



**THE
SENTENCING
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM

Testimony of Nicole D. Porter

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Connecticut House Bill 5702 – an Act
Restoring Voting Rights to Persons
Completing their Sentence in Prison

Before the Joint Committee on Government
Administration and Elections

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing House Bill 5702. The Sentencing Project thanks Representative Elliot for his leadership on this bill.

I am Nicole D. Porter, Senior Director of Advocacy for The Sentencing Project. I have had extensive engagement in public policy research on criminal justice issues for many years, with a particular focus on sentencing, collateral consequences of incarceration, and racial disparity. I have also authored numerous journal articles, reports and public commentary on voting rights for people with felony convictions. It is my pleasure to submit testimony to the Connecticut legislature to guarantee voting rights for persons completing their sentence regardless of their incarceration status.

House Bill 5702 would repeal the prohibition on voting by incarcerated adults serving a court-ordered sentence for their conviction. Felony disenfranchisement laws and policies can be traced back to the founding of the United States when settler colonialists implemented the policy when they occupied North America. The nation was founded on a paradox, a supposed experiment in democracy that was limited to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions.

Connecticut is one of 22 states that ban voting for persons in prison with a felony conviction. The number of Connecticut residents disenfranchised from voting numbered 6,892 while nationally, over 4.6 million American citizens were disenfranchised from voting last year.¹

Twenty-five states and Washington, DC expanded voting rights to citizens with felony convictions over the last 25 years. Connecticut expanded voting rights to persons on parole in 2021. In addition to the end of felony disenfranchisement in DC, several other states have considered guaranteeing voting rights for all regardless of incarceration status. During 2023, California, Massachusetts, Illinois, and Oregon are considering measures to guarantee voting rights for all citizens regardless of incarceration status.

Voting rights reforms in other states include:

- Minnesota lawmakers expanded the vote to persons on probation and parole (2023).²
- Florida ended lifetime disenfranchisement for at least 1.4 million voters with Amendment 4 in 2016.
- Governors in Iowa (2020) and Kentucky (2019) issued executive orders restoring civil rights to people who had completed their sentences, and the New York governor (2018) restored voting rights to people on parole.
- In Virginia (2016), then - Governor McAuliffe signed individual voting rights restorations for 173,000 people.
- Colorado and Nevada authorized voting rights for residents on parole in 2019.
- Louisiana (2019) and New Jersey (2019) re-enfranchised people serving probation and parole terms.³

For those Who Oppose Expanding the Vote

When this nation was founded as an experiment in democracy two centuries ago, it was a very limited experiment rooted in a paradox. Women weren't permitted to vote, nor African Americans or people who were poor or could not read. Over time evolving public sentiment has enfranchised all those groups, and we now look back on that moment with a great deal of national embarrassment. It's long past time to remedy

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

² Karnowski, S. (2023) [Minnesota Senate approves restoring voting rights for felons](#). The Associated Press.

³ See Supra note 1.

the exclusion of the last remaining group of citizens who are denied the right to vote. This would represent a healthy expansion of our democracy and public safety. Research suggests that people completing their sentence inside and outside of prison who have strong community connections, which can be promoted through electoral participation, are less likely to reoffend.⁴

Disenfranchisement has no deterrent effect on crime.⁵ Some critics of prisoner voting contend that being sentenced to a felony is an indicator of being “untrustworthy”. Any character test is a slippery slope and this minimizes eligible voters. You might be concerned that your neighbor is an alcoholic or has personality flaws, but they still maintain the right to vote in a democracy.⁶

Felony disenfranchisement also ignores the important distinction between legitimate punishment for a crime and one’s rights as a citizen. Convicted individuals may be sentenced to prison, but they generally maintain their basic rights. Even if someone is held in a maximum-security prison cell, they still have the right to get married or divorced, or to buy or sell property. And to the extent that voting is an extension of free speech, consider that a person in prison may have an op-ed published, perhaps with greater impact than casting a single vote. Persons who are currently disenfranchised are anchoring policy change campaigns in Nebraska⁷ and Texas⁸.

Disenfranchisement proponents sometimes raise the possibility of a prisoners’ “voting bloc” that would run counter to the interests of the “law-abiding public.” The assertion of such a scenario should be obvious. If such a group of “pro-crime” individuals were a real threat, they would somehow have to convince the public into electing a majority of state legislators as well as a governor who shared their position. This far-fetched concern is hardly a threat to public safety.

The Case to Guarantee Voting Rights for All

Felony disenfranchisement policies, including for persons completing their prison sentence, are inherently undemocratic. The United States is very much out of line with world standards, and it’s important to take a fresh look at the rationale and impact of policies that can only be described as aberrant by international norms.⁹

A prison term results in barriers to employment including reduced lifetime earnings, and restrictions on access to various public benefits. Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. For the community at large, the challenges of reentry result in high rates of recidivism, extraction of social and political capital, and the collateral impact of mass incarceration.

The Sentencing Project applauds House Bill 5702 and is eager to see it advance through the Joint Committee on Government Administration and Elections.

⁴ Uggen, C and Manza, J. (2004). “*Voting and Subsequent Crime and Arrest: Evidence from a Community Sample.*” Columbia Human Rights Law Review, 36(1), 193-216.

⁵ Poulos, C. (2019). *The Fight Against Felony Disenfranchisement.* Harvard Law and Policy Review Blog.

⁶ Mauer, M. (2011). *Voting Behind Bars: An Argument for Voting by Prisoners.* in Howard Law Journal.

⁷ Demetrius Gatson, an organizer with the ACLU of Nebraska, is disenfranchised while completing her parole sentence.

⁸ Jorge Renaud, director of criminal justice for LatinoJustice, is disenfranchised while completing his parole sentence in Texas.

⁹ Ispahani, L. (2009) *Voting Rights and Human Rights: A Comparative Analysis of Criminal Disenfranchisement Laws in Criminal Disenfranchisement in an International Perspective.* Cambridge University Press.