearing in Senate State Affairs for SS SB 26, an act relating to the voting rights of felons. I have included a bill packet for this purpose.

Please, contact my office if you need any further information.

Sincerely,


Senator Bettye Davis

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SS SB 26 Sponsor Statement *Sponsored by Senator Bettye Davis*

It is essential to a democracy that every person who is a productive member of society is afforded the right to vote. SS SB 26 will bring Alaska into the 21st century by ensuring that every Alaska resident will be afforded their inalienable right to vote upon being released from incarceration.

The right to vote has historically been used as a method of preventing people from participating in the governmental process. While there has been a trend to restore voting rights over the last 150 years, current laws disenfranchising people with felony convictions still create severe racial inequities in Alaska and the nation.

While Alaska is progressive on many issues, it is behind the times in addressing disenfranchisement laws. The Sentencing Project, an organization at the forefront of the movement to restore people's right to vote, has classified states regarding voting rights:

- Tier I: No felony disenfranchisement laws (2 states)
- Tier II: Disenfranchise incarcerated persons only (13 states, Wash. D.C.)
- Tier III: Extend disenfranchisement to probation or parole (21 states)
- Tier IV: States that permanently disenfranchise certain felons (14 states)

Alaska is currently a Tier III state. A person may not restore their right to vote until the term of their probation has ended. During the period of disenfranchisement, the person is raising their family, maintaining employment, and paying taxes.

In Alaska, the racial disparities among the disenfranchised are stark. While Alaska Natives make up 15.6% of Alaska's total population, Alaska Natives make up 37.4% of the disenfranchised population. African American's make up 3.5% of Alaska's population, but account for 8.2% of people who have lost their right to vote. In addition, there are over half of a million veterans disenfranchised because of felony convictions throughout the United States.

This bill moves Alaska from a Tier III state to a Tier II state. It recognizes that a free society means every productive citizen be allowed to participate public elections by limiting disenfranchisement to periods of incarceration.

I urge your support of SS SB 26.

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SS SB 26 Sectional Analysis *Sponsored by Senator Bettye Davis*

- Section 1. States that a person will lose their right to vote during periods of incarceration, replacing the current provision that a person loses their right to vote until they are released from probation.
- Section 2. A person who is convicted of a felony involving moral turpitude will have their voting registration cancelled during periods of incarceration.
- A person must show proof of being released from incarceration to have their voting rights restored.
- Section 3. This statute addresses the effects of convictions on a person's civil rights. It states that a person will lose their right to vote during periods of incarceration.
- Section 4. Repeals the definition of unconditional discharge as it pertains to the Elections laws.

LEGISLATIVE RESEARCH REPORT

OCTOBER 28, 2004



REPORT NUMBER 05.013

RACIAL CHARACTERISTICS OF DISENFRANCHISED VOTERS IN ALASKA

PREPARED FOR SENATOR BETTYE DAVIS

BY ROGER WITHINGTON, LEGISLATIVE ANALYST

You asked for information regarding disenfranchised voters in Alaska. Specifically, you wished to know the racial composition of disenfranchised voters in Alaska.

A disenfranchised voter is a person who is prohibited, by state law, from voting in local, state or federal elections as the result of certain felony convictions. State election law determines if an individual with a criminal conviction has the right to vote. As examples, in Florida, people with felony convictions can lose their right to vote for life (even after completing their sentences); Ohio restores voting rights upon completion of a prison sentence; and in Maine and Vermont, voters are eligible regardless of a felony conviction. According to Right to Vote, approximately 4.7 million people, or 1 in 43 adults, are currently disenfranchised in the United States. Among the African-American population, 1 in 13, or 1.8 million people are disenfranchised.¹

As you may know, Alaska Statute 15.05.030 provides that a person convicted of a felony involving moral turpitude under state or federal law may not vote in a state, federal, or municipal election from the date the person is convicted, until the date the person is unconditionally

¹ Right to Vote is a campaign that aims to remove barriers to voting for people with felony convictions. Right to Vote's URL is <http://www.righttovote.org/default.asp>

discharged, including from probation and parole.² In part, Alaska Statute 15.07.135 requires the Director of the Division of Elections to "make reasonable efforts to obtain the names of persons convicted of a felony involving moral turpitude." The statute also provides that once the Director receives the "evidence" and considers it "satisfactory," the Director shall cancel the registration of the person convicted of a felony involving moral turpitude.

