Unlock the Vote Wisconsin!
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Felony Disfranchisement in Wisconsin

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ENDNOTES

4. Mary Kay Kollat, Restoring: A Bridge to Success (Wisconsin Department of Administration, 2008), 4.
5. Uggen and Manza, 250.
6. Uggen and Manza, 250.
19. The poll was conducted by Forbink, Mezlin, Maulii, and Associates, an opinion research and public policy analysis firm in Madison, WI in a phone survey done October 13-22, 2007. The polling, which was weighted to reflect the population of Milwaukee County, included registered voters throughout Milwaukee County, including 527 interviews conducted in the City of Milwaukee, with an oversample of 149 Latino voters and 152 African-American voters. 217 interviews were conducted in suburban Milwaukee County. Margin of error for the entire sample is +–3.7%.
23. Uggen, Manza, Behrens, 570-571.
25. Mary Kay Kollat, 6.
27. Catholic Bishops of the United States.
About Us

The American Civil Liberties Union of Wisconsin Foundation is the premier guardian of liberty. The ACLU of Wisconsin works daily in courts, legislatures, and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitutions and laws of both the State of Wisconsin and the United States of America. The Restore the Vote Wisconsin Coalition and Restore the Vote WI NOW! Coalition are groups of community organizations, faith leaders, unions and concerned citizens who recognize the injustice of American citizens being denied their right to vote in Wisconsin. They organized in 2007 and are led by the ACLU of Wisconsin Foundation. The Restore the Vote WI NOW! Coalition is a group of organizations and citizens working actively to pass legislation to restore the right to vote in Wisconsin. The Restore the Wisconsin Coalition is a coalition of organizations and citizens working to educate the public about their right to vote under current laws and potential changes to those rights that could be proposed.

This report was written by Renee Rochelle Shavers, with the assistance of Rachel Bloom, Nicole Kief, Stacy Harbaugh, and Chloe Smith. Research for this report was conducted by Alison Horn, Stacie Rosenzweig, and Rachel Bloom. This report was edited by Christopher Ahmuty, Molly Collins, Angela Trudell Vasquez, and LaShawndra Vernon.

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Introduction

The right to vote is what makes a country a true democracy, and it is the most basic right Americans share. The U.S. Census Bureau reported historically high levels of voter turnout by African-American, Latino, and young voters in the 2008 Presidential Election. Unfortunately, in the wake of that success, conservative lawmakers nationwide have erected more barriers to the ballot box. States are making it harder and harder for people to vote, virtually guaranteeing that many people won’t really have the right at all. Poll taxes and literacy tests have given way to more modern voter suppression tactics packaged as voter ID laws, restrictions to voter registration and cuts to early voting. With these new laws in effect, up to 5 million voters could be turned away at the polls in November 2012. The national trend to disenfranchise voters has impacted some of the same groups that saw increased turnout in 2008: communities of color and young voters. However, there is a group that has a longer history of disenfranchisement: individuals with felony convictions.

Felon disfranchisement, the set of policies and practices barring individuals with criminal convictions from the ballot box, is the most significant barrier to political participation for people with criminal records across the country. Nationally, 5.3 million Americans are barred from voting due to criminal convictions. Nearly 4 million of those disfranchised are no longer incarcerated and are members of our communities,41

Wisconsin law bars individuals with with felony convictions from voting while incarcerated and while on probation, parole or extended supervision. In 2009, the Wisconsin State Legislature considered legislation, known as the Wisconsin Democracy Restoration Act, which sought to restore the right to vote upon release from incarceration. Wisconsin Assembly Bill 353 and its companion State Senate Bill 240 would have enfranchised over 42,000 Wisconsin citizens who live in the community, work and pay taxes, but are unable to participate in the political process. These individuals are from all walks of life, men and women of all races, religions, and political backgrounds who have been deemed safe enough to return to our communities but continue to be barred from the ballot box. Ninety-seven percent of Wisconsin’s incarcerated population will one day be released from prison.42 We must encourage these individuals to participate in their communities, not prevent them from doing so.

Wisconsin’s current policy of continuing to disfranchise citizens after their release from incarceration is a financial drain on all Wisconsinites, does nothing to enhance public safety, and is an impediment to democracy. There is support from voters throughout the state for reforming this unfair practice, and Wisconsin should move quickly to change its law in favor of greater democracy.
Impact of Wisconsin’s Disfranchisement Policy

An estimated 62,342 people with felony convictions are barred from voting in Wisconsin. Less than half of Wisconsin’s disfranchised population is incarcerated: 39 percent of the disfranchised are in prison, while 40 percent are on probation and 21 percent are on parole. Twenty states have less restrictive felony disfranchisement policies than Wisconsin, including the neighboring states of Illinois, Indiana, Michigan and Ohio.

History

After the 14th and 15th Amendments gave and explicitly spelled out the right to vote for African Americans, felony disfranchisement became one of the most effective tools used during the Jim Crow era to disfranchise African Americans. To this day, many legislators openly discuss the utilization of felon disfranchisement laws to decrease the eligible voting population.

