



TO: HOUSE COMMITTEE ON PUBLIC SAFETY
FROM: PAMELA LICHTY, MPH, PRESIDENT
DATE: MARCH 19, 2009; 8:30 A.M., ROOM 309
RE: SB 619 SD2, RELATING TO VOTING - **STRONG SUPPORT (of original bill)**

The Drug Policy Action Group strongly supports the original language of this enlightened bill which would allow incarcerated Hawai'i residents to vote. However, this draft has a provision that incarcerated persons can only vote during the last two years of their incarceration. There is a principle at stake here and if imprisoned persons are to be given this right it shouldn't matter when their release date is projected to be..

Denying participation in the voting process further marginalizes individuals who have already gotten into trouble at least once. Research consistently demonstrates that engagement in family and community activities is a strong predictor of successful re-integration into society.

As a state with historically low voter turnout, we should be doing whatever we can to enhance participation in civic activities like voting.

Please do what Maine, Vermont and Puerto Rico have done and give prisoners the right to vote and help determine the state's – and their own – future.

Mahalo for the opportunity to testify.

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hale 'opio kaua'i, inc.

In-Community Programs for Children, Youth and Families

Committee: Committee on Public Safety
Hearing Date/Time: Thursday, March 19, 2009, 8:30 a.m.
Place: Room 309
Re: Testimony of Esther Solomon in Strong Support of S.B. 619, SD2,
Relating to Voting

Dear Chair Hanohano and Members of the Committee on Public Safety:

I write in strong support of S.B. 619, SD1, which seeks to allow incarcerated persons who were Hawaii residents at the time of their arrest and who have no more than two years left before release from imprisonment, to vote by absentee ballot in Hawaii's elections.

I applaud this Committee for hearing this bill and recognizing the importance of allowing all citizens to vote. SB 619, SD2 is a substantial step towards achieving a strong and true democracy in Hawaii.

Giving all citizens the ability to vote will build a stronger democracy

Voting is a fundamental right and essential to American democracy. Without a vote, citizens have no voice. Restoring the ability to vote strengthens our democracy by increasing voter participation and helping people to reintegrate into society to assume the duties of citizenship. Felony disfranchisement is a policy with deeply racist roots and a racially disproportionate impact that bars citizens from the ballot box upon conviction of a felony. In the United States, over 5.3 million Americans cannot vote due to a felony conviction. Felony disfranchisement laws vary from state to state, but 48 states bar incarcerated individuals from casting a ballot, with only Maine and Vermont allowing inmates to vote. However, over the last decade the national trend has moved towards lowering barriers for the disfranchised. Since 1997, 19 states have made progressive changes to their felony disfranchisement laws, enfranchising over 700,000 formerly incarcerated individuals. By passing this bill, Hawaii will join Maine and Vermont and take the lead in this important progressive movement recognizing the value of voting to a true democracy.

Allowing incarcerated individuals to vote will improve public safety, aid law enforcement and empower families and communities

Far from making streets safer, disfranchisement is detrimental to public safety. Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of disfranchisement is that the very behavior that society strives to encourage – the commitment to the larger social and political collective – is undermined by a policy that requires people who desire to engage in that behavior to relinquish the right to vote.

Restricting incarcerated individuals from voting does not prevent crime, nor does it provide compensation to victims. In fact, disfranchising incarcerated individuals is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of formerly incarcerated individuals into society. There is simply no legitimate purpose in denying incarcerated individuals the ability to vote. Research finds a link between voting participation and re-offense; people who voted after release from supervision were half as likely to re-arrested as those who did not vote. Similar effects were found among people with a prior arrest; 27% of non-voters were re-arrested, compared to 12% of people who had voted. Voting is particularly important for the reintegration of approximately 2000 individuals incarcerated on the mainland, far from their families and communities. As Wesley Andrenyak, Chief Advocate for the Maine Department of Corrections testified, his department's mission "is to return a prisoner to the community a better person than when he or she entered. An integral part of this process is the ability for prisoners to become productive citizens in their community upon release. One of the basic entitlements and responsibilities regarding civic responsibility is to exercise one's ability to vote.

Disfranchisement has a disproportionate effect on native Hawaiians – who are disfranchised at a rate nearly 3 times higher than that of the total population.

Currently, an estimated 6014 people from Hawaii are barred from voting because they are incarcerated. Disfranchisement has a particularly disproportionate effect on native Hawaiians, who are significantly over-represented in the disfranchised population. Native Hawaiians comprise 39% of the total disfranchised population, though they comprise only 20% of the total population of Hawaii. Native Hawaiians of voting-age are disfranchised at a rate of 1.6% compared to 0.6% of the general voting-age population, making the native Hawaiian disfranchisement rate nearly 3 times higher than that of the total population. Given

Thank you for this opportunity to testify.

Sincerely,

Esther Solomon
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Testimony
SB 619
March 19, 2009
8:30 AM
Room 309

House Committee on Public Safety

Chair Hanohano and members of the committee:

I urge your support for SB 619. Voting is not only a right, but a necessary act, which allows each citizen of Hawaii to express their mana`o regarding the body politic.

