

SB

7

SB7 3/5/07

- Almost all felons have some period of probation & parole.
- poll taxes, literacy \$2.50.
- → Technology improves
- Alaska Native 37% comprised longer sentences
- lower income
- Disparate treatment.
- Who are the felons in Alaska.

83%

65% "C" property 30/20
2% → murder

(1) Rt. to rehabilitation → it's a right in the system.
They are folks deemed worthy of re-entry of society.

(2) A.K. Law Review Dec. 2006
Felon Disenfranchisement
Christopher M

(3) Overall National trend -
Steps are being taken toward
felon re-enfranchisement

(4) 16 States have taken States
* i.e. Rhode Island.

(5) 20 states whose laws
are less restrictive than
Alaska. Colorado just debated
Rep. Gov. Florida taking steps

* less likelihood that those
that remain outcasts will
re-offend.

* re-enfranchisement of all
civil rts.

* ~~Outwork~~ ~~quilt~~ in some
state that excludes
some crimes

• Crimes against persons.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/16/07

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 7

SB 7 FELONS' RIGHT TO VOTE

"An Act relating to the voting rights of felons."

and recommends:

- be replaced with SCS or CS SB7 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____


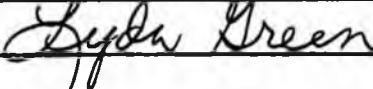
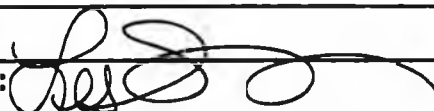
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indef	Zero	FN#
CORR	01/23			✓	
DOG	01/23			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indef	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	French			X	
	Green			X	
CHAIR: 	McQuinn	✓			

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-1144
Fax: (907) 269-0148



Session: (Jan - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

SB 7 "An Act relating to the voting rights of felons"

Sponsor Statement

It is essential to a democracy that every citizen who wishes to be a productive member of society be afforded the right to vote. Art. I, Sec. 12 of the Alaska Constitution provides that criminal administration is based on the "principle of reformation" in addition to protecting the public, community condemnation of the offender, and the rights of victims. Political participation helps with rehabilitation and reintegration into the community.

SB 7 grants felons the right and opportunity to vote if they wish to exercise that right immediately after having served their time. In Alaska 5,000 Alaskans have lost their right to vote because of felony convictions. Current Alaska law bars the vote to persons convicted of felonies of moral turpitude until the expiration of a post-incarceration period of parole or probation, which is often years after they have reentered society as productive citizens and tax payers. While Vermont and Maine do not disenfranchise felons at all, other states are reforming their laws to allow felons to vote either after release (13 states), after release and completion of probation or parole (21 states including Alaska), or permanent disenfranchisement to certain felons (14 states).

Harsh sentencing laws over the past 30 years have allowed the prison population to burgeon, while reducing the rehabilitative model to an anachronism. Over 4.7 million Americans or 1 in 43 adults cannot vote due to felony convictions, with 1/3 or more of them due to alcohol and drug offenses. Of those incarcerated in Alaska 47% are white; 37% Alaska Native; 11% African American; 2% Hispanic; and 3% Asian/Pacific Islanders. Minority felons are disproportionately disenfranchised under current law and the harm of continued disenfranchisement after release is exacerbated by stigma and other forms of discrimination as they try to reenter society.

SB 7 will help rehabilitate released felons by welcoming them back into the voting community immediately after release and encouraging them to become good citizens. Studies show that felons who vote have a lower rate of recidivism. CSSB 7 will streamline the process by which the state restores voting rights to felons and thus will save money. I urge your support of CSSB 7.

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis bettye.davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

SB 7 "An Act relating to the voting rights of felons"

Explanation of changes in CS for Senate Bill No. 7 ()

1. Section 1. AS 15.05.030(b) provides a cue to the Commissioner of Corrections of more specific procedures required of the Department of Corrections to advise persons of their restored right to vote upon release from incarceration, as well as providing notice to the Director of Elections of the same.

Note: These procedures are not exhaustive: In the latter case, for example, the Commissioner of Corrections may wish to establish policy and procedure for a reasonable number of days, e.g., 60 days, to advise the Director of Elections of released person's restored right to vote, as well as expedited procedures for prompt reapplication for participation in an up-coming election.

2. Section 2. AS 15.07.135(a) does not change the law, but only changes the title of the section to more accurately reflect the nature of the section.