From Democracy’s Ghosts:

“1870 saw the enactment of the 15th Amendment, which said that the rights of citizens to vote should not be abridged by the United States or by any State on account of race, color, or previous condition of servitude.” But Congress failed to act to enforce voting rights, leaving power in the hands of the states. “In the South, black freedmen were enthusiastically embracing democracy, voting in large numbers and taking their place in the new state governments being created as part of Reconstruction. But by 1890, southern states, ignoring the 15th Amendment, had begun disfranchising black voters. Mississippi led the way, with a constitutional convention that included complex residency requirements, a poll tax, and a literacy test. Other states followed. Felony disfranchisement was part of this exclusion process, with many Southern states identifying minor offenses like vagrancy that could be used to disfranchise African Americans. And the laws were effective. Keyssar notes that in Mississippi after 1890, less than 9,000 of 147,000 voting-age blacks were registered to vote, while in Louisiana, where more than 130,000 African Americans had been registered to vote in 1896, the figure plummeted to 1,342 by 1904. Other states began disfranchising felons, too. From 35 percent of states with broad felony disfranchisement laws in 1850, 96 percent had such a law by 2002.”

In Wisconsin, the state constitution was written in 1848, and included language empowering the legislature to restrict felons’ right to vote, but the legislature did not utilize that power. In 1947, restrictions were clarified to automatically restore the right to vote upon completion of sentence.
African-Americans are overrepresented in the criminal justice system, and as such are disproportionately impacted by Wisconsin’s felony disfranchisement policy. Though African-Americans comprise only 5 percent of the voting age population, they make up 39% of the disfranchised population. One in nine African-American voters is disfranchised in Wisconsin, compared to one in 50 of all Wisconsin voters. As a result, Wisconsin has the 13th highest rate of African-American disfranchisement in the United States. These high rates of disfranchisement not only impact individuals but also reduce the political power of entire communities.

Racial Impact

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Statements made during the Post-Reconstruction/Jim Crow era regarding the use of felony disfranchisement laws to restrict African-American voting rights:

“Fortunately, the opportunity is offered the white people of the State in the coming election to obviate all future danger and fortify the Anglo-Saxon civilization against every assault from within and without, and that is the calling of a constitutional convention to deal with the all important question of suffrage.” (Daily Register, Columbia, South Carolina, October 10, 1894.) At the 1895 constitutional convention, South Carolina expanded felon disfranchisement to include ex-felons who had completed their sentences (see Tindall 1949, p. 224).

“[In 1861], as now, the negro was the prominent factor in the issue... And what is it that we want to do? Why is it within the limits imposed by the Federal Constitution, to establish white supremacy in this State... The justification for whatever manipulation of the ballot that has occurred in this State has been the menace of negro domination... These provisions are justified in law and in morals, because it is said that the negro is not discriminated against on account of his race, but on account of his intellectual and moral condition.” (John B. Knox, President of the Alabama Constitutional Convention of 1901, in his opening address.)
Restoring the right to vote to individuals with felony convictions is fundamentally about freedom, fairness, safety, and democracy. It is a non-partisan issue that enjoys broad support across the political spectrum. Twenty states have enacted policy changes expanding the right to vote for individuals with criminal convictions since 1997. Of those 20 states, most have expanded access to the ballot box under Republican governors.

The diverse group of organizations supporting voting rights for people upon release from incarceration include the United States Conference of Catholic Bishops, the American Probation and Parole Association, the Association of Paroling Authorities International, the National Black Police Association, and the American Bar Association. The campaign to restore voting rights to Wisconsin citizens who have been released from incarceration is part of a national movement to bring more Americans into the political process. It is a campaign supported by the majority of Wisconsin voters. It’s time for Wisconsin to Restore the Vote.

How to Help in Wisconsin

- Support the Federal Democracy Restoration Act. Contact your Senator or Representative and ask for their support.
- Work to bring back the Wisconsin Democracy Restoration Act for consideration. If you are a legislator, sign on as a sponsor. If you are a Wisconsin constituent, contact your state senator and your assembly representative to ask for their support.
- Learn more about the issue and get involved. Visit www.restorethevotewi.org or e-mail: mcollins@restorethevotewi.org for more information, to join the coalition, and to sign up for our action listserv. Visit www.democracysghosts.org to see a film about felony disfranchisement across the country show it to your friends and neighbors.
- Educate your friends, family and community about the problem of felony disfranchisement in Wisconsin. Write letters to the editor and blogs, hand out flyers and contribute information to your community newsletters and faith bulletins.
- Encourage your local community institutions to join the coalition and to speak out in favor of rights restoration. Identify people who have been directly affected by the issue and encourage them to tell their stories.
At its base, this bill emphasizes the most fundamental right in a democracy — the right to vote. Having been convicted and sentenced to a term of imprisonment, a felon deservedly surrenders many rights in order to pay a debt to society. One of the first rights that should be restored should be the right to vote.

– Senator Spencer Coggs

Why do ex-offenders have to wait until an election or some stranger walks up to them during an election year to get this vital information? Why not know, that when you have served your time you have full restoration of that most fundamental of rights, the right to vote? We constantly fight misinformation and unintended consequences of people just not being sure. It is our hope that in the proud tradition of being one of the states in this nation that is second in its voter turnout, that we continue to be as progressive in this legislation, in restoring the rights of a large segment of our state population.

