

SUBJECT: Voting rights for felons

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Danburg, J. Jones, Denny, Galloway, Hodge, Isett, Madden, Place
0 nays
1 absent — Gallego

WITNESSES: For — Steve McDonald, Texas Democratic Party; Margaret Walker, American Civil Liberties Union

Against — Mary Ann Collins, Republican Party of Texas

On — Melinda Nickless, Secretary of State's Office

BACKGROUND : Felons are not eligible to register to vote or be qualified voters until two years after their sentences are fully discharged. The waiting period has been reduced over the years from seven years.

DIGEST: HB 1001 would delete the requirement that felons wait two years following the issuance of discharge papers to be qualified voters or eligible to register to vote. Felons would be qualified or eligible once they had fully discharged their sentence, including any term of incarceration, parole, or supervision.

HB 1001 would take effect September 1, 1997.

SUPPORTERS SAY: HB 1001 would eliminate confusion arising from the provision that felons be ineligible voters for two years from the date of their release papers. Because individuals can be in varying stages of the criminal justice system, there is often uncertainty about when the two year waiting period begins. Individuals, criminal justice professionals, and election personnel themselves have been uncertain about when people become eligible to vote.

The bill would promote more fair as well as more efficient voting practices in Texas. CSHB 1001 would restore the full benefits of citizenship to

individuals who have fully paid the penalty for any offenses they had committed against society. Voting is a right, not a privilege, of all free citizens; when offenders regain their liberty after complying with all the terms of their incarceration, they should be able to immediately resume that right. Any waiting period is arbitrary and capricious, whether it be seven years, two years, or even one day. The state should not place arbitrary limitations on the voting rights of its citizens. No one can, or should be allowed to, decide when someone else is “ready” to resume voting. Previous legislatures have gradually reduced the waiting period from seven to two years; the 75th Legislature should take this opportunity to finally end the subjective practice entirely.

The two-year waiting period serves no positive purpose, least of all as a deterrent to crime. If the possibility of jail time did not give a would-be criminal pause, neither would a threatened loss of voting privileges. Instead, the voting prohibition serves to keep these citizens cut off and alienated from the rest of society. The type of social engagement involved in voting is the very thing we should be encouraging, not discouraging, in these individuals.

Restoring voting rights would help reduce the stigma that too often impedes successful reentry by felons into society. A growing body of evidence indicates that participation in civic affairs is a predictor of success in many other areas of society, and CSHB 1001 would foster such participation at a critical time in felons' lives.

Recent changes in Texas law have drastically decreased the number of felons receiving early release. Most have served their full terms, and therefore should have no limitations placed on their activities. HB 1001 would ensure that the state does not continue to penalize felons after they have accepted the full measure of punishment for their crimes.

**OPPONENTS
SAY:**

HB 1001 would unreasonably return the most serious responsibility of citizenship to individuals who have shown their utter disregard for society's ordering principles and laws. One of the privileges offenders surrender when convicted is that of voting, and the expiration of a prison term or period of supervision should not automatically restore that privilege to them. The state has an obligation to thoroughly punish those who disregard its

laws and to ensure that adequate time has passed before they are allowed a role in our electoral system. Individuals convicted of felony offenses by definition have committed very serious crimes, and these individuals should not be full participants in society immediately after their release from the criminal justice system. They need the two years following their release to relearn how to function as citizens and demonstrate their commitment to obeying the law.

Individuals who should rightfully be incarcerated should not regain all the privileges they forfeited. CSHB 1001 would remove one of the last reminders from society to an offender that their lawbreaking is not to be tolerated and that criminal actions have serious consequences.

NOTES: The committee substitute would delete the current requirement that discharge papers be issued.