25-LS0100\M
Bullard
2/2/07

CS FOR SENATE BILL NO. 7()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR DAVIS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the voting rights of felons."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 15.05.030 is amended to read:**

4 **Sec. 15.05.030. Loss and restoration of voting rights.** (a) A person convicted
5 of a crime that constitutes a felony involving moral turpitude under state or federal law
6 may not vote in a state, federal, or municipal election while incarcerated for that
7 crime [FROM THE DATE OF THE CONVICTION THROUGH THE DATE OF
8 THE UNCONDITIONAL DISCHARGE OF THE PERSON]. Upon release from
9 incarceration [THE UNCONDITIONAL DISCHARGE], the person may register
10 under AS 15.07.

11 (b) The commissioner of corrections shall establish procedures by which a
12 person released from incarceration [UNCONDITIONALLY DISCHARGED] is
13 advised of the voter registration requirements and procedures. The procedures
14 established under this subsection must provide that at the time of the person's
15 release from incarceration,

1 (A) the department shall give the person a written
2 notification of the person's restored right to vote; and

3 (B) the commissioner of corrections shall notify the director
4 that the person is entitled to be reregistered as a voter.

5 * Sec. 2. AS 15.07.135 is amended to read:

6 Sec. 15.07.135. Cancellation of registration of incarcerated
7 [CONVICTED] persons. (a) The director shall make reasonable efforts to obtain the
8 names of persons convicted of a felony involving moral turpitude and incarcerated
9 for that crime. Promptly after receipt of evidence satisfactory to the director that a
10 person has been convicted of a felony involving moral turpitude and incarcerated for
11 that crime, the director shall cancel the registration of the person.

12 (b) Upon presenting proof that a person whose registration was canceled under
13 (a) of this section has been released from incarceration [UNCONDITIONALLY
14 DISCHARGED FROM CUSTODY], the person may register. The director shall make
15 reasonable efforts to verify the release from incarceration [UNCONDITIONAL
16 DISCHARGE] of persons applying for registration under this subsection.

17 * Sec. 3. AS 33.30.241(a) is amended to read:

18 (a) A person who is convicted of a felony involving moral turpitude as defined
19 in AS 15.60.010 is disqualified from voting in a state or municipal election while the
20 person is incarcerated for that crime [UNTIL THE PERSON'S
21 UNCONDITIONAL DISCHARGE].

22 * Sec. 4. AS 15.60.010(39) is repealed.

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us)
<http://www.akdemocrats.org>

Senator Bettye Davis

SB 7 **"An Act relating to the voting rights of felons"** *Sponsored by Senator Bettye Davis*

Sectional Analysis

Section 1. A person convicted of a crime which constitutes a felony involving moral turpitude under state or federal law may not vote while incarcerated for that crime but may register after release. The Commissioner of Corrections shall establish procedures to give persons notice of voter registration requirements and procedures after release, including giving persons written notification of persons' restored right to vote and notifying the Director of Elections that the persons are entitled to be reregistered as voters.

Section 2. The Director of Elections shall make reasonable efforts to obtain the names of persons convicted of a felony involving moral turpitude and incarcerated for that crime and cancel their registration until further notice. Upon presenting proof that a person whose registration was canceled under this section has been released from incarceration, the person may register. The Director shall make reasonable efforts to verify the release from incarceration of persons applying for registration under this subsection.

Section 3. A person convicted of a felony involving moral turpitude as defined in AS 15.60.010 is disqualified from voting in a state or municipal election while incarcerated for that crime.

Section 4. Repeals AS 15.60.010(39), definition of "unconditional discharge."

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. In the last 30 years, due to the dramatic expansion of the criminal justice system, these laws have significantly affected the political voice of many American communities. The momentum toward reform of these policies has been based on a reconsideration of their wisdom in meeting legitimate correctional objectives and the interests of full democratic participation.

