



General Assembly

File No. 31

**January Session,
2001**

Substitute House Bill No. 5042

House of Representatives, March 9, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT RESTORING VOTING RIGHTS OF CONVICTED FELONS WHO ARE ON PROBATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 9-45 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The [Judicial Department] [Commissioner of Correction](#) shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons who, during the preceding calendar month, have been convicted in the Superior Court of [any crime for which the privileges of an elector are forfeited] [a felony and committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence](#). Such lists shall include the names, birth dates and addresses of such persons, with the dates of their conviction and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the towns in which such convicted persons resided at the time of their conviction and to the registrars of any towns where the secretary believes such persons may be electors. The registrars of such towns shall compare the same with the list of electors upon their registry lists and, after written notice mailed by certified mail to each of the persons named at [his] [the](#) last-known place of address [of such person](#), shall erase such names from the registry lists in their respective towns or voting districts.

(b) Any person who procures [himself] [such person](#) or another to be registered after having been disfranchised by reason of conviction of crime [and committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence](#), and any person who votes at any election after having forfeited [his] [such](#) privileges by reason of conviction of

crime [and confinement](#), shall be fined not more than five hundred dollars and imprisoned not more than one year.

Sec. 2. Section 9-46 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A person shall forfeit [his] [such person's](#) right to become an elector and [his] [such person's](#) privileges as an elector upon conviction of a felony [and committal to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, committal to confinement in a federal correctional institution or facility, or committal to the custody of the chief correctional official of any other state for confinement in a correctional institution or facility or a community residence in such state.](#)

(b) No person who has forfeited and not regained [his] [such person's](#) privileges as an elector, as provided in section 9-46a, [as amended by this act](#), may be a candidate for or hold public office.

Sec. 3. Section 9-46a of the general statutes is repealed and the following is substituted in lieu thereof

(a) A person who has been convicted of a felony [and committed to confinement in a federal or other state correctional institution or facility or community residence](#) shall have [his] [such person's](#) electoral privileges restored upon submission of written or other satisfactory proof to the admitting official before whom [he] [such person](#) presents his [or her](#) qualifications to be admitted as an elector, that all fines in conjunction with the conviction have been paid and that [he] [such person](#) has been discharged from confinement, [and, if applicable](#), parole. [or probation, as the case may be.]

[\(b\) Upon the release from confinement in a correctional institution or facility or a community residence of a person who has been convicted of a felony and committed to the custody of the Commissioner of Correction and, if applicable, the discharge of such person from parole, \(1\) the person shall have the right to become an elector, \(2\) the Commissioner of Correction shall give the person a document certifying that the person has been released from such confinement and, if applicable, has been discharged from parole, \(3\) if the person was an elector at the time of such felony conviction and, after such release and any such discharge, is residing in the same municipality in which the person resided at the time of such felony conviction, the person's electoral privileges shall be restored upon submitting to an admitting official such document or other satisfactory proof that the person has been released from such confinement and, if applicable, discharged from parole, and \(4\) if the person was an elector at the time of such felony conviction and, after such release and any such discharge, is residing in a different municipality or if the person was not an elector at the time of such felony conviction, the person's electoral privileges shall be restored or granted upon submitting to an admitting official \(A\) satisfactory proof of the person's qualifications to be admitted as an elector, and \(B\) such document or other satisfactory proof that the person has been released from confinement and, if applicable, discharged from parole. The provisions of subdivisions \(1\) to \(4\), inclusive, of this subsection shall not apply to any person convicted of a felony for a violation of any provision of title 9 until such person has been discharged from any parole or probation for such felony.](#)

[(b)] [\(c\)](#) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) [or \(b\)](#) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of [his] [such person's](#) conviction that [his] [such person's](#) electoral rights have been so restored.

[to him.]

[(c)] (d) The [Judicial Department, the] Commissioner of Correction [and the Board of Parole] shall establish procedures to inform those persons who have been convicted of a felony [, have been under the jurisdiction of said department, commissioner or board] and committed to the custody of said commissioner for confinement in a correctional institution or facility or a community residence, and are eligible to have their electoral privileges restored or granted pursuant to subsection [(a)] (b) of this section, of the right and procedures to have such privileges restored. The Office of Adult Probation shall, within available appropriations, inform such persons who are on probation on the effective date of this section of their right to become electors and procedures to have their electoral privileges restored, which shall be in accordance with subsections (b) and (c) of this section.