– Sheila D. Cochran, Secretary-Treasurer/COO, Milwaukee Area Labor Council, AFL-CIO, Coordinator on behalf of the AFL-CIO for Election Protection in Wisconsin

To reduce recidivism we need to assist returning prisoners to access support services that exist that will help them make a successful reentry into society. We also need to recognize and work to change those barriers in resources, attitudes and policy in our community, state and nation that make it so difficult for returning prisoners to reintegrate into society. Part of a successful reentry into society includes empowering these returning prisoners to make a life for themselves and integrate themselves in the community. One very powerful way for self-empowerment and community integration is involvement in the community, of which the most basic level is the ability to vote. Restoring the right to vote for individuals newly released from prison would help empower ex-offenders to take an active and positive role in their community and society and therefore greatly improve the likelihood that their reintegration would be successful.

– Marc Herstand, Executive Director
National Association of Social Workers, Wisconsin Chapter

The policy of disfranchisement has far-reaching consequences; it disadvantages entire communities and creates confusion and discouragement among those who are legally entitled to vote. ... Women and victims from marginalized communities have a direct social, political and economic interest in their communities full civic engagement. AB 353 will promote the political participation of these communities. ... Wisconsin Coalition Against Domestic Violence also supports the bill on behalf of the AFL-CIO for Election Protection in Wisconsin.

Impact on the Disabled

Individuals with disabilities comprise a substantial portion of Wisconsin’s prison population and as a result, are heavily represented among the disfranchised. Additionally, more than 6,600 inmates, or 31 percent of Wisconsin’s total prison population, have been identified by the Department of Corrections as having significant mental health conditions; 10 percent of the prison population has a serious and persistent mental illness. People with disabilities or mental illness returning to the community from prison or living under community supervision face additional obstacles to establishing successful lives.

Impact on Women and Families

Wisconsin’s female prison population grew 863 percent between 1977 and 2004 and ranked 31st nationally in 2004 for female incarceration rates. The growing female prison population has led to a greater number of disfranchised women, many of whom are living in their communities on probation, parole or extended supervision. Felony disfranchisement laws bar individuals from voting not only in presidential elections but also in local elections for city council, school board and other positions. As such, many parents are prevented from having a say in important issues affecting their families. In hypersegregated communities like Milwaukee where disfranchisement is particularly high, this can be devastating to the entire community. Felony disfranchisement laws also have intergenerational effects. Children who see their parents vote are more likely to replicate that behavior themselves. Wisconsin’s felony disfranchisement policy thus impacts not only the current generation but also the coming generation, and is particularly devastating for black youth whose parents and communities are disproportionately impacted by these laws.

Complete testimony submitted is on file with the ACLU of Wisconsin and the Wisconsin State Legislature.
Consistent Support for Reform Among Wisconsin Voters

According to a May 2009 poll, 57 percent of voters statewide support automatic restoration of the right to vote to individuals upon release from incarceration. That support increases significantly outside Southeastern Wisconsin, where it climbs to nearly 63 percent with far northern regions of the state polling as high as 72 percent. Voters were asked if they would support allowing former offenders to vote once they have served their prison sentence and been released into their community. Voters voiced their support: poll findings show that 72 percent of voters statewide agreed that people with felony convictions “living in the community should be allowed to vote.” When analyzed by self-identified political party affiliation, 86 percent of Democrats, 64 percent of Republicans, 65 percent of Independents and 71 percent with other political affiliations agreed with that statement. Over two-thirds (70 percent) of Milwaukee County’s residents expressed support for the restoration of voting rights post-sentence.

- Restoration of voting rights is not a partisan issue — 63% of Milwaukee County’s Republicans support this type of legislation, as do 66% of self-identified conservatives and 70% of self-identified moderates.
- No matter how the results are sorted demographically, support for automatic, post-incarceration rights restoration stays well above 55% in any poll cross-section.

These findings are consistent with nationwide polling results, which show wide support for automatic rights restoration upon release from incarceration. According to a 2002 Harris Interactive national public opinion survey, 60% of respondents said that people who had been convicted of a crime, but released from prison on parole and living in the community, should have the right to vote.11

Excerpts of Testimony on AB353 and SB240
Submitted to Wisconsin State Legislature Hearings, August 27 and October 13, 2009

I support AB 353 because I want to be a good role model — leading by example — for not only my children, but all the children in my neighborhood. And I firmly believe that by participating in the electoral process through voting I can show young people that, in spite of the mistakes I made in the past, I am an active, involved, citizen who cares about his community and the people who live in it. I know, first hand, the benefits and rewards that come from the personal pride one experiences after actively participating in the democratic process knowing that, in spite of my past, I played a critical role, through my vote, in working to make my neighborhood, community and city a safe place for my children to live and grow in.

– Terrence Ray, formerly incarcerated individual

Assembly Bill 353 would not create any significant fiscal impact on the GAB because of the continued requirement to provide lists of ineligible voters to local elections officials. As Wisconsin’s chief election official, I believe citizens should be given the opportunity to shape the governmental policies that affect their lives by enabling them to participate in the electoral process. I can think of nothing more ennobling in the rehabilitation process than to send a message to those who are working to reintegrate into society that government invites their participation in the voting process. I encourage you to move forward with this legislation…. This will improve efficient administration of the voter registration and election process at all levels of government, save valuable public resources and commit the state of Wisconsin to successfully integrating convicted felons into society as participating citizens rather than treating them as social outcasts who continue to be marginalized by their prior actions.