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 30 of these states exclude felony probationers as well.
- Three states deny the right to vote to all ex-offenders who have completed their sentences. Nine 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, three years in Maryland, and two years in Nebraska).
- 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 5.3 million Americans, or one in forty-one 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 five 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.
- 2.1 million disenfranchised persons are ex-offenders who have completed their sentences. The state of Florida had an estimated 960,000 ex-felons who were unable to vote in the 2004 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 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:** In 2000, the General Assembly passed a constitutional amendment restoring voting rights to some ex-felons five years after the completion of their sentence.
- **Iowa:** Governor Vilsack issued an executive order in 2005 automatically restoring the voting rights of all ex-felons, a process that will continue on a monthly basis upon the completion of sentence.
- **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:** In 2000, the Massachusetts electorate voted in favor of a constitutional amendment, which strips persons incarcerated for a felony offense of their right to vote.
- **Nebraska:** In 2005, the Legislature repealed the lifetime ban on all felons and replaced it with a two-year post-sentence ban.
- **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 2001, the Legislature adopted a bill repealing the state's lifetime ban on ex-felon voting. In 2005, a bill was passed that requires the Department of Corrections to provide notification of completion of sentence to the Secretary of State's office.
- **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.
- **Rhode Island:** In 2006, Rhode Island voters approved a referendum to amend the state constitution and restore voting rights to persons currently serving a sentence of probation or parole.
- **Tennessee:** In 2006, the Tennessee legislature amended the country's most complex restoration system by greatly simplifying the procedure. All persons convicted of a felony (except electoral or serious violent offenses) are now eligible to have their right to vote restored upon completion of sentence and may apply for a "certificate of restoration" from the Board of Probation and Parole. All applicants must also satisfy any court-ordered restitution or child support obligations.
- **Texas:** In 1997, the Texas Legislature passed a bill, signed by Governor George W. Bush, eliminating the two-year waiting period after completion of sentence before individuals can regain their right to vote.
- **Utah:** In 1998, Utah voters approved an amendment prohibiting persons incarcerated for a felony conviction from voting.
- **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 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.

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, updates by The Sentencing Project, and Jeff Manza and Christopher Uggen, *Locked Out: Felony Disenfranchisement and American Democracy*, 2006

Disenfranchisement Categories Under State Law

STATE	PRISON	PROBATION	PAROLE	POST-SENTENCE	
				ALL	Partial
Alabama	X	X	X		X (certain offenses)
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		
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 (2 years)
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				
South Carolina	X	X	X		
South Dakota	X		X		
Tennessee	X	X	X		X (certain offenses)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington*	X	X	X		
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (5 years)
U.S. Total	49	30	35	3	9

* Failure to satisfy obligations associated with convictions may result in post-sentence loss of voting rights.

FELONY DISENFRANCHISEMENT LAWS ACROSS THE UNITED STATES



- Permanent disenfranchisement for all felony offenders, unless government approves individual rights restoration**
 FL, KY, VA

- Permanent disenfranchisement for at least some felony offenders, unless government approves individual rights restoration**
 AL, AZ, DE, MD, MS, NV, TN, WY

- Voting rights restored automatically after completion of sentence, including prison, parole and probation**
 AK, AR, GA, ID, IA, KS, LA, MN, MO, NE, NJ, NM, NC, OK, SC, TX, WA, WV, WI

- Voting rights restored automatically after release from prison and discharge from parole (probationers may vote)**
 CA, CO, CT, NY, SD

- Voting rights restored automatically after release from prison**
 DC, HI, IL, IN, MA, MI, MT, NH, ND, OH, OR, PA, RI, UT

- No disenfranchisement for felony convictions**
 ME, VT

■ ***Permanent disenfranchisement for all felony offenders, unless government approves individual rights restoration***

Florida
Kentucky
Virginia

■ ***Permanent disenfranchisement for at least some felony offenders, unless government approves individual rights restoration***

Alabama: People with certain felony convictions involving moral turpitude can apply to have their voting rights restored upon completion of sentence and payment of fines and fees; people convicted of some specific crimes are permanently barred from voting.

Arizona: People convicted of one felony can have their voting rights restored upon completion of sentence, including all prison, parole, and probation terms and payment of legal financial obligations. People convicted of two or more felonies are permanently barred from voting unless pardoned or restored by a judge.

Delaware: Felony offenders can have their voting rights restored five years after completion of sentence and payment of fines and fees. People who are convicted of certain disqualifying felonies are permanently disenfranchised.

Maryland: Voting rights are restored post-sentence¹ after a first conviction for an "infamous crime." A three-year waiting period is imposed post-sentence for individuals with subsequent convictions. People who are convicted of a second or subsequent *violent* crime are permanently disenfranchised.

Mississippi: People who are convicted of one of ten disqualifying offenses are permanently disenfranchised. Others never lose the right to vote.

Nevada: The right to vote is automatically restored to first-time offenders of non-violent crimes upon completion of sentence. Repeat offenders and those convicted of violent crimes cannot vote unless pardoned or granted a restoration of civil rights from the court in which they were convicted.