(e) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons convicted of a felony and committed to the custody of said commissioner and who, during the preceding calendar month, have been released from confinement in a correctional institution or facility or a community residence and, if applicable, discharged from parole. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their convictions and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the municipalities in which such convicted persons resided at the time of their convictions and to the registrars of any municipalities where the secretary believes such persons may be electors.

Sec. 4. This act shall take effect January 1, 2002.

JUD *JOINT FAVORABLE SUBST.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost, Reallocation of Budgeted Resources

Affected Agencies: Judicial Department, Secretary of State, Department of Correction

Municipal Impact: None

Explanation

State Impact:

The bill requires the Department of Correction, rather than the Judicial Department, to send the Secretary of State a list of felons whose voting rights should be forfeited and a list of those eligible to have their rights restored. It is anticipated that these requirements can be carried out within the agencies' normal resources. The savings to the Judicial Department are minimal. It should be noted that the Secretary of State would continue to disseminate this information to municipalities as it currently does.

The bill also requires the Office of Adult Probation (which due to reorganization has been incorporated into the Court Support Services Division of the Judicial Department), within available appropriations, to inform people on probation of their right to become voters. There are an estimated 31,000 people currently on probation with a felony conviction. The bill would result in a one-time cost of up to \$20,000 and reduced costs annually thereafter, if the notice to probationers were made by mail. Since the bill requires this task to be accomplished within available appropriations, resources would have to be allocated from other Judicial Department functions.

OLR Bill Analysis

sHB 5042

AN ACT RESTORING VOTING RIGHTS OF CONVICTED FELONS WHO ARE ON PROBATION.

SUMMARY:

With one exception, this bill makes felons on probation eligible to vote and run for public office. It does so by limiting the amount of time a person can be disenfranchised to the period during which he is committed to (1) the Department of Correction (DOC) commissioner's custody to be confined in a correctional institution, facility, or community residence or placed on parole; (2) a federal prison; or (3) the custody of another state's chief correctional official. A person who is released from prison after serving time for an elections-related felony conviction is not eligible to get his rights back until he is discharged from parole or probation.

The bill requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state lists of felons whose voting rights should be forfeited and those eligible to have their rights restored. It establishes a new procedure for restoring the voting rights of felons who were confined to the commissioner's custody.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2002 of their right to become voters and of the restoration procedures the bill establishes.

EFFECTIVE DATE: January 1, 2002

FORFEITURE OF VOTING RIGHTS AND PRIVILEGES

Applicability

Under current law, felons forfeit their electoral rights and privileges while serving their sentences, which may include parole and probation. The bill limits the law's application to felons imprisoned in a

federal prison, a state or out-of-state correctional institution or facility, or a community residence.

Procedure

By the 15th of each month, the bill requires the DOC commissioner to send the secretary of the state a list of all convicted felons committed to his custody during the preceding calendar month. Under current law, the Judicial Department is responsible for providing the secretary with a list of all convicted felons.

As with the Judicial Department's list, the DOC commissioner's list must include each inmate's name, birth date, address, date of conviction, and crime. The secretary gives the list to the registrar of the town where (1) each felon lived when he was convicted and (2) the secretary believes each one was registered to vote. The registrars must compare the list with the voter registry list and, after written notice to the felon's last known address, erase his name from the voting list.

RESTORATION OF VOTING RIGHTS AND PRIVILEGES

Under the bill, felons who have not been convicted of elections-related crimes are eligible to have their voting rights restored when they are released from the DOC commissioner's custody.

If, upon release, the person resides in the town where he was registered to vote, the town's registrar must restore his voting privilege upon satisfactory proof that he was released from prison and completed any parole. The DOC commissioner must give a release certificate to inmates who complete their term of incarceration and any parole.

If the person was not registered to vote when he was convicted or moves to a different town upon release, he must prove he is qualified to vote and was released from prison and completed any parole.

Felons who are placed on probation after being confined in a federal or out-of-state correctional institution remain entitled to have their rights restored only after submitting proof that they paid all court-ordered fines related to the conviction and were discharged from confinement or parole, whichever applies.

LIST OF PEOPLE ELIGIBLE TO HAVE THEIR VOTING RIGHTS RESTORED

The bill requires the DOC commissioner, on the 15th of each month, to send the secretary of the state a list of all felons released from his custody during the preceding calendar month. The list must include the same information as the list required upon conviction (i.e., each inmate's name, birth date, address, date of conviction, and crime). The secretary must send the list to the registrar of (1) each inmate's town of residence at conviction and (2) the town where she believes he was registered to vote.

By law, the commissioner must inform felons in his custody of their right to have, and the procedure for having, their voting privileges restored. The bill eliminates a requirement for the parole board to provide such information.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 13

[TOP](#)