SB 629 PA 354 1975

Elections p.176-179, 184-187, 189, 190-201 (21)

Senate p 2041-2042 (2)

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JOINT
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COMMITTEE
HEARINGS

ELECTIONS

1975

out on to the floor of the House or and the Senate so that we might be able to get into this and do what other states have done. I think it would be an asset for the State of Connecticut to have these staggering of both Houses and at the least so that I would like to see you consider possibly setting up some way we can stagger the terms of half the House and half the Senate anyway, regardless of whether you extend the term. Because I think this major turnover every two years or possibly every four years when you get the coat tails of the Governor it happens to both of us and it has happened to both of our parties, so it's a non political suggestion.

SENATOR SCHWARTZ: Any questions?

REPRESENTATIVE LOWDEN: Don't you think the public should have the right to fill .....jobs if we don't perform well?

SENATOR GUNTHER: Well, I'll tell you, Representive, I've put billsin here that any elected office I feel should have a recall provision in it and I do think that they shouldn't have to wait two years to fill this out, I think if they find out within six months that we're not what they thought we were and they'll never know until we get up here and operate. I'm a very strong proponent of the recall petition for any elected official. I don't care whether it's the Governor down. I believe one of them is before your committee on recall, the GAP. yes, and you're getting it out, fine, I'd say it would be very nice, bring the both of them out. I think that the recall is an important mechanism for people to take and terminate a legislator or anybody elected to office, if they find out he isn't what he was cracked up to be during the campaign and we see a lot of that. Except you and I.

SENATOR SCHWARTZ: Senator Gunther if I can just say that I am in agreement with you about the four year terms for Senators and the recall.

SENATOR GUNTHER: How wonderful well let's see us (Inaudible)

SENATOR SCHWARTZ: Mr. Hammer

HARRY HAMMER: Mr. Chairman and members of the Committee, I'm Harry Hammer, I'm Executive Secretary of the State . I'm going to address my remarks exclusively to Senate Bill #629, which is An Act which has been recommended by Mrs. Schaffer to abolish the commission on forfeited rights. I'd like to before I go into her statement, I'd like to indicate a few results of our research into this curious procedure whereby persons who's voting rights have been forfeited by recent commission of crime has evolved. First of all I should say there are some states in this country who by their constitutions do not impose a forfeiture of voting rights. I don't believe that the State of Connecticut is ready to go quite that far but I don't know of any state in the country that imposes a six month waiting period after the conclusion of probation or after the conclusion of a sentence or parole before permitting one to make an application to have his voting rights restored.

There is also a requirement under our law of a $5.00 filing fee. That $5.00 filing fee was attacked in a Federal District Court Hearing as being unconstitutional and the Federal District Court who heard it felt there was a substantial constitutional question. For some reason or

other the individual involved withdrew the suit but I'm quite certain the Federal Court would have declared this filing .....and unreasonable restraint upon the right and the privilege of voting. I should also mention the administrative difficulties involved. The clerks of all courts having criminal juristiction are required to notify the Registrars of these convictions. Their work load is so great occasionally they for get to notify the Registrar of these convictions and some of the people who have been convicted of a crime continue to vote, because the administrative procedures have not been followed. It also works the other way, I received a call during the last election from a person who's voting rights had been forfeited by reason of conviction of a crime about 14 years ago. He felt and understandbly that he did not want to, it wasn't so much the $5.00 fee, it was the fact that he would have to go before a group of three people and would have to in effect re-enact the crime and explain the offense and say that he was sorry. In other words perform an act of contrition. So he never bothered to go to the Commission on Forfeited Rights but he has been for some reason or other his name was never removed from the voting list and he has called me consistently for the last 3 or 4 elections and asked if he should go to vote and I pointed out the risks involved particularly since he has a previous conviction and I've advised him not to vote and so far as I know he has not, even though his name was never removed.