Tennessee: People convicted of felonies after 1981 can have their voting rights restored if they have completed their full sentences, paid all restitution, and are current with child support payments. People convicted of some categories of crimes cannot regain the right to vote unless pardoned.

Wyoming: First-time nonviolent felony offenders can have their rights restored five years after completion of sentence. Repeat offenders and those convicted of violent crimes are permanently barred from voting, unless pardoned or restored to rights by the Governor.

¹ In Maryland, post-sentence means the individual "has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines." Md. Code Ann., Elec. Law § 3-102(b)(1)(ii).

■ *Voting rights restored automatically after completion of sentence, including prison, parole and probation*

Alaska
Arkansas²
Georgia
Idaho
Iowa
Kansas
Louisiana
Minnesota
Missouri
Nebraska³
New Jersey
New Mexico
North Carolina
Oklahoma
South Carolina
Texas
Washington⁴
West Virginia
Wisconsin

■ *Voting rights restored automatically after release from prison and discharge from parole (probationers may vote)*

California
Colorado
Connecticut
New York
South Dakota

² Under Arkansas law, failure to satisfy legal financial obligations associated with convictions may result in post-sentence loss of voting rights.

³ In Nebraska, voting rights are restored two years after the completion of sentence.

⁴ Under Washington law, failure to satisfy legal financial obligations associated with convictions may result in post-sentence loss of voting rights.



Voting rights restored automatically after release from prison

- District of Columbia
- Hawaii
- Illinois
- Indiana
- Massachusetts
- Michigan
- Montana
- New Hampshire
- North Dakota
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- Utah



No disenfranchisement for felony convictions

Maine
Vermont

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 7 (STA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to the voting rights of felons. RDU Administration and Operations
 Component Officer of the Commissioner
 Sponsor Senator Davis
 Requester Senate State Affairs Component No. 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
 Division: Administrative Services
 Approved by: Dwyane Peeples, Deputy Commissioner
 Agency: Department of Corrections

Phone: (907) 465-3339
 Date/Time: 1/23/07 12:46 PM
 Date: 1/23/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB7
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to the voting rights of felons." RDU Executive Operations
 Component Executive Office
 Sponsor Senator Davis
 Requester Senate State Affairs Committee Component No. 6

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This proposed legislation will have no fiscal impact on the Division of Elections.

Prepared by: Gail Fenuniai, Asst. Admin. Director Phone 465-3885
 Division: Division of Administrative Services Date/Time 1/23/07, 11:15am
 Approved by: Whitney Brewster, Director Date 1/23/2007
 Agency: Office of the Lt. Governor, Division of Elections



ACLU

AMERICAN CIVIL LIBERTIES UNION
of ALASKA

To: Senate State Affairs Committee
From: Michael W. Macleod-Ball, Executive Director
Date: February 22, 2007

RE: SB 7 - *An Act relating to the voting rights of felons*

Madame Chair, Members of the Committee:

I am Michael Macleod-Ball and I am the Executive Director of the ACLU of Alaska. You should already have a copy of a letter of support I wrote to Senator Davis in regard to this bill. I speak to you today in strong support of SB 7.

Since at least the mid-1980's, the ACLU has formally supported the right of any person convicted of any offense to vote, retaining residency – for voting purposes – at the place of residence at time of confinement. The ACLU believes that prisoners should be able to express their beliefs freely – except when the state can demonstrate a compelling interest in limiting such expression. In our view, no compelling state interest can justify barring a prisoner from expressing his or her belief in the form of casting a secret ballot in a popular election.

A sentence meted out to a prisoner should advance some valid penal interest. Four such interests have generally been elucidated: deterrence, retribution, incapacitation, and rehabilitation. In our view, the most important of these goals is rehabilitation. What could be more important than making sure a prisoner can rejoin society in a successful manner – and avoid stepping afoul of society's rules again? Reintegration into the community, if successful, means that the offender will not re-offend and that society has no further need to pursue the other penal goals. There can be no question that reintegration is advanced by establishing a comprehensive set of connections between the offender and the community.

Yet, people with felony convictions who have served their time in prison and reenter the community on parole, or are serving terms of probation in the community, face overwhelming odds against successful reintegration. Housing, educational loans, and many other benefits provided to others in society are denied to felony offenders. There are so many challenges a released offender faces, and yet we continue to expect him or her to stand up and fly right in the face of these challenges. If that's our demand, we ought to act by the same standard and give the released offender the opportunity to exercise his or her full rights as a functioning member of society.

