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MEMORANDUM

TO: House State Government Committee
FROM: Andy Hoover, Legislative Director, ACLU of PA
DATE: May 7, 2009
RE: SUPPORT FOR HOUSE BILL 1072

On Monday, the House State Government Committee is scheduled to consider House Bill 1072. This legislation would require the Pennsylvania Department of Corrections to give voter registration materials to inmates upon their release. This bill is necessary to clarify the voting rights of former offenders. The American Civil Liberties Union of Pennsylvania supports HB 1072. On behalf of the 15,000 members of the ACLU of PA, I urge you to please vote “yes” on this bill.

HB 1072 is very similar to legislation passed into law last year in Louisiana. The Louisiana bill was signed by Republican Governor Bobby Jindal after passing the Democratic-controlled legislature. Similar laws and policies exist in 13 other states.

When those who have been incarcerated are released from prison, the community has an expectation that they will reintegrate into society successfully and become law-abiding citizens. By engaging in the electoral process, former offenders become involved in and responsible for their communities. The beauty of the American democratic process is that we all have a responsibility for what happens with our local, state, and federal governments. When former offenders are a part of that process, the chances that they will successfully reintegrate into the community increase significantly.

Through the ACLU of PA’s legal, legislative, and community organizing work, we’ve learned that many ex-offenders and even government officials are confused about the voting rights of former offenders. Under current Pennsylvania law, former offenders who are currently on probation or parole, pre-trial detainees, and those persons incarcerated for a misdemeanor conviction have the right to vote. Only persons currently incarcerated for a felony conviction (including in halfway houses) cannot vote. This is the result of a Pennsylvania Supreme Court decision that overturned a law banning former offenders from the ballot box.

Last fall, we received complaints that parole officers in southeastern and south central PA were telling parolees that they did not have the right to vote and even allegedly threatened them with more jail time if they voted. As a result of these complaints, ACLU-PA legal director Witold “Vic” Walczak sent a letter to the state parole board and the probation and parole offices of all 67 counties clarifying the voting rights of

former offenders. The state board and several counties responded positively and noted that they would further educate their officers on this issue. A sample of that letter is available at <http://www.aclupa.org/downloads/ltrprobationoff.pdf>.

During the 2006 election cycle, the ACLU of PA worked with several voting rights advocates in Pittsburgh on a project to educate the public about voting rights for former offenders. During that project, one advocate called the Allegheny County Division of Elections and posed as a former offender inquiring about his voting rights. The county staffer who took the call told the advocate that he did not have the right to vote. The advocates then held a meeting with Allegheny County officials to educate them and their staff on the issue.

While additional training of corrections, probation and parole, and elections officials is probably necessary to completely resolve this problem, HB 1072 is a step toward ensuring that former offenders understand their voting rights. The franchise is a precious right, and the state government should be doing its best to encourage all Pennsylvanians to participate in this essential activity. Please vote "yes" on HB 1072.