Jory Watland
ACLU of Hawaii

TO: COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, March 19, 2009
10:00 AM
Room 309, Hawaii State Capitol

RE: SB 619 SD – AALA Support for Voting Rights for Incarcerated

FROM: Atty Daphne Barbee-Wooten
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813

Dear Chair Hanohano, Vice Chair Aquino, and Members of the Committee on Public Safety:

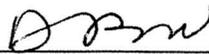
My name is attorney Daphne Barbee-Wooten and I am testifying on behalf of the African-American Lawyers Association. The African American Lawyers Association of Hawaii supports this bill which ensures that the right to vote for persons who are incarcerated is guaranteed. The 15th Amendment and 19th Amendment of the United States Constitution guarantee United States citizens the right to vote. This right to vote cannot be denied on the basis of race and sex. It likewise should not be denied for reasons of incarceration. Currently, Vermont and Maine guarantee the right to vote to incarcerated persons.

The African-American Lawyers Association strongly supports this bill which ensures voting rights for incarcerated persons. Persons who are convicted do not lose their citizenship, residency, their 1st Amendment rights to religion and speech, and should likewise not lose their right to vote. Voting is an important social process to ensure our government represents all people, not just some. An unfortunate fact is that the prison population has a disproportion of minorities. As recognized by other countries such as Australia, which recently struck down a ban on prisoner voting, voting is a victory for “representative democracy, accountable government, the rule of law and fundamental human rights.” We urge passage of this bill.

Attached is the NAACP position on allowing incarcerated persons to vote.

Dated: Honolulu, Hawaii

3-18-09



Daphne Barbee-Wooten
Attorney at Law

BRIEFING POINTS: RESTORING THE VOTE TO EX-FELONS

BACKGROUND

The U.S. Civil Rights Commission has written that bans on the voting rights of ex-felons are "the biggest hindrance to black voting since the poll tax." Up to six million citizens of voting age could be re-enfranchised if the vote were restored to all Americans with prior felony convictions. To put the idea of six million potential voters in context, the Voting Rights Act is justly considered the most effective civil rights legislation ever passed. It is estimated to have yielded voting rights for less than 5 million people of color in its entire forty-one year history .

Bans on the vote for ex-felons are rooted in historical and contemporary racism. These restrictions became popular in state law immediately after African-Americans gained the Constitutional right to vote. The number of states with laws preventing people with felony convictions from voting doubled in the years following the passage of the 15th Amendment which gave blacks access to the ballot . Then, as now, a race and class conscious criminal justice system ensured that blacks were charged and convicted of felony crimes at much higher rates than their white counter-parts.

The practice of denying the votes to ex-felons is still inextricably linked to race. States with the highest percentage of African-Americans frequently have the harshest disenfranchisement laws and those with the lowest black populations find the least need to bar felons from the polls. At the least restrictive end of the spectrum are Maine and Vermont which, respectively, have .04 and .03 percent African-American populations (compared to the national average of 12.1%) and happen to be the only two states that allow convicted felons to vote from prison.

People with felony convictions have very different rights depending on the state they live in. Though Representative John Conyers and other progressive members of Congress have advocated federal re-enfranchisement legislation which the NAACP supports, most voting rights experts agree that state legislatures are the most promising venue for immediate passage of felon re-enfranchisement legislation. Several states including New York, Tennessee and, most recently, Rhode Island have led successful campaigns to re-enfranchise ex-felons. These campaigns have frequently benefited from the advocacy of state and local units of the NAACP.

QUICK STATS

- 5.3 million Americans have lost their right to vote because of a former felony offense.
- 1 of every 8 African-American men is disenfranchised by felon voting bands.

TALKING POINTS

- The NAACP supports strong state and federal legislation to restore the vote to people with felony convictions.
- Millions of American citizens are unjustly disenfranchised by racist and undemocratic felon voting bans. The outcome of the 2000 Presidential election which Bush won by 537 votes in Florida could have been decided by the hundreds of thousands of ex-felons who were denied the vote.
- The U.S. Civil Rights Commission has written that bars on the voting rights of ex-felons are "the biggest hindrance to black voting since the poll tax."
- Bans on the vote for ex-felons are rooted in historical and contemporary racism.
- Model state legislation should include address the actual restoration of voting rights to people with felony convictions, formal notice of voting rights restoration, a statewide voter registration database and provisions for efficient registration and education for poll workers and ex-felons.

ONLINE RESOURCES

Brennan Center Democracy Program: Includes analysis and Full Components of a Right to Vote bill.

The Sentencing Project: Includes multiple news, analysis and event calendars for advocates of felon re-enfranchisement including the September 2006 report, "The Vanishing Black Electorate".

The Right to Vote Campaign to Felony Disenfranchisement: Includes state level resources and model state legislation for voting rights advocates

TAKE ACTION!

Educate! Hold a panel or a hearing, write an op-ed on the importance in our democracy of state and federal legislation to restore the vote to ex-felons.

Legislate! Nearly every state has legislation on the re-enfranchisement. Get involved with groups that are working to pass this legislation and work to ensure that it meets the criteria listed above. If there is no progressive legislation to restore the vote to ex-felons in your state, work with members of your state legislature to introduce model legislation and form coalitions to support it.

FOR FURTHER INFORMATION CONTACT:

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