I would refer you to a brief filed in NAACP v. Harvey, a challenge to New Jersey's disenfranchisement of parolees and probationers. Some of the nation's foremost social scientists and criminologists contend that there is no rational purpose in denying the vote to parolees and probationers; denying suffrage to them in fact contradicts the purpose of rehabilitating offenders. Voting is a positive and re-integrative experience that connects the offender to his or her

community, and disenfranchisement laws frustrate offenders' in their attempts to reenter society fully and successfully. Disenfranchisement hinders the rehabilitative purposes of parole and probation by denying to parolees and probationers the rights and responsibilities of citizenship and participation in community life necessary to rehabilitation, preventing the very rehabilitation and restoration that these programs seek to achieve. Probationers and those on parole find themselves in their communities, ready for their second chance, many working to support themselves and/or their families and paying taxes. Yet, at election time when they might go to the polls with family and community members, to attempt to influence the conditions that impact their families and communities, they find themselves humiliated by their disenfranchisement. This simply perpetuates an offender's alienation from the community, frustrates attempts to reenter society successfully and reintegrate, and may lead to recidivism.

As noted in my letter of support, a recent study in Minneapolis has in fact found a strong correlation between voting and recidivism – voters being about half as likely to be re-arrested as non-voters. ("Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." Christopher Uggen and Jeff Manza, 2004.) This study is nothing more than common sense: encouraging former offenders to vote fosters rehabilitation and successful community reentry. Restoring the vote tells the offender that awareness of political issues in the community and participation in voting are positive pro-social endeavors. This message has both the psychological and sociological effect of weaving the offender back into the community – the very goal of rehabilitation. And since the purposes of probation and parole are rehabilitative rather than punitive, this bill makes particular sense – as it focuses strictly on returning the right to vote to those released from incarceration.

And consider examining this issue from another angle – by evaluating the core circumstances of a prisoner released on parole or probation. Each such prisoner is no longer incarcerated due to some evaluative process that has resulted in a determination that the individual and society is better served by reintegrating the individual into Alaskan society. The parolee typically has been approved for release by a parole board that considers the former prisoner's behavior in jail, among other factors. The probationer has successfully concluded an imprisonment term and is in an extended term that a court has determined to be more appropriately served in the community. Shouldn't these individuals be treated more like active members of society – with the concomitant basic citizenship right to vote – than like those of their still-incarcerated former colleagues?

The ACLU is troubled by the disturbing statistics that tend to show very significant discriminatory impact on minorities – blacks and Alaska Natives, especially. According to a 2006 publication, an estimated 11,132 people with felony convictions are barred from voting in Alaska. See Uggen, Christopher et al., *Locked Out: Felon Disfranchisement and American Democracy*, Oxford University Press (2006), at Table A3.3. The Department of Corrections' 2003 Offender Profile shows that 46% of disfranchised people are in prison, another 46% are on probation, and the remaining 8% are on parole. That same report shows that Alaska Natives are significantly overrepresented in affected population. While Alaska Natives comprised 31% of the total disfranchised population, the 200 U. S. Census shows they comprised only 15.6% of the population. Moreover, Alaska Natives are less likely to gain the benefits of parole or probation, comprising 37% of the prison population, but only 27% of the probation/parole population. These statistics put Alaska at odds with a number of international treaties to which the United States is a

signatory – conditions that suggest Alaska is in violation of international standards of basic human rights.

As troubling as those statistics are, however, we'd rather focus on the benefits of this bill rather than the problems with the current law. This legislation will remove an impediment to successful reintegration of offenders into society. Alaska will join a movement of states who are recognizing that there is no practical reason for these arbitrary restrictions on voting rights. The best solution would be to narrow even more dramatically the number of felons who are barred from voting. But short of that kind of solution, the modifications proposed in SB 7 are a good first step.

The American Bar Association has taken a position that exactly matches the intent of this bill – to extend the right to vote upon release from incarceration. The ABA focused on the public safety benefits associated with successful prisoner reintegration into society. President Bush has spoken favorably and optimistically of giving offenders a second chance – of helping them to overcome the great obstacles they face upon release. In Reynolds v. Sims, the US Supreme Court has described the “right to vote freely” as the “essence of a democratic society”, stating further that “any restrictions on that right strike at the heart of a representative government”. SB 7 offers you the opportunity to work for positive change in advancing the ideals of our nation. The ACLU of Alaska strongly urges enactment of this bill.