



Legislative Testimony
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Written Testimony Supporting House Bill 5651, An Act Concerning Absentee Ballots for Certain Detained Individuals

Senator Flexer, Representative Fox, Ranking Members Sampson and Mastrofrancesco, and distinguished members of the Government Administration and Elections Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am testifying in support of House Bill 5651, An Act Concerning Absentee Ballots for Certain Detained Individuals.

The right to vote is a fundamental part of America's democracy, and the government should not abridge that right lightly. While Connecticut theoretically preserves the voting rights of some incarcerated or detained people, in practice, those voters have very little access to voting. Protecting the right to vote for people who have been incarcerated strengthens our democracy by increasing voter participation and helping incarcerated people stay connected to society and community. As an organization that defends the right to vote and believes that enfranchisement is an incredibly important way for people to participate in America's democracy, the ACLU-CT supports this bill, which would allow incarcerated people who retain the right to vote to access absentee ballots more easily.

As of February 1, 2021, more than 31% of people detained in Connecticut Department of Correction (DOC) facilities were being held pretrial.¹ All those people, who were otherwise eligible to vote, retained their right to vote.² In addition, people incarcerated

¹ "Monthly Indicators Report." Office of Policy and Management, Criminal Justice Policy and Planning Division, Feb. 2021, available at https://portal.ct.gov/-/media/OPM/CJPPD/CjResearch/MonthlyIndicators/2021-MONTHLY-INDICATOR-REPORTS/MonthlyIndicatorsReport_Feb_2021.pdf.

² "Voter Disenfranchisement in Connecticut," Civil Justice Clinic, Quinnipiac University School of Law, Oct. 29, 2019, available at https://www.cga.ct.gov/lab/tfs/20190827_Council%20On%20The%20Collateral%20Consequences%20Of%20A%20Criminal%20Record/Research%20Subcommittee%20Materials/Felony%20Disenfranchisement%20in%20Connecticut%2010.29.19.pdf.

for misdemeanors also retain the right to vote if they are otherwise eligible.³ The Liman Center for Public Interest Law at Yale Law School estimated that several thousand people who have been sentenced may retain the right to vote,⁴ meaning that a huge proportion of the people in DOC custody are likely eligible to vote.

Despite that, incarcerated people who have the right to vote often cannot. Because processes vary from municipality to municipality, there is currently no way to offer incarcerated people standardized help. The process can be time-consuming, frustrating, and expensive – and may not even result in a person ever seeing a ballot.⁵ People experienced with helping incarcerated people vote say it takes up to seven mailings to cast an absentee ballot.⁶ Of course, this does not even apply to many incarcerated voters, who often are unaware that they are eligible to vote.⁷ And it typically requires the cooperation of DOC staff, which can be difficult or impossible to obtain.⁸ Because of institutional barriers, volunteers to assist with the process are of limited efficacy.⁹

Because of systemic racism in the criminal legal system, legally or practically disenfranchising people who are incarcerated disproportionately harms Black Americans.¹⁰ Mass incarceration, when combined with disenfranchisement practices, subverts participatory democracy, particularly for communities of color. Creating a better process so that incarcerated people who retain the right to vote and are otherwise eligible can actually exercise that right is a good step towards eliminating one avenue of racist voter suppression. We thus strongly support House Bill 5651 and urge this Committee to support this important measure.

³ *Id.*

⁴ “Liman Center urges CT to lift barriers to voting while incarcerated.” Yale Law School, Mar. 15, 2021, *available at* <https://law.yale.edu/yls-today/news/liman-center-urges-ct-lift-barriers-voting-while-incarcerated>.

⁵⁵ *Id.*

⁶⁶ *Id.*

⁷ “Improving Access to Voting in Connecticut Jails and Prisons.” Connecticut Sentencing Commission, Jun. 2020, *available at* <http://ctsentencingcommission.org/wp-content/uploads/2020/06/Improving-Access-to-Voting-in-CT-Jails-Prisons.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Karina Schroeder, “How Systemic Racism Keeps Millions of Black People from Voting.” Vera Institute of Justice, Feb. 16, 2018, *available at* <https://www.vera.org/blog/how-systemic-racism-keeps-millions-of-black-people-from-voting>.