



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: January 25, 2011

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. 9 [Felon Voting Restriction]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 9 which is the first leg of a Constitutional Amendment that would eliminate the existing five-year waiting period before eligible felons who have fully discharged their sentences may have their voting rights restored. This bill is identical to legislation (H.B. 17) introduced in the preceding General Assembly and endorsed by SCPD. The bill would apply to most felonies with the exception of offenses against public administration, murder, manslaughter, and sex crimes. SCPD endorses the proposed legislation and has the following observations.

Attached please find an informative April 1, 2009 News Journal article describing the predecessor bill 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.

A number of studies have revealed that a disproportionate number of persons with mental illness and cognitive impairments are incarcerated. This bill would therefore 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.

Last Fall the New York Times published the attached editorial which concluded as follows:

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.

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

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

Hb 9 voting restoration 1-25-11



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. Manolacos, 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-Sharpely, 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

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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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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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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 most 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.