



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: March 11, 2013

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. 10 [Felon Voting Restriction]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 10 which is the second leg of a Constitutional Amendment that eliminates the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored. SCPD endorsed the predecessor legislation (H.B. No. 9) which passed the House and Senate in 2012. Attached please a March 28, 2012 News Journal article which provides commentary on the predecessor bill. SCPD endorses H.B. 10 and has the following observations.

Consistent with the attached updated statistics, Delaware's law is more restrictive than the laws in at least 38 other states and D.C., i.e., 2 states do not take away voting rights from felons, 13 states and D.C. restore voting rights upon release from prison, 4 states restore voting rights upon release from prison and completion of parole, and 19 states restore voting rights upon release from prison and completion of probation and parole. Under current Delaware law, 5 years must pass since "expiration of the sentence" which includes completion of "imprisonment, parole, work release, early release, supervised custody, probation and community supervision, and" ...payment of "all financial obligations required by the sentence." See Article V, §2 of Delaware Constitution and Title 15 Del.C. §6102(b). The legislation would strike the 5-year period in the Constitution.

Parenthetically, if the Constitution is amended, follow-up "housekeeping" legislation may still be needed to amend Title 15 Del.C. §6103(c) which recites as follows:

(c) If the applicant has been convicted of a felony which is not disqualifying but the felony

conviction occurred within 5 years preceding the date of the application, then the registration application shall be denied.

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

cc: Ms. Elaine Manlove  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

hb 10 voting 3-11-13



April 1, 2009

## Do your time, cast your vote, amendment says

By J.L. MILLER  
The News Journal

DOVER — A constitutional amendment to allow convicted felons to vote once they have paid their debt to society cleared its first hurdle Tuesday when the House voted 32-8 in favor of the proposal.

House Bill 17, sponsored by Rep. Hazel D. Plant, D-Wilmington Central, would eliminate a five-year waiting period currently in the Delaware Constitution. A felon now is eligible to vote five years after the expiration of his sentence or upon receiving a pardon from the governor.

The constitution bars anyone convicted of murder or manslaughter — except vehicular homicide — from ever voting. The same lifetime prohibition extends to anyone convicted of a sex-related felony and bribery or abuse of office, and Plant's bill would not change any of those prohibitions.

Plant, who sponsored the original amendment that allowed felons to vote after a five-year wait, said it is time to do away with the waiting period.

"People asked me why they had to wait five years before they could vote when if they got a job two days after getting out of prison, the government would tax them," Plant said after the floor vote. "Once a jury sentences you and you complete your sentence, complete your probation and make restitution, your sentence ends right there and you should be able to vote."

She received little argument from her fellow House members, although seven Republicans and one Democrat cast their votes against it.

"I want to thank Rep. Plant for bringing this bill before us," said Rep. Helene M. Keeley, D-Wilmington South. "People make mistakes and they've served their time and they've paid their restitution, and I think it is the right thing to do for that person to be allowed to vote again."

Rep. William A. Oberle Jr., R-Beechers Lot, said the key for his support is that felons have to fulfill all the obligations of their sentences, including restitution and probation.

"Once that clean slate is acquired, I think it's counterproductive for that individual not to be allowed to vote," Oberle said.

Voting against the bill were Reps. Joseph W. Booth, R-Georgetown, Gerald W. Hocker, R-Ocean View, Clifford G. "Biff" Lee, R-Laurel, Nick T. Manolakos, R-Limestone Hills, William R. "Bobby" Outten, R-Harrington, Daniel B. Short, R-Seaford, Robert E. Walls, D-Milford, and David L. Wilson, R-Lincoln. Rep. Greg Lavelle, R-Sharples, did not vote.

In order to become a part of the constitution, the bill must pass the Senate in this legislative session. It then must pass both houses in the session that begins in 2011.

