



September 8, 2011

The Honorable Richard Durbin  
U.S. Senate Judiciary Committee  
Subcommittee on the Constitution, Civil Rights  
and Human Rights  
Washington, DC 20510

The Honorable Lindsey Graham  
U.S. Senate Judiciary Committee  
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Dear Chairman Durbin and Ranking Member Graham:

The Sentencing Project appreciates this opportunity to submit comments to the Subcommittee on the Constitution, Civil Rights and Human Rights on the occasion of its hearing, "New State Voting Laws: Barriers to the Ballot?" For over a decade The Sentencing Project, a national criminal justice research organization, has reported on the devastating impact of disenfranchisement laws that ban 5.3 million Americans from the voting booth, sometimes permanently, due to a criminal conviction. This year two states, Florida and Iowa, rescinded gubernatorial initiated reforms that had greatly expanded voter access for people with felony records. We urge this subcommittee to review these undemocratic policies that harm civic engagement, stymie rehabilitation and perpetuate racially disparate outcomes. Moreover, we applaud federal efforts, like the previously introduced Democracy Restoration Act, to expand voting rights and we encourage this subcommittee to support them as well.

Every state, except Maine and Vermont, prohibits prisoners from voting and 35 states prohibit voting by citizens on probation or parole in the community, while working and raising their families. Laws in 8 states call for lifetime disenfranchisement for certain categories of people with felony convictions, and four states ban all such persons from voting. 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, most significantly African Americans. An estimated 1.4 million African American men -- 13% of black men -- are disenfranchised at a rate seven times the national average. 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.

Fortunately, these bleak numbers, and a growing awareness of the unfairness associated with sometimes century-old felony disenfranchisement laws, have inspired a promising trend to expand access to previously disenfranchised citizens. Since 1997 23 states, under both Democratic and Republican administrations, increased voter rolls by 800,000 people by streamlining voter registration and restoration processes and granting voting rights to people with felony convictions. Indeed, most recently Virginia's Governor Robert McDonnell prioritized streamlining his voter enfranchisement process, resulting in record voter restoration rates.

The changes in Iowa and Florida that restrict voting eligibility are troubling and counterproductive. In January, newly elected Iowa Governor Terry Branstad revoked a 2005 executive order that had restored voting rights to all citizens who had completed their sentence for a felony offense, resulting in rights restoration for 100,000 citizens. Now those seeking the right to vote once they have completed their sentence must petition the Governor for his individual approval. The process is cumbersome and slow and discourages many potential voters from applying. In March, Florida, which has the largest disenfranchised population (about one million), repealed 2007 reforms that eliminated the post-sentence waiting period for those convicted of non-violent offenses. Florida now requires everyone with a criminal conviction to apply to the Clemency Board headed by the Governor for restoration of their voting rights after a mandatory five-year waiting period.

Denying the vote to millions of people living in the community, working, and raising their families because of a past felony conviction counters the most fundamental principles of our democratic society and affects public safety. The federal Democracy Restoration Act would restore a strong and healthy democracy by granting federal voting rights to citizens upon their release from prison. Research shows that, among those who have been previously arrested, 27% of non-voters were rearrested compared with just 12% of voters. Voting is a civically responsible behavior that promotes public safety because people who vote are more likely to feel connected to their communities and to avoid falling back into crime.

The recent changes in Iowa and Florida, as well as the continued disenfranchisement of millions of citizens across the country because of a felony conviction, must be addressed. The Sentencing Project urges this subcommittee to review this issue during your hearing today and to offer strong recommendations for more democratic reform.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Mauer". The signature is fluid and cursive, with the first name "Marc" and last name "Mauer" clearly distinguishable.

Marc Mauer  
Executive Director

Cc: Members of the Subcommittee on the Constitution, Civil Rights and Human Rights