There's another .....and I've discussed with the Federal Courts with both the clerk of the Federal District Court and Judge Flaherty. The statute , the existing statutue 9-45 relates only to convictions obtained in the courts of this state. It does not effect convictions obtained in the federal courts. Now we found to our surprise that a person convicted in the Federal District Court of a felony, even though under federal law his rights are forfeited, does not, does not actually lose his rights because there is no provision, in fact the General Assembly could not require the clerk of the U.S. District Court to do anything so in effect if Mr. Markowski, the clerk of the U.S. District Court has told me that in the last 20 years he has never sent a notice of conviction of a felony to the Registrars and he does not know of any other U. S. District clerk who has. We also discussed this matter with Judge Flaherty. So that we have two separate groups of citizens, one of whom are convicted in the Federal Courts and one in the State Courts, and apparantly those that are convicted in the Federal Courts, even though legally their rights may be forfeited the Registrars have no knowledge and there's no way that they can get any knowledge, that the rights have been forfeited.

I should also mention before presenting a formal statement that this matter has been discussed with the Correction Department. The procedure would be for the presentation of a certificate to the appropriate admitting official. Certifying that a person's parole had been terminated, that his probation had been terminated or he had completed his sentence of confinement. Those certificates are already available and are given to those people. Now the only case that would not be covered and could very easily handled is the case of the person who is convicted of a felony where there is no confinement, or probation, which would be a very unusual situation, but he could very easily get from the appropriate authorities a certificate to the effect that he has, he has completed

his sentence. Now I'd like to read this statement on behalf of Mrs. Schaffer. She is recommending this bill to abolish the commission on forfeited rights and she will urge the General Assembly that the present unnecessary and possibly unconstitutional procedures now required for restoration of voting rights to convicted felons who have already paid their debt to society be eliminated and that voting rights be restored immediately upon release from probation or parole. After reviewing the procedures under Connecticut law required of persons who have been convicted of a felony in order to regain the privileges as electors I have concluded that they work in unnecessary hardships and in effect impose an additional punishment upon this class of our citizens long after they have discharged their debt to society. In our state as in many others, a person loses his voting privileges upon conviction of a felony. The law presently requires that not less than 6 months after release that a petition must be filed with the Commission on Forfeited Rights together with a fee of $5.00 in order to qualify for a hearing on the registration of ones voting rights. Under the criminal law a person who is discharged from parole or probation immediately returns to the community, however under our election laws even though the termination of parole or probation presumably establishes that one has been rehabilitated and can once again be a productive member of society, such person must remain in limbo for a period of at least 6 months. Presuming he desires to go through the required hearing procedures. This is contrary to the modern view that it is essential to process of rehabilitating the ex-felon that he be returned to his place in society as a fully participating citizen as soon as he has completed the serving of his term and any period of parole or probation.

The Commission on Forfeited Rights performed its functions conscientiously under the law. However, the records of the Commission indicate that the Commission has rejected very few applications and that the rate of approval is higher than 98%. More importantly the very existance of the Commission on Forfeited Rights has deterred and discouraged the overwhelming majority of men and women who have paid their debt to society, from seeking to have their voting rights restored. The Commission on Voting Forfeited Rights has received 2,100 applications since 1949. There have been 46,000 candidates during this same period and most of these candidates have now been returned to society but hav shunned the cumbersome voter registration procedures our law now requires.

In view of what I consider to be our presently highly questionably procedures for restoration of voting rights to those of our citizens who have already paid their debt to society, I recommending to the General Assembly that the Commission on Forfeited Rights be abolished and that voting rights be restored immediately upon release from probation or parole so that the most important indication of citizenship, the right to vote will not be unreasonably withheld from those persons who have hopefully established their fitness to once more make a contribution to our society and to resume their place in our community.

I should add in conclusion, that we have discussed this matter, with the Commission on Forfeited Rights that is Mr. Bruni, Mr. Niedzwecki, and Mrs. Smith. And I wish all commissions were informed of their impending demise could take it with as good grace as this group because I think they really feel that even though they're performing their duties

conscientiously that they are .....and they are aware of the position of this office. I should also mention that the Commission receives a, Commission members receive a per diam of $40.00 per day and I don't whether the committee is aware of this but under our present law the Election Commission which performs a much more substantial function gets no per-diam at all. I merely throw this out to you, perhaps there is some way that that per-diam could be transferred to the Elections Commission. I honeltly feel that this is a matter that is long overdue and as I say almost all the people that we have consulted with, including correction departments, the Commission itself, feel that the restoration of civil right should mean the restoration of all civil rights immediately upon the completion of a sentence or probation or parole.