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LOCAL

Last updated March 21, 2009 10:09 a.m. PT

State-by-state look at felon voting restoration

By THE ASSOCIATED PRESS

States use a variety of approaches to deal with the issue of restoring voting rights to felons. An estimated 5.3 million people nationwide are ineligible to vote because of a felony conviction, according to The Sentencing Project, an advocacy group in Washington, D.C.

VOTING RIGHTS NOT TAKEN AWAY (PRISONERS MAY VOTE):

- Maine
- Vermont

VOTING RIGHTS RESTORED AFTER RELEASE FROM PRISON:

- District of Columbia
- Hawaii
- Illinois
- Indiana

-Massachusetts: Up until 2000, the state allowed inmates to vote. The state's voters passed a constitutional amendment that instead allows voting rights to be restored after release from prison.

- Michigan
- Montana
- New Hampshire
- North Dakota
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- Utah

VOTING RIGHTS RESTORED AFTER RELEASE FROM PRISON AND COMPLETION OF PAROLE:

- California
- Colorado
- Connecticut: In 2001, then-Gov. John G. Rowland signed into law a bill extending voting rights to felons on probation.
- New York
- South Dakota.

VOTING RIGHTS RESTORED AFTER COMPLETION OF PRISON, PAROLE

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- 100 skills every man should know: 2008's ultimate DIY list

AND PROBATION:

- Alaska
- Arkansas: Full payment of all legal financial obligations is also required.
- Georgia
- Idaho
- Iowa
- Kansas
- Louisiana
- Maryland
- Minnesota
- Missouri
- Nebraska: There is a two-year post-sentence ban on voting.
- New Jersey
- New Mexico
- North Carolina
- Oklahoma
- South Carolina
- Texas
- Washington: Full payment of all legal financial obligations is also required.
- West Virginia
- Wisconsin

VOTING RIGHTS FOR SOME FELONY CONVICTIONS ONLY RESTORED ON AN INDIVIDUAL BASIS

- Alabama: In 2003, Gov. Bob Riley signed a law that permits most felons to apply for a certificate of eligibility to register to vote after completing their sentence. Full payment of all legal financial obligations is also required.
- Arizona: Two-time ex-felons must wait two years before applying for a certificate of discharge. First-time felons are automatically restored rights after completing prison, probation and parole and payment of all legal financial obligations.
- 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. Full payment of all legal financial obligations is also required.
- Florida: In 2007, the state streamlined the clemency process for most people with nonviolent convictions. Full payment of all legal financial obligations is also required.
- Mississippi
- Nevada: In 2003, the state approved a provision to automatically restore voting rights for first-time nonviolent felons immediately after completion of sentence.
- Tennessee: In 2006, the state streamlined restoration process for most persons upon completion of sentence. Full payment of all legal financial obligations is also required.
- Wyoming: In 2003, Gov. Dave Freudenthal signed into law a bill allowing people convicted of a nonviolent first-time felony to apply for restoration of voting rights five years after completion of sentence.

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**VOTING RIGHTS DENIED TO ALL WITH FELONY CONVICTIONS, UNLESS GOVERNMENT APPROVES INDIVIDUAL RIGHTS RESTORATION:**

-Kentucky: In 2001, The Legislature passed a bill that requires the Department of Corrections to inform and aid eligible offenders in completing the restoration process to regain their voting rights.

-Virginia: Felons convicted of nonviolent offenses can apply for the restoration of their voting rights after three years; felons convicted of violent offenses must wait five years.

Source:

The Sentencing Project, Brennan Center for Justice.

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**HEARST**



October 19, 2010

## Their Debt Is Paid

More than five million Americans could be barred from voting in November because of unjust and archaic state laws that disenfranchise former offenders, even when they have gone on to live crime-free lives.

Many states are finally revisiting these laws. According to an encouraging new study by the Sentencing Project, a nonprofit research and advocacy group, reforms carried out during the last decade in nearly two dozen states have led to 800,000 people getting back their voting rights. More needs to be done.

