



Statement on Senate Bill 240: The Wisconsin Democracy Restoration Act

**Submitted by
The Sentencing Project**

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Thank you for the opportunity to submit a statement on behalf of The Sentencing Project regarding Senate Bill 240, in regard to voting eligibility for persons with felony convictions on probation and parole. The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues. In regard to the issue of felony disenfranchisement, The Sentencing Project has produced a series of publications relating to felony enfranchisement, including a 1998 study that provided the first state-based estimates of the impact of disenfranchisement. This statement will present a brief overview of the national scale of this problem and recent legislative developments, followed by a rationale for why The Sentencing Project believes this legislation would establish a more fair and effective policy for Wisconsin.

NATIONAL OVERVIEW

There are currently an estimated 5.3 million Americans who are not eligible to vote as a result of a felony conviction. Notably, three-quarters of the disenfranchised population are not incarcerated; they are persons under probation or parole supervision, or persons who have completed a felony sentence but are still disenfranchised due to their state laws.

All but two states (Maine and Vermont) have laws that restrict the voting rights of convicted felons for a period of time. In 48 states and the District of Columbia, persons convicted of a felony cannot vote while in prison. Thirty-five states, including Wisconsin, still prohibit some combination of persons on probation, parole, and/or people who have completed their sentence from voting.

While some of these laws have been in existence since the founding of the country, their impact has never been greater, due to the vast expansion of the criminal justice system over the past thirty years. The 200,000 people in state and federal prisons in 1970 have mushroomed to more than 1.4 million today. Similar increases can be seen in the number of persons on probation and parole.

FELONY DISENFRANCHISEMENT IN WISCONSIN

As noted, Wisconsin is one of 35 states nationally in which a felony conviction can result in the loss of voting rights post-incarceration; while persons are completing their felony probation or parole sentence. There are currently an estimated 42,000 persons in Wisconsin who are prohibited from. The Wisconsin Democracy Restoration Act would move the state in line with the neighboring states of Michigan, Illinois, Indiana or Ohio – states with other less restrictive disenfranchisement policies.

Enfranchisement can assist with reentry and strengthen public safety as persons reintegrate into their communities. Probationers and parolees are citizens who live in their community, work, pay taxes, go to school and raise their families as they contribute to society, and yet, they may not be able to vote for 6 months to 20 years or even the remainder of their lives under current laws in Wisconsin.

MOVEMENT FOR REFORM

In recent years there has been a great deal of legislative activity around the nation in regard to disenfranchisement policies. This has come about as the public and policymakers have become aware of the broad impact of these practices. In 1997, then-Governor George W. Bush signed into law a measure that repealed the two-year waiting period after completion of sentence before voting rights were restored. Since then, 18 additional states have enacted reforms to their disenfranchisement statutes, bills that were endorsed by both Democratic and Republican governors. These have included the repeal of the voting ban for people who have completed their sentences in New Mexico, the extension of voting rights to persons on probation in Connecticut, and easing of the restoration process in Alabama and Virginia. Most recently, voters in Rhode Island approved a ballot measure in November 2006 that extended voting rights to persons on probation and parole.

RACIAL IMPACT OF DISENFRANCHISEMENT LAWS

Racial disparities in the criminal justice system translate into higher rates of disenfranchisement in communities of color. In Wisconsin, African Americans

constitute 39% of those disenfranchised, an estimated 24,293 persons. One of every nine (11.1%) African Americans in Wisconsin is currently disenfranchised, resulting in the state having the 13th highest rate of black disenfranchisement in the nation. Half (51.9%) of the disenfranchised African American population, is either on probation or parole.

CONCLUSION

The state of Wisconsin disenfranchises people convicted of a felony during any period of imprisonment, as well as those under probation or parole supervision. Proposed legislation in Wisconsin would restore voting rights to persons on probation and parole. Currently, this is the policy in 15 states (including Maine and Vermont, which do not impose any period of disenfranchisement) and the District Columbia. In recent years other states, like Rhode Island, have enacted similar reforms. Enacting the Wisconsin Democracy Restoration is a way to help fully integrate people with felony convictions into society and to give people a voice in their democracy. Reintegration is an important step in the struggle to prevent recidivism and to promote public safety.



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