REPRESENTATIVE LOWDEN: Harry do you know on what basis Mrs. Schaffer

(Inaudible)

HARRY HAMMER: Well, I mentioned the fact that there has been litigation over the $5.00 fee,that litigation was based strictly on the $5.00 fee, and the Federal District judge who heard it felt that there was substantial constitutional question as to whether a fee which is the nature of poll tax, could be imposed on the right to vote. Now in that case the other unconstitutional aspect of it which was not raised in that case, which probably should have been is this 6 month purgatory period which a person has to serve for no apparent reason and that could also be the basis for a, I sure for a constitutional issue.

REPRESENTATIVE GREEN: (Completely inaudible - not using a mike)

REPRESENTATIVE LOWDEN: Harry, if the committee decides to go with this bill would you be available to help the Legislative Commissioner's Office draft this?

HARRY HAMMER: Yes, as a matter of fact it's very simple. Yes it's a very simple bill to draft we're just repealing those sections.

SENATOR SCHWARTZ: Well this has been drafted but for some reason hasn't made it up here.

HARRY HAMMER: I think we did draft it.

REPRESENTATIVE LOWDEN: You have seen it? We labor under all kinds of difficulties.

HARRY HAMMER: I understand and you have my sympathy. With respect to the other bills returning to the physically handicapped, I would ask the committee to hear a statement to be presented by Miss Jan Miles, Executive Assistant to Mrs. Schaffer, who will summarize the import of those bills. Thank you very much.

JAN MILES: My name is Jan Miles and I would like to speak in behalf of Mrs. Schaffer on bills which would extend voting opportunities for the handicapped and also make technical refinements in the election laws. In the area of widening voting opportunities for the permanently physically handicapped Mrs. Schaffer urges favorable report on 6 bills

ELECTIONS COMMITTE_

LESLIE ROSS: Members of the committee, I'm Leslie Ross of West Hartford and intend to speak on behalf of the United Cerebral Palsy Association of Greater Hartford but a small group of us have to leave for another meeting and so I would like to just submit my statement to you for your consideration and for the next speaker on the list, he does not have a written statement, and we have to leave in 2 minutes.

REPRESENTATIVE LOWDEN: William Days

WILLIAM DAYS: This is in reference to Bill 629. When a person has come out of a correctional facility on parole, on probation. Well let me give you my title first, I'm Willie Days, I Director of the Adult Re-Direction Program in Waterbury. Our services that we provide is job placement, training, personal counseling, some drug counseling, family counseling just about type of social service that you can think about for ex-offenders coming out of prison and pre-sentenced offenders. We don't find it a good rehabilitative tool for a person who has paid his debt to society, to have gone through a corectional institution and come out get his time out, on parole, working every day, taking care of his family if he has one and living as a respectable citizen to be continually convicted for something that he had already paid his debt for. Now when this person has finished his parole or probation he has paid his debt, he's through serving any time on that charge and he wants all his rights back and he wanted to be able to live normally, just like anybody else, just like anybody else in the community, but this isn't happening, these people are still being convicted by society by not being given his rights back. This person shouldn't have to wait 6 months, plus pay $5.00 to get his rights back. This person, $5.00 to me is, you're paying your way, just for somebody to hear you and to tell you, well you can have your rights back if they figure they're not prejudice rather against an offense that you have committed.