State lawmakers and civil rights groups began to pay attention in the late 1990s when studies showed that millions of convicted felons — a disproportionate of them racial minorities — had been deprived of the vote, often for life. Some states also denied voting rights to people on probation or, even more incredibly, because they had been unable to pay outstanding fines.

The restoration movement gathered momentum after the 2000 election debacle in Florida, where thousands of people mistakenly listed as felons were purged from the rolls or turned away at the polls. Since then, several states — including Maryland, Delaware, Nebraska and New Mexico — repealed or amended lifetime voting bans for convicted felons. Others — including Florida, New York and Alabama — streamlined the process that ex-offenders must go through to get back their rights.

Democracy is strengthened when as many citizens as possible have the right to vote. Fully integrating ex-offenders back into society is also the best way to encourage their lasting rehabilitation. It is past time for all states to restore individual voting rights automatically to ex-offenders who have served their time.

# Bill to ease felons' voting advances

## 5-year waiting period would be cut

BY JONATHAN STARKEY  
The News Journal

A constitutional amendment that cleared the state House of Representatives on Tuesday would set aside the five-year waiting period before Delawareans convicted of nonviolent felonies could re-register to cast ballots in elections.

House Bill 9 failed once on Tuesday before being recalled to the House floor, where it passed

28-13—the slimmest of margins for the two-thirds vote required to pass an amendment to Delaware's Constitution. Rep. Deborah Hudson, R-Fairthorne, changed her vote to allow the bill to pass. She could not be reached for comment.

Under the bill, eligible felons must serve out probation and pay any restitution before being allowed to re-register to vote. Those convicted of murder, sexual offenses and even bribery of a public official would still face a life-

time ban on voting. The bill now heads to the Senate.

Others should be allowed to regain that privilege, said Rep. Helene Keeley, D-Wilmington South, the bill's sponsor.

"When someone has paid their debt to society, they're working, they're paying taxes, those people should have the right to vote," Keeley said. Wilmington Rep. Hazel Plant pushed the measure before her death in 2010.

Amendments to Delaware's Constitution face a higher barrier to passage than most bills. They must clear both the Delaware

House and Senate in two separate General Assembly sessions, which each last two years, before heading to the governor's office to be signed into law.

The bill generated no debate on the House floor on Tuesday, but many lawmakers were steadfast in their opposition.

Rep. Daniel Short, R-Seafood, in explaining his no vote, said voting is a "sacred privilege" and a longtime ban on voting deters potential criminals.

Contact Jonathan Starkey at 324-2832, on Twitter @jwstarkey or jstarkey@delawareonline.com.

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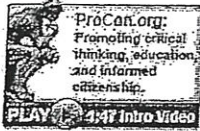


# Felon Voting

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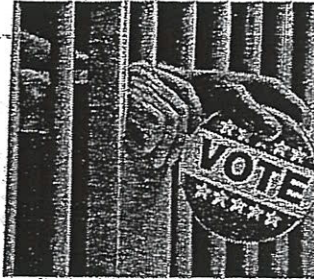
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Last updated on: 9/18/2012 6:57:11 AM PST

## State Felon Voting Laws

- Felon Voting Home
- Featured Resources
- Should felons be allowed to vote?
- Top 10 Pros and Cons
- Did You Know?
- Historical Timeline
- Comments
- +Pros & Cons by Category Projects



Two states allow felons to vote from prison while other states may permanently ban felons from voting even after being released from prison, parole, and probation, and having paid all their fines.

The chart below provides links to each state's laws on felon voting and places each US state within one of five categories ranging from harshest (may lose vote permanently) to least restrictive (may vote while in prison). Applications for re-enfranchisement and clemency have been provided for the states which require them.

Felon voting has not been regulated federally although some argue that Section 2 of the Voting Rights Act can be applied to felon disenfranchisement and that Congress has the authority to legislate felon voting in federal elections.

In addition, 10 states restrict some people with a misdemeanor conviction from voting.