In practice, the Division of Elections routinely obtains information from the Department of Corrections (DOC) that identifies individuals who have been convicted of a felony crime involving moral turpitude. The Division of Elections (DOE) then reviews the information for each individual and determines if revoking a person's voting privileges is appropriate. According to the Alaska Division of Elections, 4,642 people are currently disenfranchised due to a conviction of a felony involving moral turpitude.³ The DOE does not collect the race of registered voters, nor does the DOE receive race information from the DOC.

The Division of Elections was able, however, to provide us with an electronic file of disenfranchised voters that contains limited identifying information. The DOC provided us with a list of convicted felons generated from the same computer program the DOE uses when it prepares its disenfranchised voter list. For this report the DOC included the person's race and expanded the inclusion criteria to allow for the greatest number of individuals to be reported. The DOC's file contained nearly 30,000 records.⁴

Unfortunately, the merging of the DOC's file with the disenfranchised voter list was not entirely successful. Since the DOE's list does not contain the person's date of birth or social security number, and the DOC's list has, in many instances, multiple records for one individual (one record for each address ever recorded for a person), the computer program we constructed to perform the match returned many false matches.

To resolve this problem, we visually inspected each merged record and omitted the inappropriate matches. In some instances, we were unable to link records because there was not enough information to make an unequivocal match. The vast majority of linking problems arose,

² Alaska Statute 15.60.010 (7) defines "felony involving moral turpitude" as those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheming to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, promoting prostitution, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography.

Alaska Statute 15.60.010 (34) defines "unconditional discharge" as a person being released from all disability arising under a conviction and sentence, including probation and parole.

³ Thomas Godkin, Election Administrative Supervisor with the Division of Elections, 907-465-4611.