– Kevin Kennedy, Director and General Counsel, Government Accountability Board

The League historically has held that the right to vote and the expansion of the electorate should be supported, encouraged and defended…. Felons who have served their sentences are released to the community and given the responsibility of reintegrating into society. Voting is part of responsible citizenship. It is an act that engages citizens in their community and their government and provides them with representation. There is no credible evidence showing that continuing to disenfranchise people after release from prison serves any legitimate law enforcement purpose. Restoring a non-incarcerated felon’s right to vote is not a threat to the safety of the community but rather a positive involvement that should be encouraged.

– The League of Women Voters of Wisconsin

I firmly believe that restoring voting rights to those released from prison encourages rehabilitation and assists community supervision officials and local law enforcement efforts to promote public safety. Participation in the voting process affirms an individual’s value to the political process. In addition, it encourages participation in civic life and builds connections to other law-abiding citizens who serve as support for those who may struggle with substance abuse or mental health issues.

– Carl Wicklund, Executive Director of the American Probation and Parole Association

Our society is not weakened, it is strengthened by increased voter participation.

– Scot Ross, Executive Director, One Wisconsin Now
ACLU Coalition at a Turning Point
Advancing Civil Rights for 42,000 Disfranchised Citizens in Our Communities

When we first considered a project to advance the right to vote for people with felony convictions in Wisconsin, the legislature was solidly against us in numbers. Most legislators on either side of the aisle had never considered the issue and only a small handful would even commit to a position, regardless of party. Even the likelihood of a scheduled hearing in the coming years was a major goal.

As we look forward, what started as a small group of committed activists is now nearly 90 organizations and thousands more citizens organized by the ACLU of Wisconsin under the Restore the Vote WI NOW! Coalition and the Restore the Vote Wisconsin Coalition.

In July 2009, state legislators Tamara Grigsby and Lena Taylor introduced the WI Democracy Restoration Act (AB353/ SB240). The Committee on Corrections and the Courts in the State Assembly held a hearing in August 2009. Our coalition organized nearly 70 people to participate in over four hours of testimony of support, including compelling stories from people with felony convictions who were able to participate in the very democracy they are currently denied influence over. The bill never was brought to a full floor vote, and since then, the state legislature has implemented additional voter suppression measures and has not been receptive to felon refranchisement.

In Wisconsin, we need to work towards the goal of passing this significant piece of civil rights legislation. Make a call to your legislators from all parties and in both Houses today to help restore the right to vote to these individuals and fairness to Wisconsin’s elections.

Supporters listen to testimony at Wisconsin State Assembly hearing on AB353, August 27, 2009.

—Photograph by Perry Duman

Statewide, 57% favor enfranchising felons immediately upon release into their communities.

Map shows the percentage of those favoring enfranchisement within each survey district in Wisconsin.

Participants were asked, “In Wisconsin today, people convicted of felony offenses cannot vote until they have completed their entire sentence, including prison and probation, parole or extended supervision. Would you strongly favor, somewhat favor, somewhat oppose or strongly oppose allowing former felony offenders to vote once they have served their prison sentence and been released into their community?”

A poll of Milwaukee County shows that 70% of respondents favor enfranchisement, while 66% of conservatives favor it.21
Financial Cost of Wisconsin’s Disfranchisement Policy

Wisconsin’s current disfranchisement policies are costly and involve substantial staff time. It is both impractical and expensive for taxpayers. The Government Accountability Board (GAB) must create and maintain voter lists detailing who is eligible, ineligible and re-eligible to register to vote on a monthly basis and daily in the three weeks prior to an election. In addition, updated eligibility lists must be printed and mailed to polling places several times a year. The GAB has estimated the cost of coordinating, printing and mailing these lists to be approximately $14,500 per election, although recent computer software changes now allow the clerks to print lists for their municipalities.

Denying taxpaying Wisconsinites the right to vote is not only undemocratic, unpopular and unnecessary, it is also a financial burden. Given the current economic crisis in Wisconsin and across the nation, it is fiscally responsible for Wisconsin to end this policy that taxes our overburdened budget and deprives individuals of their fundamental right to vote.

Administrative Difficulties and Voter Confusion

Voter eligibility lists are notorious for containing inconsistencies and inaccuracies. In Wisconsin, as recently as the February 2008 primary elections, eligible voters were silenced due to errors in the Wisconsin purge list. According to the Government Accountability Board’s March 2008 Election Update, “Some voters who had satisfied their sentencing requirements, and were eligible to vote, were turned away. Persons who state that they have satisfied their felony sentences should vote a challenged ballot and have their claims verified, rather than being turned away.”

