



STATE OF CONNECTICUT

SENTENCING COMMISSION

Testimony of Alex Tsarkov and Honorable Judge Robert Devlin, Jr. before the Government Administration and Elections Committee on SB 25, An Act Restoring Electoral Privileges to Felony Convicts Who are on Parole

Senator Flexer, Representative Fox, Senator Sampson, Representative France, and members of the Government Administration and Elections Committee. For the record, my name is Alex Tsarkov and I am the Executive Director of the Connecticut Sentencing Commission. With me is Judge Robert Devlin, Jr., a superior court judge and chair of the Sentencing Commission. We are here to testify in favor of SB 25, *An Act Restoring Electoral Privileges to Felony Convicts Who are on Parole*.

We would first like to give you some brief background about the Sentencing Commission. We are a permanent commission created seven years ago, consisting of all the stakeholders in Connecticut's criminal justice system. Our membership includes four judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, Emergency Services and Public Protection, and Mental Health and Addiction Services; community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; municipal police chiefs; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. We have adopted a policy of striving for consensus in our recommendations to the legislature and the governor. Our work is informed by all the major system stakeholders of the criminal justice system and aims to adhere to the best legal and evidence based research and practices.

The Sentencing Commission voted to adopt a proposal that would restore the electoral privileges to people on parole. SB 25 would restore the voting rights of convicted felons on parole. With the exception of those convicted of an election-related felony, electoral privileges (i.e., the right to register and vote, circulate a candidate's nominating petition, or run for or hold public office) would be restored upon the person's release from prison.

Under current law in Connecticut, convicted felons may not become electors until their release from confinement and discharge from parole. By denying parolees the right to vote, Connecticut stands out among the New England states. In Maine and Vermont, citizens never lose the right to vote—even while incarcerated. In Massachusetts, Rhode Island, and New Hampshire, (along with eleven other states and the District of Columbia) individuals have their

right to vote restored automatically when released from incarceration. In New York, the Governor on April 18, 2018, issued an executive order removing restriction on voting for parolees.

It should be pointed out that the current law itself may generate some ambiguities. For example, it is not entirely clear whether individuals on special parole can vote given the distinction between parole and special parole. An individual on parole has been released by the Board of Pardons and Paroles prior to the completion of his or her maximum sentence of incarceration. The individual then serves the remainder of that sentence of incarceration under parole supervision. During this period, the person “shall remain in the custody of the Commissioner of Correction.” *See* Conn. Gen. Stat. § 54-125a. In contrast, special parole is part of the sentence that a judge can impose in some circumstances. The period of special parole comes after an individual completes his or her maximum sentence of incarceration. *See* Conn. Gen. Stat. § 54-125e. It appears that those on special parole may have the right to vote given that they have discharged from confinement and “parole.” However, the distinction between parole and special parole with respect to voting rights—if such a distinction exists—no doubt generates confusion for those with felony convictions.

There may be other ambiguities with respect to a number of discretionary release mechanisms other than discretionary parole. These release mechanism, all separately authorized in the Connecticut General Statutes, allow inmates to be released to supervision in the community by the Department of Correction’s Parole and Community Services Division.

Individuals are more successful at reintegrating into society when they are engaged in the community. The right to participate in the democratic process is central to fostering this engagement. SB 25, if passed, would support this reintegration and clarify the law with respect to voting rights.

We thank the Committee for raising this important legislation and urge the Committee’s JOINT FAVORABLE Report.