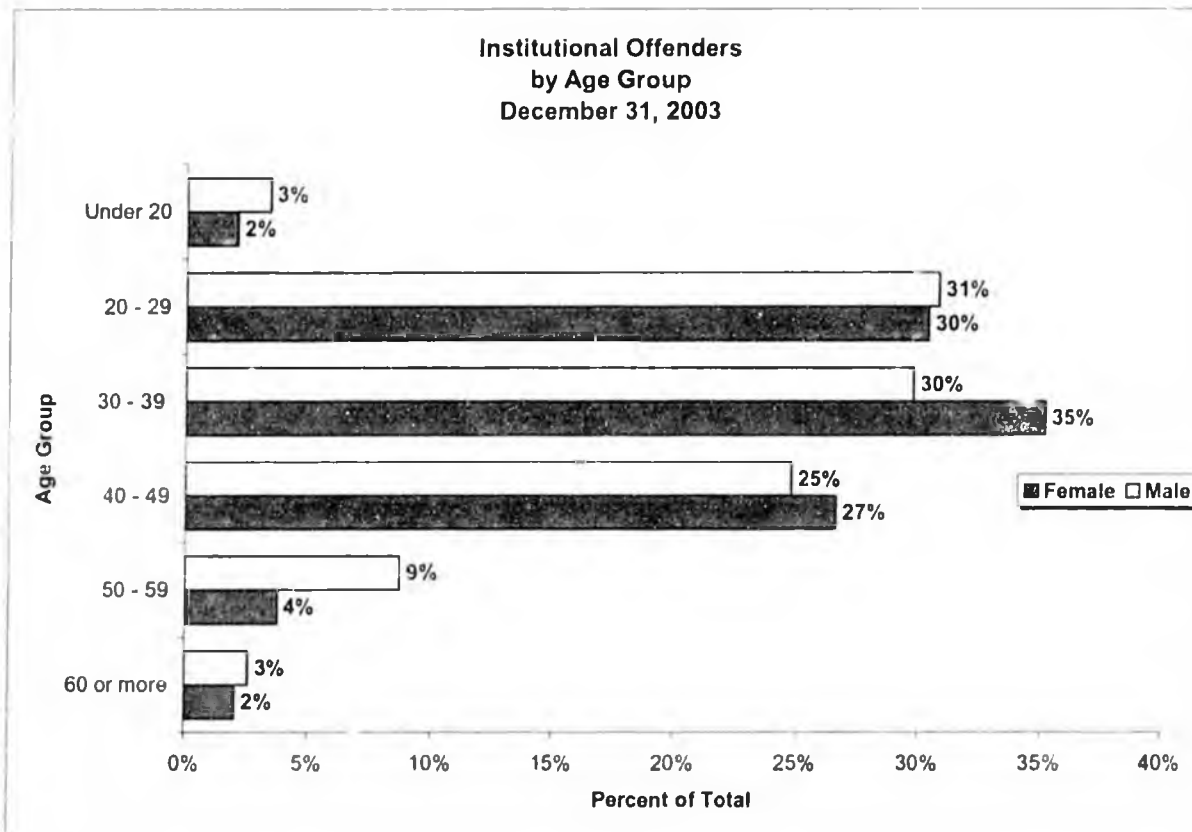
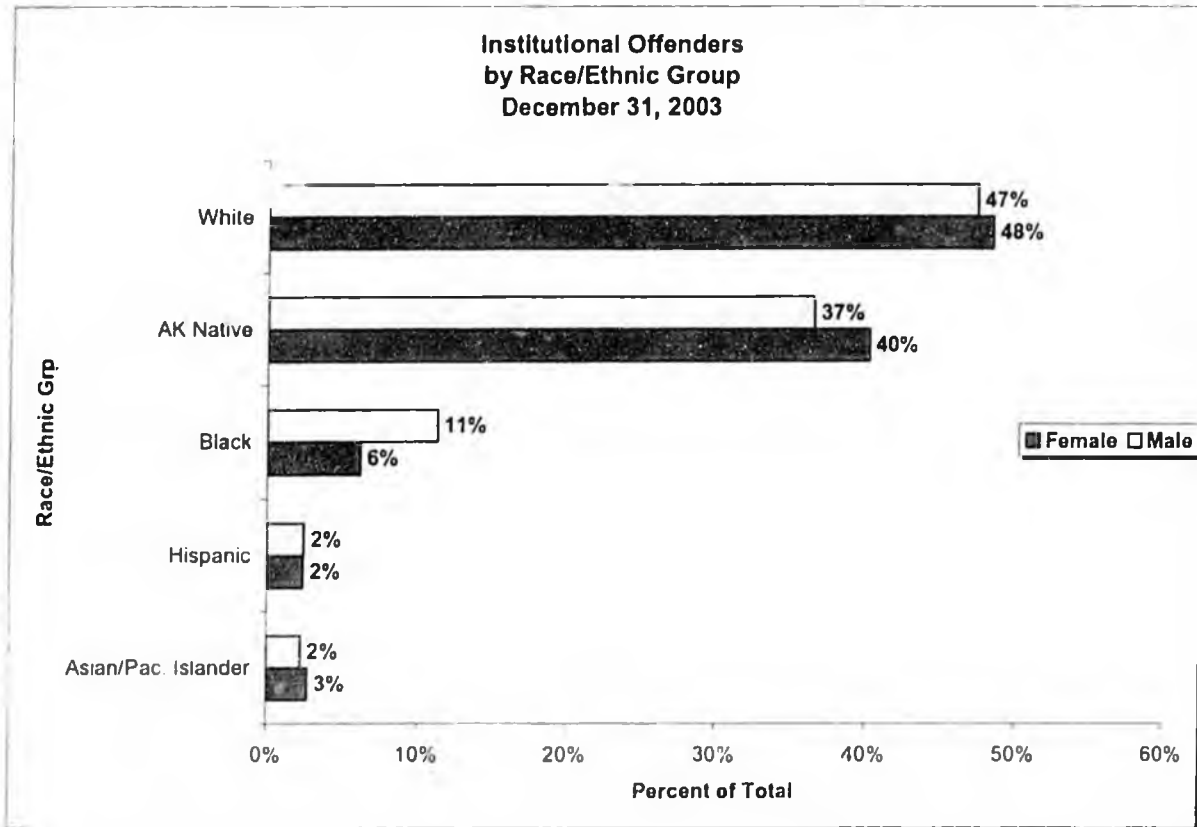
⁴ William R. Moriarty, Analyst Programmer III with the Department of Corrections, provided the file containing individuals convicted of a felony involving moral turpitude. Mr. Moriarty can be contacted at 907-465-3960.