Many Wisconsinites are kept from the polls because they are unaware that they are eligible to vote. Restore the Vote Wisconsin believes that individuals with felony convictions and the general public are confused by the current law. Many people with misdemeanor convictions serving sentences of probation or parole believe they cannot vote when, in fact, these individuals never lost their voting rights. Many formerly incarcerated individuals whose rights have been restored are afraid to vote because they fear prosecution for voter fraud. Though individual, intentional voter fraud is extremely rare, Wisconsin officials have devoted significant resources to investigating, prosecuting and imprisoning people with felony convictions suspected of voting improperly. One of the most egregious examples was the prosecution of a Wisconsin grandmother convicted of casting an absentee ballot while on probation. She was unaware she was ineligible to vote since she had never served time in prison, but immediately called City Hall after recognizing her mistake to try to rescind her vote. She was sentenced to two years in prison for the “crime” of voting.

Voting and Public Safety

Felony disfranchisement runs counter to the goal of public safety. Restricting voting rights does not prevent crime, nor does it provide compensation to victims. Voting demonstrates an individual’s commitment to the institutions of American democracy, and should be encouraged rather than restricted.

Disfranchising persons after release from prison is incompatible with the re-entry process and harmful to long-term prospects for sustainable reintegration of the formerly incarcerated into society. Research finds a link between voter participation and reduced recidivism: people who voted after release from supervision were half as likely to be re-arrested as those who did not vote. Wisconsin has a 46 percent recidivism rate. We must use every tool we can to teach good citizenship and responsibility so we can lower that rate and begin to truly rehabilitate the formerly incarcerated. Integrating them back into our communities rather than continuing to push them away is imperative to making our Wisconsin community safer.

A Faith Perspective

“… Finally, we must welcome ex-offenders back into society as full participating members, to the extent feasible, and support their right to vote.”

– A Statement of the Catholic Bishops of the United States

We are still a long way from the time when our conscience can be certain of having done everything possible to prevent crime and to control it effectively so that it no longer does harm and, at the same time, to offer to those who commit crimes a way of redeeming themselves and making a positive return to society. If all those in some way involved in the problem tried to…develop this line of thought, perhaps humanity as a whole could take a great step forward in creating a more serene and peaceful society.

— Pope John Paul II, July 9, 2000

Darrell Ewing, a client of Project Return, rebuilding his life in Milwaukee.

I would like my voting rights back in the hope of a true election. One where every citizen has the right to vote and voice their opinion. I feel that I will have a say in who helps me lead my community and my son’s future as well as our other young leaders of tomorrow.

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The printing and mailing costs do not include labor, nor the cost of additional training for poll workers and election officials who must administer the lists.

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Supporters listen to testimony at Wisconsin State Assembly hearing on AB353, August 27, 2009.

—Photograph by Perry Duman

ENFRANCHISEMENT POLLING RESULTS • WISCONSIN
MAY 2009

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A poll of Milwaukee County shows that 70% of respondents favor enfranchisement, while 66% of conservatives favor it.21
Consistent Support for Reform Among Wisconsin Voters

According to a May 2009 poll, 57 percent of voters statewide support automatic restoration of the right to vote to individuals upon release from incarceration. That support increases significantly outside Southeastern Wisconsin, where it climbs to nearly 63 percent with far northern regions of the state polling as high as 72 percent. Voters were asked if they would support allowing former offenders to vote once they have served their prison sentence and been released into their community. Voters voiced their support: poll findings show that 72 percent of voters statewide agreed that people with felony convictions “living in the community should be allowed to vote.” When analyzed by self-identified political party affiliation, 86 percent of Democrats, 64 percent of Republicans, 65 percent of Independents and 71 percent with other political affiliations agreed with that statement. Over two-thirds (70 percent) of Milwaukee County’s residents expressed support for the restoration of voting rights post-sentence.

- Restoration of voting rights is not a partisan issue — 63% of Milwaukee County’s Republicans support this type of legislation, as do 66% of self-identified conservatives and 70% of self-identified moderates.
- No matter how the results are sorted demographically, support for automatic, post-incarceration rights restoration stays well above 55% in any poll cross-section. These findings are consistent with nationwide polling results, which show wide support for automatic rights restoration upon release from incarceration. According to a 2002 Harris Interactive national public opinion survey, 60% of respondents said that people who had been convicted of a crime, but released from prison on parole and living in the community, should have the right to vote.

Excerpts of Testimony on AB353 and SB240
Submitted to Wisconsin State Legislature Hearings, August 27 and October 13, 2009

I support AB 353 because I want to be a good role model — leading by example — for not only my children, but all the children in my neighborhood. And I firmly believe that by participating in the electoral process through voting I can show young people that, in spite of the mistakes I made in the past, I am an active, involved, citizen who cares about his community and the people who live in it. I know, first hand, the benefits and rewards that come from the personal pride one experiences after actively participating in the democratic process knowing that, in spite of my past, I played a critical role, through my vote, in working to make my neighborhood, community and city a safe place for my children to live and grow in.

– Terence Ray, formerly incarcerated individual

Assembly Bill 353 would not create any significant fiscal impact on the GAB because of the continued requirement to provide lists of ineligible voters to local elections officials. As Wisconsin’s chief election official, I believe citizens should be given the opportunity to shape the governmental policies that affect their lives by enabling them to participate in the electoral process. I firmly believe that restoring voting rights to those released from prison encourages rehabilitation and assists community supervision officials and law enforcement efforts to promote safety. Participation in the voting process affirms an individual’s value to the political process. In addition, it encourages participation in civic life and builds connections to other law-abiding citizens who serve as support for those who may struggle with substance abuse or mental health issues.