- Incarcerated Felon Population in the US by Type of Crime Committed, 1974-2008
- State Felon Voting Laws
- Number of People by State Who Cannot Vote Due to a Felony Conviction
- Major Legal Cases Affecting Felon Voting
- International Comparison of Felon Voting Laws
- Opinion Polls/Surveys
- Jail, Prison, Parole, and Probation Populations in the US, 1980-2009
- Learn More
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### I. State by State Chart of Felon Voting Laws:

Click on the state to view its rules on felon disenfranchisement in PDF format. Documents were sourced directly from state codes, acts, orders, constitutions, or other state election office documents (all laws are current as of June 8, 2012)

<p><b>May lose vote permanently:</b></p> <p>(Some felons may vote depending on the state, crime committed, time elapsed since completion of sentence, and other variables)</p>	<p><b>Vote restored after:</b></p> <p>Term of Incarceration + Parole + Probation</p>	<p><b>Vote restored after:</b></p> <p>Term of Incarceration + Parole</p>	<p><b>Vote restored after:</b></p> <p>Term of Incarceration</p>	<p><b>Unrestricted:</b></p> <p>(Convicted felons may vote by absentee ballot while in prison)</p>
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	12 States	19 States	4 States	13 States & DC	2 States
1. Alabama	✓ (more details)				
2. Alaska		✓			
3. Arizona	✓ (more details)				
4. Arkansas		✓			
5. California			✓		
6. Colorado			✓		
7. Connecticut			✓		
8. District of Columbia				✓	
9. Delaware	✓ (more details)				
10. Florida	✓ (more details)				
11. Georgia		✓			
12. Hawaii				✓	
13. Idaho		✓			
14. Illinois				✓	
15. Indiana				✓	
16. Iowa	✓ (more details)				
17. Kansas		✓			
18. Kentucky	✓ (more details)				
19. Louisiana		✓			
20. Maine					✓
21. Maryland		✓			
22. Massachusetts				✓	



	May lose vote permanently:	Vote restored after:	Vote restored after:	Vote restored after:	Unrestricted:
	(Some felons may vote depending on the state, crime committed, time elapsed since completion of sentence, and other variables)	Term of Incarceration + Parole + Probation	Term of Incarceration + Parole	Term of Incarceration	(Convicted felons may vote by absentee ballot while in prison)
23. Michigan				✓	
24. Minnesota		✓			
25. Mississippi	✓ (more details)				
<p>Click on the state to view its rules on felon disenfranchisement in PDF format. Documents were sourced directly from state codes, acts, orders, constitutions, or other state election office documents (all laws are current as of June 8, 2012)</p>					
26. Missouri		✓			
27. Montana				✓	
28. Nebraska	✓ (more details)				
29. Nevada	✓ (more details)				
30. New Hampshire				✓	
31. New Jersey		✓			
32. New Mexico		✓			
33. New York			✓		
34. North Carolina		✓			
35. North Dakota				✓	
36. Ohio				✓	
37. Oklahoma		✓			
38. Oregon				✓	
39. Pennsylvania				✓	
40. Rhode Island				✓	
41. South Carolina		✓			
42. South Dakota		✓ (more details)			
43. Tennessee	✓ (more details)				
44. Texas		✓			
45. Utah				✓	
46. Vermont					✓
47. Virginia	✓ (more details)				
48. Washington		✓ (more details)			
49. West Virginia		✓			
50. Wisconsin		✓			
51. Wyoming	✓ (more details)				
<p>Click on the state to view its rules on felon disenfranchisement in PDF format. Documents were sourced directly from state codes, acts, orders, constitutions, or other state election office documents (all laws are current as of June 8, 2012)</p>					
	May lose vote permanently:	Vote restored after:	Vote restored after:	Vote restored after:	Unrestricted:
	(Some felons may vote depending on the state, crime committed, time elapsed since completion of sentence, and other variables)	Term of Incarceration + Parole + Probation	Term of Incarceration + Parole	Term of Incarceration	(Convicted felons may vote by absentee ballot while in prison)