however, because not everyone on the disenfranchised voter list has a record on the DOC's list.⁵ In the end, we were able to match only 61.1% of the individuals on the disenfranchised voter list to a DOC record. Table 1 shows the racial distribution of the 61.1% of the disenfranchised voters reported by the DOE with a clear match to a DOC record.

Race/Ethnicity	Number	Percentage
White	1,409	49.7%
Alaska Native	1,059	37.4%
African American	233	8.2%
Hispanic	42	1.5%
Asian/Pacific Islander	42	1.5%
Unknown	50	1.8%
Total	2,835	100.0%
Notes: This table is based on 2,835, or 61.1%, of the 4,642 disenfranchised voters reported by the Division of Elections with a clear link to a Department of Corrections record.		

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

⁵ Given that the Department of Corrections' list was generated by the same computer program that generates the list for the Division of Elections, we find it curious that there are so many disenfranchised voters without a Department of Corrections record. We contacted the Division of Elections for a possible explanation of why we were unable to find a Department of Corrections record for a significant number of disenfranchised voters. So far, the Division of Elections has not responded to our queries. If the Division of Elections provides us with an explanation, we will forward their comments to you.





FELONY DISENFRANCHISEMENT LAWS IN THE UNITED STATES

Overview

Since the founding of the country, most states in the U.S. have enacted laws disenfranchising convicted felons and ex-felons. Today, almost all states have disenfranchisement laws. In the last 30 years, due to the dramatic increased use and expansion of the criminal justice system, these laws have significantly affected the political voice of many American communities.

State Disenfranchisement Laws

- 48 states and the District of Columbia prohibit inmates from voting while incarcerated for a felony offense.
- Only two states - Maine and Vermont - permit inmates to vote.
- 35 states prohibit felons from voting while they are on parole and 31 of these states exclude felony probationers as well.
- Six states deny the right to vote to all ex-offenders who have completed their sentences. Eight others disenfranchise certain categories of ex-offenders and/or permit application for restoration of rights for specified offenses after a waiting period (e.g., five years in Delaware and Wyoming, and three years in Maryland).
- Each state has developed its own process of restoring voting rights to ex-offenders but most of these restoration processes are so cumbersome that few ex-offenders are able to take advantage of them.

Impact of Felony Disenfranchisement

- An estimated 4.7 million Americans, or one in forty-three adults, have currently or permanently lost their voting rights as a result of a felony conviction.
- 1.4 million African American men, or 13% of black men, are disenfranchised, a rate seven times the national average.
- An estimated 676,730 women are currently ineligible to vote as a result of a felony conviction.
- More than 2 million¹ white Americans (Hispanic and non-Hispanic)² are disenfranchised.
- In six states that deny the vote to ex-offenders, one in four black men is *permanently* disenfranchised.
- Given current rates of incarceration, three in ten of the next generation of black men can expect to be disenfranchised at some point in their lifetime. In states that disenfranchise ex-offenders, as many as 40% of black men may permanently lose their right to vote.
- 1.7 million disenfranchised persons are ex-offenders who have completed their sentences. The state of Florida had an estimated 600,000 ex-felons who were unable to vote in the 2000 presidential election.

¹ This estimate is based on the proportion of whites convicted of felony offenses for the period 1988-1996.

² Bureau of Justice Statistics' reports on felony sentences in state courts do not provide separate conviction data for Hispanics.