Some people, whatever the offense might be, they may say no we can't give this to you because of so and so. They may not even give you the real reason but they will give you some reason why they can't give you your rights back, but it's really a prejudice, a personal prejudice. I feel that the person should be given their rights back automatically after they have finished their probation or parole. I am an ex-offender myself and I am an ex-drug addict, I have been working in the field of rehabilitation now for a little over two years. I have never since been out gotten into any type of trouble. I don't even know, right now if I can go down and vote. I have registered to vote, I've been out over 3 years now and I did register to vote, I got my card and everything but I don't know for sure whether I can vote or not. I didn't have to go before a commission or anything. I guess it was because of the law that I was told before I left the correctional facility, was that if I had not been a registered voter before I was convicted, that 6 months after I got out I could go down and vote, without paying the fee or being heard by any commission. But for those people who had lost their right, who were a registered voter, they would have to come out and after 6 months apply for a hearing and plus pay $5.00. So either way it goes it's wrong.

Even though I wasn't registered before I had gone to prison, and I did register and I still don't know that I can vote or not. They may tell me when I go to the polls, you know, that it's no good. That my vote means nothing. A person, if they find that, they come out and can't get their rights back then they're going to be angry with society anyway. When they go to prison, some people, all people aren't guilty of this offense that they have been convicted of. Some people are, a lot of people are, but either way it goes, once the person has done their time then they should be given the right to re-establish themselves and prove to their society that they want to do something. That they don't want to go back to prison. They've paid their debt and all they want to do is just live a normal life, like anybody else and be treated like everybody else and not some kind of a freak. And this is all I have to say. I'm just asking that you vote for this bill and abolish this criminal what ever you call it, prejudice or whatever. Thank you.

REPRESENTATIVE LOWDEN: I assume that the $5.00 is to cover the cost of operating the Commission if we abolish the Commission then that would..... Any other questions? Elliott Dober.

ELLIOTT DOBER; My name is Elliott Dober .....and I represent the United Cerebral Palsy of Connecticut. We endorse all the bills that Phyllis Zlotnick proposed and voted favorable proposal. The one bill I would like to ask about is Bill # 471. There has been some comment that you felt it would be unrealistic to mandate this. In my own town of Bridgeport in a recent survey ..... we thought that it would be easy to put in machines by the doorway of any polling district. It would not be that difficult in doing. Many .....from the Bridgeport area do, and most of them do have, you know are able to do this. I think the real problem is that we must make the towns aware of the physical handicapped and the towns must make these things available to the handicapped. I think it would not cost that much money. I think that it could be done with a little money to be honest with you and if you need any technical assistance ..... would be happy to meet with the committee and with any type of assistance we can give you. (Inaudible)

and I don't mean to disagree with you but I think it could be done but the key is that we want to mandate it.

REPRESENTATIVE LOWDEN: You're not disagreeing with me because I haven't taken a position.

ELLIOTT DOBER: Well you said you wonder whether it would be at all feasible to do it.

REPRESENTATIVE LOWDEN: I'm trying to get information and with your help to see what can be done.

ELLIOTT DOBER: Fine . And our main.....is to be involved in the legislative procedure in the Bridgeport area so I think I know a great .....that can be done if they have a little imagination (Inaudible)
Do you have any questions?

ELECTIONS COMMITTEE

SENATOR SCHWARTZ: I think we are pretty much in agreement with you.....as far as the worth of these bills.

REPRESENTATIVE LOWDEN: Thank you very much. Edith Harris.

EDITH HARRIS: My name is Edith Harris, I live at 55 Sequin Street in Hartford. Before I make my statement because it includes other people, I'd like to personally sponsor this bill 629. I feel that their rights have been imposed upon as well as ours and so I sort of feel for their, I can't think of the word that I want to say, their plight. Because all, no person should be, have their rights taken away from them completely, especially when they show signs of repenting or reconsidering their ways of life. I have had experience with people in this category so I'm speaking from small experience and a closely related one. I am also speaking for handicapped members who have signed my statement. On Bill 7715, Architectural barrier free polling places will give the handicapped citizen a chance to become an active participant as a citizen and it will also give him a sense of pride and accomplishment. This is extremely important to every handicapped citizen. On I.D. card for disabled, disabled voters Bill 6113 indicating any special needs this would enable the handicapped person with impairments to be completely independent at the polls and it would explain his needs on the card and would cause less embarrassment to him.