– Carl Wicklund, Executive Director of the American Probation and Parole Association

Our society is not weakened, it is strengthened by increased voter participation.

– Scot Ross, Executive Director, One Wisconsin Now
At its base, this bill emphasizes the most fundamental right in a democracy — the right to vote. Having been convicted and sentenced to a term of imprisonment, a felon deservedly surrenders many rights in order to pay a debt to society. One of the first rights that should be restored should be the right to vote.

– Senator Spencer Coggs

Why do ex-offenders have to wait until an election or some stranger walks up to them during an election year to get this vital information? Why not know, that when you have served your time you have full restoration of that most fundamental of rights, the right to vote? We constantly fight misinformation and unintended consequences of people just not being sure. It is our hope that in the proud tradition of being one of the states in this nation that is second in its voter turnout, that we continue to be as progressive in this legislation, in restoring the rights of a large segment of our state population.

– Sheila D. Cochran, Secretary-Treasurer/COO, Milwaukee Area Labor Council, AFL-CIO, Coordinator on behalf of the AFL-CIO for Election Protection in Wisconsin

To reduce recidivism we need to assist returning prisoners to access support services that exist that will help them make a successful reentry into society. We also need to recognize and work to change those barriers in resources, attitudes and policy in our community, state and nation that make it so difficult for returning prisoners to reintegrate into society. Part of a successful reentry into society includes empowering these returning prisoners to make a life for themselves and integrate themselves in the community. One very powerful way for self-empowerment and community integration is involvement in the community, of which the most basic level is the ability to vote. Restoring the right to vote for individuals newly released from prison would help empower ex-offenders to take an active and positive role in their community and society and therefore greatly improve the likelihood that their reintegration would be successful.

– Marc Herstand, Executive Director
National Association of Social Workers, Wisconsin Chapter

The policy of disfranchisement has far-reaching consequences; it disadvantages entire communities and creates confusion and discouragement among those who are legally entitled to vote. Women and victims from marginalized communities have a direct social, political and economic interest in their communities full civic engagement. AB 335 will promote the political participation of these communities. Wisconsin Coalition Against Domestic Violence also supports the bill on behalf of victims who have been convicted of crimes. Some victims unfortunately find themselves involved in the criminal justice system as defendants. Victims can be charged and convicted of crimes that occurred as acts of self-defense or that were committed because of coercion from the perpetrator. In most cases, these crimes are misdemeanors, but because of confusion surrounding current law, these victims believe they are unable to vote. During a recent voter education campaign at a domestic abuse victim program, several victims stated that they thought that they did not have the right to vote because of convictions related to the abuse.

– Wisconsin Coalition Against Domestic Violence

Impact on the Disabled

Individuals with disabilities comprise a substantial portion of Wisconsin’s prison population and as a result, are heavily represented among the disfranchised. Additionally, more than 6,600 inmates, or 31 percent of Wisconsin’s total prison population, have been identified by the Department of Corrections as having significant mental health conditions; 10 percent of the prison population has a serious and persistent mental illness. People with disabilities or mental illness returning to the community from prison or living under community supervision face additional obstacles to establishing successful lives.

Impact on Women and Families

Wisconsin’s female prison population grew 863 percent between 1977 and 2004 and ranked 31st nationally in 2004 for female incarceration rates. The growing female prison population has led to a greater number of disfranchised women, many of whom are living in their communities on probation, parole or extended supervision.

Felony disfranchisement laws bar individuals from voting not only in presidential elections but also in local elections for city council, school board and other positions. As such, many parents are prevented from having a say in important issues affecting their families. In hypersegregated communities like Milwaukee where disfranchisement rates are particularly high, this can be devastating to the entire community.

Felony disfranchisement laws also have intergenerational effects. Children who see their parents vote are more likely to replicate that behavior themselves. Wisconsin’s felony disfranchisement policy thus impacts not only the current generation but also the coming generation, and is particularly devastating for black youth whose parents and communities are disproportionately impacted by these laws.
Ending the right to vote to individuals with felony convictions is fundamentally about freedom, fairness, safety, and democracy. It is a non-partisan issue that enjoys broad support across the political spectrum. Twenty states have enacted policy changes expanding the right to vote for individuals with criminal convictions since 1997. Of those 20 states, most have expanded access to the ballot box under Republican governors.

The diverse group of organizations supporting voting rights for people upon release from incarceration include the United States Conference of Catholic Bishops, the American Probation and Parole Association, the Association of Paroling Authorities International, the National Black Police Association, and the American Bar Association. The campaign to restore voting rights to Wisconsin citizens who have been released from incarceration is part of a national movement to bring more Americans into the political process. It is a campaign supported by the majority of Wisconsin voters. It's time for Wisconsin to Restore the Vote.