Policy Changes

- **Alabama:** In 2003, Governor Riley signed into law a bill that permits most felons to apply for a certificate of eligibility to register to vote after completing their sentence.
- **Connecticut:** In May 2001, Governor Rowland signed into law a bill that extends voting rights to felons on probation. The law is expected to make 36,000 persons eligible to vote.
- **Delaware:** Until recently, Delaware imposed a lifetime voting ban for felons. In June 2000, the General Assembly passed a constitutional amendment restoring voting rights to some ex-felons five years after the completion of their sentence.
- **Florida:** The Brennan Center and the Lawyers' Committee for Civil Rights Under Law have a voting rights case pending in the US District Court for the Southern District of Florida challenging the constitutionality of the voting laws that disenfranchise ex-felons. Separate litigation filed by the ACLU contends that the state Department of Corrections is not fulfilling its obligation under current law to aid ex-felons in seeking clemency.
- **Kansas:** In 2002, the legislature added probationers to the category of excluded felons.
- **Kentucky:** In 2001, the legislature passed a bill that requires that the Department of Corrections inform and aid eligible offenders in completing the restoration process to regain their civil rights.
- **Maryland:** In 2002, the legislature repealed its lifetime ban on two-time ex-felons (with the exception of felons with two violent convictions) and imposed a three-year waiting period after completion of sentence before rights can be restored.
- **Massachusetts:** Until the 2000 presidential election, Massachusetts was one of three states that allowed inmates to vote. On November 7, 2000, the Massachusetts electorate voted in favor of a constitutional amendment, which strips persons incarcerated for a felony offense of their right to vote.
- **Nevada:** In 2003, the state approved a provision to automatically restore voting rights for first-time nonviolent felons immediately after completion of sentence.
- **New Mexico:** In March 2001, the Legislature adopted a bill repealing the state's lifetime ban on ex-felon voting.
- **Pennsylvania:** A Commonwealth Court restored the right to vote to thousands of ex-felons who, as a result, were entitled to vote in the 2000 presidential election.
- **Virginia:** The Virginia legislature passed a law in 2000 enabling certain ex-felons to apply to the circuit court for the restoration of their voting rights five years after the completion of their sentence; those convicted of felony drug offenses must wait seven years after completion. The circuit court's decisions are subject to the Governor's approval.
- **Wyoming:** In March 2003, Governor Freudenthal signed a bill to allow people convicted of a non-violent first-time felony to apply for restoration of voting rights five years after completion of sentence.

Policy Implications

The scale of felony voting disenfranchisement in the U.S. is far greater than in any other nation and has serious implications for democratic processes and racial inclusion. The impact of these laws has been exacerbated by a quarter century of "tough on crime" criminal justice policies that have led to more people going to prison for longer periods of time. Policymakers at the state and federal level should reconsider these policies in light of legitimate correctional objectives and the democratic interests served by recognizing the right to vote of all sectors of the population.

Sources: Jamie Fellner and Marc Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, Human Rights Watch, The Sentencing Project, October 1998; Patricia Allard and Marc Mauer, *Regaining the Vote: An Assessment of Activity Relating to Felon Disenfranchisement Laws*, The Sentencing Project, January 2000, and updates by The Sentencing Project, & Christopher Uggen and Jeff Manza, *Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States*, *American Sociological Review*, December 2002.

Categories of Felons Disenfranchised Under State Law

STATE	PRISON	PROBATION	PAROLE	EX-FELONS	
				All*	Partial
Alabama	X	X	X	x	
Alaska	X	X	X		
Arizona	X	X	X		X (2nd felony)
Arkansas	X	X	X		
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (5 years)
District of Columbia	X				
Florida	X	X	X	X	
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa	X	X	X	X	
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		X (2nd felony, 3 years)
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X		X (certain offenses)
Missouri	X	X	X		
Montana	X				
Nebraska	X	X	X	X	
Nevada	X	X	X		X (except first-time nonviolent)
New Hampshire	X				
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X	X	X		
South Carolina	X	X	X		
South Dakota	X				
Tennessee	X	X	X		X (post-1981)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington	X	X	X		X (pre-1984)
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (5 years)
U.S. Total	49	31	35	6	8

* While these states disenfranchise all persons with a felony conviction and provide no automatic process for restoration of rights, several (Alabama, Kentucky, and Virginia) have adopted legislation in recent years that streamlines the restoration process.

