

MEMORANDUM

DATE: April 30, 2009

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: H.B. 17 [Felon Voting Restriction]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 17 which would amend the Delaware Constitution to remove a 5 year waiting period after expiration of a felony sentence to vote. The bill would apply to most felonies with the exception of offenses against public administration, murder, manslaughter, and sex crimes. Attached please find an informative April 1 News Journal article which confirms that felons would have to complete all aspects of sentencing, including restitution and payment of fines, prior to restoration of eligibility to vote.

SCPD endorses the proposed legislation since a number of studies have revealed that a disproportionate number of persons with mental illness and cognitive impairments are incarcerated. This bill, therefore, would have a disproportionate effect on persons with disabilities. Consistent with the attached March 21, 2009 Associated Press article, 2 states do not take voting rights from felons, 14 states restore voting rights upon release from prison, 5 states restore voting rights upon completion of parole, and 20 states restore voting rights upon completion of prison, parole, and probation. Thus, the current Delaware 5-year waiting period is more constrictive than standards in 41 states.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack Markell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council