How to Help in Wisconsin

- Support the Federal Democracy Restoration Act. Contact your Senator or Representative and ask for their support.
- Work to bring back the Wisconsin Democracy Restoration Act for consideration. If you are a legislator, sign on as a sponsor. If you are a Wisconsin constituent, contact your state senator and your assembly representative to ask for their support.
- Learn more about the issue and get involved. Visit www.restorethevotewi.org or e-mail: mcollins@restorethevotewi.org for more information, to join the coalition, and to sign up for our action listserv. Visit www.democracysghosts.org to see a film about felony disfranchisement across the country show it to your friends and neighbors.
- Educate your friends, family and community about the problem of felony disfranchisement in Wisconsin. Write letters to the editor and blogs, hand out flyers and contribute information to your community newsletters and faith bulletins.
- Encourage your local community institutions to join the coalition and to speak out in favor of rights restoration. Identify people who have been directly affected by the issue and encourage them to tell their stories.

Conclusion

Restoring the right to vote to individuals with felony convictions is fundamentally about freedom, fairness, safety, and democracy. It is a non-partisan issue that enjoys broad support across the political spectrum. Twenty states have enacted policy changes expanding the right to vote for individuals with criminal convictions since 1997. Of those 20 states, most have expanded access to the ballot box under Republican governors.

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African-Americans are overrepresented in the criminal justice system, and as such are disproportionately impacted by Wisconsin's felony disfranchisement policy. Though African-Americans comprise only 5 percent of the voting age population, they make up 39% of the disfranchised population. One in nine African-American voters is disfranchised in Wisconsin, compared to one in 50 of all Wisconsin voters. As a result, Wisconsin has the 13th highest rate of African-American disfranchisement in the United States. These high rates of disfranchisement not only impact individuals but also reduce the political power of entire communities.

Racial Impact

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Statements made during the Post-Reconstruction/Jim Crow era regarding the use of felony disfranchisement laws to restrict African-American voting rights:

"Fortunately, the opportunity is offered the white people of the State in the coming election to obviate all future danger and fortify the Anglo-Saxon civilization against every assault from within and without, and that is the calling of a constitutional convention to deal with the all important question of suffrage." (Daily Register, Columbia, South Carolina, October 10, 1894.) At the 1895 constitutional convention, South Carolina expanded felon disfranchisement to include ex-felons who had completed their sentences (see Tindall 1949, p. 224).

"In 1861, as now, the negro was the prominent factor in the issue... And what is it that we want to do? Why is it within the limits imposed by the Federal Constitution, to establish white supremacy in this State... The justification for whatever manipulation of the ballot that has occurred in this State has been the menace of negro domination... These provisions are justified in law and in morals, because it is said that the negro is not discriminated against on account of his race, but on account of his intellectual and moral condition." (John B. Knox, President of the Alabama Constitutional Convention of 1901, in his opening address.)
Impact of Wisconsin’s Disfranchisement Policy states of Illinois, Indiana, Michigan and Ohio. From Democracy’s Ghosts: laws to decrease the eligible voting population. This day, many legislators openly discuss the utilization of felon disfranchisement effective tools used during the Jim Crow era to disfranchise African Americans. To vote for African Americans, felony disfranchisement became one of the most on probation and 21 percent are on parole. Twenty states have less restrictive voting rights are restored. Individuals must register of parole or extended supervision. Upon completion of sentence.

In Wisconsin, the state constitution was written in 1848, and included language empowering the legislature to restrict felons’ right to vote, but the legislature did not utilize that power. In 1947, restrictions were clarified to automatically restore the right to vote upon completion of sentence. In Wisconsin, less than half of Wisconsin’s disfranchised population is estimated 62,342 people with felony convictions are barred from voting disfranchisement as the Restore the Vote Wisconsin Coalition.

Restore the Vote Wisconsin Coalition Member Organizations

These non-profit organizations are working in Wisconsin to educate the public on felon disfranchisement as the Restore the Vote Wisconsin Coalition.

ACLU of Wisconsin Foundation
ACLU Foundation Racial Justice Program
9 to 5 National Association of Working Women
AFL-CIO/Milwaukee County Labor Council
American Probation and Parole Association
ATTIC Correctional Services
Benedict Center
Brennan Center for Justice
Campaign Against Violence/League of Young Voters Education Fund
Citizen Action of Wisconsin – Faith-based Caucus
Citizen Action of Wisconsin
Community 4 Change – Racine
Community Connections Wisconsin
Disability Rights Wisconsin
Equality Wisconsin Education Fund
Esperanza Unida
Faith Community Workers for Justice (a project of the WI AFL-CIO)
Forum for Understanding Prisons (Blue River, WI)
Grassroots Northshore
Institute for One Wisconsin
Justice 2000
Lakeside Peacemakers (Manitowoc)
League of Martin (Milwaukee African-American Police Association)
League of Women Voters of Wisconsin
Liberty Tree Foundation
Madison-area Urban Ministry
NAACP – Milwaukee Branch
NAACP – Racine Branch
NAACP – Wisconsin State Office
National Black Police Association
National Lawyers Guild-Milwaukee Chapter
National Association of Social Workers – Wisconsin Chapter
Peace Education Project of Peace Action - Wisconsin Project Return
Racine Dominican Justice and Rights Commission
SEIU-Local 150
Strategic Reentry Initiative – Wisconsin Community Services
The Sentencing Project
Urban Underground
Vessels of God
Veterans for Peace – Local 102 (Cudahy)
Voces de la Frontera Education Fund
Voices Beyond Bars a project of Madison-area Urban Ministries
Wisconsin Books To Prisoners
WI-CURE (WI-Citizens United to Rehabilitate Errants)
Wisconsin Coalition Against Domestic Violence
Wisconsin Community Services (seven county reentry initiative)
Wisconsin Council on Community Corrections
Wisconsin Network for Peace and Justice
Wisconsin Women’s Network-Women in Prison Task Force
WISDOM