DISENFRANCHISED VETERANS IN THE UNITED STATES

An estimated 4.6 million Americans are currently unable to vote as a result of laws that disenfranchise persons with a felony conviction.¹ These laws vary widely by state, but encompass general categories of felons in prison or jail, on probation or parole, and in 12 states, persons who have completed their sentence but are still subject to disenfranchisement.

Military veterans who have subsequently been convicted of a felony constitute a significant portion of the disenfranchised population. This briefing paper analyzes the available data and finds that an estimated 585,355 veterans are unable to vote as a result of a felony conviction. Approximately one of every eight disenfranchised persons is a veteran. The breakdown of data for disenfranchised veterans in various criminal justice categories is seen below.

DISENFRANCHISED VETERANS

Prison	151,155
Jail	6,752
Probation	165,085
Parole	55,551
Ex-Felons	206,812
Total	585,355

These estimates were developed using the following data: 1) Total disenfranchised population and breakdown by category from the Uggen/Manza research; 2) The veterans' proportion of disenfranchised persons is derived from an estimate that veterans constitute 12.5% of offenders in state prison, based on the 1997 inmate survey (most recent data available) conducted by the Department of Justice; similarly, an estimate of veterans constituting 11.7% of jail inmates is also taken from the Department of Justice; 3) For estimates of the veterans' proportion of persons on probation and parole, we have used the 12.5% figure for prison inmates (by definition all persons on parole were previously in prison, and there are no separate veterans' estimates for probation populations). Overall, the estimates for ex-felons are likely to be conservative since the proportion of veterans among the state prison population (and therefore, among former felons as well) has been declining in recent years. Data from the Department of Justice indicate that this rate has declined from 20.2% in 1986 to 12.5% by 1997. Should this rate have continued to decline since 1997, then the estimates for other categories of offenders would be on the high side.

More than a half million military veterans are unable to participate in the electoral process due to felony disenfranchisement laws. These figures suggest that policymakers should engage in a reconsideration of the wisdom of such laws and their function in a democratic society.

¹ Christopher Uggen and Jeff Manza, "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States," *American Sociological Review*, Vol. 67, 2002.

Office of the Attorney General
State of Alaska

*1 File No. J-66-001-81
November 7, 1980

Restoration of voting rights to convicted felons

Hon. Terry Miller
Lieutenant Governor

ATTN: Patty Ann Polley
Director
Division of Elections

You have requested that we respond to an inquiry by Akeela House of Anchorage regarding the scope of the disqualification of convicted felons from voting. We discuss the applicable provisions of the 1980 Election Code below. We will send copies of this memo and the attached information to Akeela House.

Attached is our memorandum dated August 14, 1968 on this subject. It provides background on the disqualification of convicted felons from voting in Alaska. The 1980 Election Code revised AS 15.05.030 to provide as follows:

LOSS AND RESTORATION OF VOTING RIGHTS. (a) A person convicted of a crime that constitutes a felony involving moral turpitude under state law may not vote in a state or municipal election from the date of his conviction through the date of the restoration of voting rights under this section. The right to vote withdrawn under this section is automatically restored upon the unconditional discharge of the person.

(b) The commissioner of health and social services shall establish procedures by which a person unconditionally discharged is advised of the restoration of voting rights withdrawn by a conviction. § 4, ch. 100, SLA 1980. The new Election Code also amends AS 15.60.010 to include the following definitions of terms used in AS 15.05.030:

(8) 'felony involving moral turpitude' includes those crimes which are immoral or wrong in themselves such as murder, sexual assault, robbery, kidnapping, incest, arson, burglary, theft, and forgery; . . .

(32) 'unconditional discharge' means that a person is released from all disability arising under a conviction and sentence, including probation and parole. § 207, ch. 100, SLA 1980.

In our opinion, the new code has not changed the date upon which a voting disability or a felony conviction is imposed, but it has extended the disability to persons receiving suspended sentences. The disqualification attaches at the time of final judgment of conviction. A person is not disqualified from voting pending an appeal of a conviction. However, absent an appeal, a person who receives a suspended sentence, or a suspended imposition of sentence is disqualified until his or her unconditional discharge. Under the former law, such persons would not have been disqualified.

