

Enfranchising Incarcerated Voters

Dana Paikowsky, Campaign Legal Center
dpaikowsky@campaignlegalcenter.org

History of Criminal Disenfranchisement

- Civil death
- Stakeholder democracy vs. natural right
- History of slow expansion
- Criminal disenfranchisement: patchwork across states; post-civil war surge.

History in Connecticut

- Colonial law disenfranchised people who had been fined or whipped for “scandalous offenses”
- 1818 Constitution: voting rights were “forfeited by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence for which an infamous punishment is inflicted”
 - 1913 -- define “infamous punishment” broadly
- 1948: General Assembly given power over voting rights forfeiture
- 1963: Anyone convicted of a felony disenfranchised
- 1973: Restoration upon payment of fines and discharge from confinement, parole or probation
- 2001: Restored voting rights to those on probation; those in CT prisons don't need to pay fines

Collateral consequences of disenfranchisement laws

- Misinformation
- High stakes
- Jail-based disenfranchisement

Who is impacted?

- Racial:
 - Black incarceration rate 9.4x that of white incarceration
 - Latino incarceration rate 3.9x that of white incarceration
 - 20,124 people/0.77% of the population; 3.19% of the Black population.
- Socioeconomic /education
- Future/current political participation

CT Sentencing Commission's Enfranchisement Act

- Simplifies the law
- Provides crucial information
- Activates an important voting population
- Recidivism impacts

National View

- Trend is increasingly pushing towards expansion
- Washington DC
- Other bills to expand voting rights—including through universal enfranchisement—in Maryland, Washington, Massachusetts, Georgia, and more.
- US is an outlier in this respect

Questions?

- Contact: dpaikowsky@campaignlegalcenter.org