ACLU Foundation
ACLU Foundation Racial Justice Program
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Wisconsin Women’s Network-Women in Prison Task Force
WISDOM
About Us

The American Civil Liberties Union of Wisconsin Foundation is the premier guardian of liberty. The ACLU of Wisconsin works daily in courts, legislatures, and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitutions and laws of both the State of Wisconsin and the United States of America. The Restore the Vote Wisconsin Coalition and Restore the Vote WI NOW! Coalition are groups of community organizations, faith leaders, unions and concerned citizens who recognize the injustice of American citizens being denied their right to vote in Wisconsin. They organized in 2007 and are led by the ACLU of Wisconsin Foundation. The Restore the Vote WI NOW! Coalition is a group of organizations and citizens working actively to pass legislation to restore the right to vote in Wisconsin. The Restore the Vote Wisconsin Coalition is a coalition of organizations and citizens working to educate the public about their right to vote under current laws and potential changes to those rights that could be proposed.

This report was written by Renee Rochelle Shavers, with the assistance of Rachel Bloom, Nicole Kief, Stacy Harbaugh, and Chloe Smith. Research for this report was conducted by Alison Horn, Stacie Rosenzweig, and Rachel Bloom. This report was edited by Christopher Ahmuty, Molly Collins, Angela Trudell Vasquez, and LaShawndra Vernon.

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Introduction

The right to vote is what makes a country a true democracy, and it is the most basic right Americans share. The U.S. Census Bureau reported historically high levels of voter turnout by African-American, Latino, and young voters in the 2008 Presidential Election. Unfortunately, in the wake of that success, conservative lawmakers nationwide have erected more barriers to the ballot box. States are making it harder and harder for people to vote, virtually guaranteeing that many people won’t really have the right at all. Poll taxes and literacy tests have given way to more modern voter suppression tactics packaged as voter ID laws, restrictions to voter registration and cuts to early voting. With these new laws in effect, up to 5 million voters could be turned away at the polls in November 2012. The national trend to disenfranchise voters has impacted some of the same groups that saw increased turnout in 2008: communities of color and young voters. However, there is a group that has a longer history of disenfranchisement: individuals with felony convictions.

Felon disfranchisement, the set of policies and practices barring individuals with criminal convictions from the ballot box, is the most significant barrier to political participation for people with criminal records across the country. Nationally, 5.3 million Americans are barred from voting due to criminal convictions. Nearly 4 million of those disfranchised are no longer incarcerated and are members of our communities.

Wisconsin law bars individuals with with felony convictions from voting while incarcerated and while on probation, parole or extended supervision. In 2009, the Wisconsin State Legislature considered legislation, known as the Wisconsin Democracy Restoration Act, which sought to restore the right to vote upon release from incarceration. Wisconsin Assembly Bill 353 and its companion State Senate Bill 240 would have enfranchised over 42,000 Wisconsin citizens who live in the community, work and pay taxes, but are unable to participate in the political process. These individuals are from all walks of life, men and women of all races, religions, and political backgrounds who have been deemed safe enough to return to our communities but continue to be barred from the ballot box. Ninety-seven percent of Wisconsin’s incarcerated population will one day be released from prison.

We must encourage these individuals to participate in their communities, not prevent them from doing so.

Wisconsin’s current policy of continuing to disfranchise citizens after their release from incarceration is a financial drain on all Wisconsinites, does nothing to enhance public safety, and is an impediment to democracy. There is support from voters throughout the state for reforming this unfair practice, and Wisconsin should move quickly to change its law in favor of greater democracy.
Unlock the Vote Wisconsin!
Felony Disfranchisement in Wisconsin

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Restore the Vote Wisconsin

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Endnotes


3 Christopher Uggen and Jeff Manza, Locked Out: Felon Disenfranchisement and American Democracy (New York: Oxford University Press, 2006), 76.

4 Mary Kay Kollat, Restoring the Vote: A Bridge to Success (Wisconsin Department of Administration, 2008), 4.

5 Uggen and Manza, 250.

6 Uggen and Manza, 250.


10 Uggen and Manza, 253.

11 Todd Winestron, Assembly Bill 353: Restoring the right to vote of ex-offenders, Disability Rights Wisconsin, August 27, 2009.


19 The poll was conducted by Forbeek, Mason, Maurill and Associates, an opinion research and public policy analysis firm in Madison, WI in a phone survey done October 13-22, 2007. The polling, which was weighted to reflect the population of Milwaukee County, included registered voters throughout Milwaukee County, including 527 interviews conducted in the City of Milwaukee, with an oversample of 149 Latino voters and 152 African-American voters. 217 interviews were conducted in suburban Milwaukee County. Margin of error for the entire sample is ± 3.7%.


23 Uggen, Manza, Behrens, 570-571.


25 Mary Kay Kollat, 6.


27 Catholic Bishops of the United States.