Under the new code, the definition of felony involving moral turpitude has been revised. The statutory definition mentions several specific crimes, and includes all crimes which are 'immoral or wrong in themselves.' The Criminal Division of the Department of Law in cooperation with the Division of Corrections of the Department

of Health & Social Services, has developed a list of crimes contained in the revised Criminal Code which constitute the felonies involving moral turpitude. This list is attached for your guidance.

*2 We hope that this answers your questions.

FELONIES INVOLVING MORAL TURPITUDE

Murder in the First Degree
Murder in the Second Degree
Manslaughter
Assault in the First Degree
Assault in the Second Degree
Kidnapping
Sexual Assault in the First Degree
Sexual Assault in the Second Degree
Sexual Assault in the Third Degree
Incest
Unlawful Exploitation of a Minor
Robbery in the First Degree
Robbery in the Second Degree
Extortion
Coercion
Theft in the First Degree
Theft in the Second Degree
Burglary in the First Degree
Burglary in the Second Degree
Arson in the First Degree
Arson in the Second Degree
Criminal Mischief in the First Degree
Criminal Mischief in the Second Degree
Forgery in the First Degree
Forgery in the Second Degree
Criminal Possession of a Forgery Device
Offering a False Instrument for Recording
Scheme to Defraud

Falsifying Business Records
Commercial Bribe Receiving
Commercial Bribery
Endangering the Welfare of a Minor
Bribery
Receiving a Bribe
Perjury
Perjury by Inconsistent Statements
Escape in the First Degree
Escape in the Second Degree
Promoting Contraband in the First Degree
Interference with Official Proceedings
Receiving a Bribe by a Witness or Juror
Jury Tampering
Misconduct by a Juror
Tampering with Physical Evidence
Hindering Prosecution in the First Degree
Terroristic Threatening
Riot
Criminal Possession of Explosives
Unlawful Furnishing of Explosives
Promoting Prostitution in the First Degree

Wilson L. Condon
Attorney General

Laura L. Davis
Assistant Attorney General

1980 WL 27926 (Alaska A.G.)
END OF DOCUMENT

Alaska Civil Liberties Union

An Affiliate of the American Civil Liberties Union

P. O. Box 201844, Anchorage, AK 99520-1844

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March 3, 2005

Sent via fax (907-465-3756) and email (amanda_wilson@legis.state.ak.us)

Original via regular U. S. Mail

Senator Bettye Davis
State Capitol, Room 11
Juneau, AK 99801-3756

RE: HB 139/SB 26 – An Act relating to the voting rights of felons

Dear Senator Davis:

We have reviewed your proposed bill SB 26 relating to the voting rights of felons. It appears that the intent of this bill is, in essence, to return the right to vote upon release from incarceration – whereas current law bars the vote to felons until the expiration of a post-incarceration period of parole or probation. Because current law disproportionately denies the vote to certain minority groups and because we believe citizenship is cheapened when we deny democratic rights to large segments of the population, the Alaska Civil Liberties Union strongly supports passage of the bill.

According to a 1998 study by Human Rights Watch and The Sentencing Project, approximately 5,000 Alaskans were barred from voting under the current law – a disenfranchisement rate of 1.2%. The corresponding disenfranchisement rate for black men was about 6.3% - a rate five times higher than the general population. Such a disproportionate impact is unacceptable.

Moreover, there is no evidence to suggest that barring released felons from voting contributes to their successful return to society. In fact, if anything, just the opposite is true. A 2004 study in Minnesota showed that voters were about half as likely to be re-arrested as non-voters. We should be encouraging release felons to vote – not prohibiting them from doing so. Giving the right to vote to felons released from prison is in keeping with the American notion of rehabilitation. In his 2003 State of the Union address, President George W. Bush commented on the 600,000 inmates due to be released from prison that year, saying “. . . if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison. . . America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life.” The punishment we impose on a criminal should advance some valid penal interest – incapacitation, deterrence, retribution or rehabilitation. Disenfranchisement does not serve any of these ends – particularly upon release from prison when it is in society's interest that the felon be successfully reintegrated into the community.

Senator Bettye Davis
March 3, 2005
Page 2

Your bill appears to be in the spirit of the recent legislative trend nationally and in step with American public opinion. In the last eight years, at least eight states have liberalized their laws relating to felon voting rights, including a 1997 change in Texas under then-Governor Bush. While these changes are not identical to the ones offered by your bill, the spirit is the same – to expand the franchise among former inmates. A 2004 poll showed that over sixty percent (60%) of Americans favor returning voting rights to parolees and probationers, reflecting the American concept of fair play and forgiveness that serves as the basis for your proposal.

We also find it persuasive that the American Bar Association has endorsed the restoration of voting rights for felony offenders upon release from confinement – the exact purpose of your bill – as have other social scientists and criminologists. Our only concern is whether the released convict can actually register to vote without encountering undue bureaucratic hurdles. While your legislation calls for the Commissioner to advise the released individual of registration requirements, we are concerned that the provision could be used by reluctant voter registration or corrections officials to hinder the registration process. Instead, we would urge inclusion of a provision specifically stating that no documentation of release from incarceration is required to register.

Please let us know how we can help in your effort to move this bill during the current session.

Sincerely,



Michael W. Macleod-Ball
Executive Director
mwm@akclu.org



Via Facsimile and First-class mail

March 31, 2005

Senator Gene Therriault, Chairperson
State Affairs Committee
State Capitol Building
Juneau, Alaska 99801

Re: Alaska Senate Bill 26

Dear Senator Therriault:

On behalf of People For the American Way, and our over 1600 members and supporters in Alaska, I am writing to strongly urge passage of Senate Bill 26 (SB 26) in order to promote citizen participation and the right to vote in our democracy.

People For the American Way is a national civil rights and constitutional liberties organization with over 600,000 members and supporters across the country. It was founded over 20 years ago by Norman Lear, Barbara Jordan, and other religious, civic and business leaders dedicated to the values of fairness, tolerance and equal opportunity. They believed passionately that every American enjoys the same rights and responsibilities in a democratic society, and that every American deserves equal justice, equal opportunity, and equal access to the ballot box. Throughout our history, we have worked hard to enact and implement the National Voter Registration Act of 1993 and been involved in other governmental and private efforts to increase citizen involvement in the political process. In particular, People For the American Way and our affiliated organization, People For the American Way Foundation, have worked to empower racial and ethnic minorities, poor people, people with disabilities, young people and others who have historically been disenfranchised and discriminated against. For moral as well as practical policy reasons, we strongly believe that re-enfranchising former felons once they are released from incarceration is in everyone's best interest.

SB 26 would permit former felons whose voting rights were lost because of a felony conviction to register to vote as soon as they have been released from incarceration if the Alaska legislature passes a constitutional amendment providing for the automatic restoration of ex-felons' voting rights following incarceration, and Alaska voters approve the constitutional amendment during the 2006 general election. Under current law, former felons are not re-enfranchised until they have been discharged from probation or parole.

According to the advocacy groups Sentencing Project and DEMOS, nationally an estimated 4.7 million Americans have currently or permanently lost their voting rights as the result of felony disenfranchisement laws. These laws have a disparate impact on racial and ethnic minorities, particularly on men in these communities: 1.4 million African American men, or 13%, are denied the right to vote, and African American men make up 36% of the total disenfranchised population. Ex-felon disenfranchisement laws also have a disparate impact on Latino men: 16% of Latino men will be incarcerated during their lifetimes, compared with only 4.4% of white men. In addition, in some states, Native American men are also disproportionately affected by these laws. However, while other discriminatory voting rights barriers that were erected to prevent African Americans from voting – such as literacy tests and poll taxes – have been eliminated, this vestige of discrimination remains on the books.

The right to vote is among the most fundamental and precious rights of citizenship in our self-governing democracy. Once a citizen has paid her or his debt to society, it is morally and practically just for the individual to have her or his fundamental civil rights reinstated. In addition, from a criminal justice standpoint, re-enfranchising former felons and reintegrating them back into society serve society's goals of rehabilitation and lowering the rates of recidivism. People For the American Way urges you to pass SB 26 as soon as possible. If we can provide further information or assistance related to this legislation, please contact Ruth Martin, Deputy Field Director, at 202-467-4999.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph G. Neas".

Ralph G. Neas
President