On Bill 6116 - eliminate the word idiot from section 9-12. This word is harsh sounding and archaic with todays concept. Another word could be inserted if it is necessary to have such a law at all. On Bill 7837 allowed abled assistance from his, from electors of his choice. This is a law presently in existance for the blind and we feel that the handicapped citizens should have the same right. Any assistance that is needed by a disabled voter at the polls should be given by a person who is familiar with the needs of the disabled person. The disabled would feel more comfortable with a person of his choice and would vote with more ease.

Bill 6117 - Locate and design voting machines to be accessible. In all areas where most of us live or have lived the voting machines are in the schools or buildings with insurmountable steps. If we have forgotten to apply for an absentee ballot and do wish to vote we must be lifted with our wheelchairs up these steps,another man made barrier. The fitting of electric operated voting booths, as used elsewhere in the United States once in the building, would be nice if the handicapped person were able to, I didn't quite read that right. It would be nice if the handicapped person were able to vote, operate the voting machine once they were in the building. In this way his vote would be private as it should be and he would not have to depend on another person to be there to assist him. A permanent list of absentees needs so disabled need only apply once and eliminate the application for absentee ballot. Passing these bills would eliminate the process of calling or writing the town clerk , every time an absentee ballot is needed. It is time consuming and expensive for the handicapped voters who are unable to vote in the usual manner. Pre paid postage on absentee ballots we feel, prepaid postage for absentee ballots is not necessary as it would create a cost to the state which is already burdered by dept. This would be a minimal cost to the receiver of the absentee ballot and should not cause undue hardship to the individual where it could be quite costly to the state. It is not listed as a

bill but many of us feel that a way to insure this, the voter receive the bills of his own absentee ballot is that each disabled voter should hav an identification number or use Social Security number as a requirement on his absentee ballot. This would make it a little more difficult for anyone to fill in an absentee ballot by unlawfully using voters names. Thank you. Should I read the list of people who signed this?

REPRESENTATIVE LOWDEN: You may read it if you like.

EDITH HARRIS: No, I can leave it . Except that I scribbled.

REPRESENTATIVE LOWDEN: Well why don't you read it...for the record

EDITH HARRIS: Catherine Adams 55 Newcomb Street
Theresa 277 Buckingham Street Hartford
Barbara Jones Old Country Road Windsor Locks
Lynn Barnes Place Newington
Jenny 114 George Street
James 55
Kathy Johnson 64 Rumford Street West Hartford
Marjorie Jones Old Country Road Windsor Locks
Ken Warner 172 Hazel Street, Road Windsor
Bob Boudreau Merriell Road Granby
Ruth Brown 603 Farmington Avenue
Joyce Bizziale 110 Street West Hartford
Mavis 4 George Street
Helen and Ray Schubert 31 Giddings Street
Catherine 55 Burnside Avenue East Hartford

REPRESENTATIVE LOWDEN: (Inaudible)

REPRESENTATIVE FOX: Mrs. Harris, I have a question, was I correct in understanding you to say that your group felt that it was not desirable to provide postage free .....for returning ballots.

EDITH HARRIS: Yes, we felt that it was unnecessary.

REPRESENTATIVE LOWDEN: Frank Vacarro

FRANK VACCARO: Mr. Chairman and members of the Legislature, my name is Frank Vacarro from Manchester, Connecticut Organization for the Handicapped. I concur with the remarks of the proposal put forward by Gloria Schaffer's secretary so I will eliminate them, and do the others. Bill 1134, I'm very much in favor of it because she already gave that one. 471 - elimination architectural barriers from polling places. The machines right now are too high for persons in wheelchairs and it would be a great expense to change them all so one suggestion would be to have a portable ramp at every polling place where they could put in front of one machine for the person that is in a wheelchair could just wheel right up and it would be a savings for the state, they wouldn't have to buy new machines or anything like that.

I'm very much in favor of bill number 7715, guaranteeing the rights for the voting of the handicapped, of the modification of the machine. Bill #1613 provides cards for the physical handicapped, especially those with speech impediments, they are the ones that would need it the most.

ELECTIONS COMMITTEE

MARION GLICKSON: I'm here mainly speaking out for, on my endorsement, speaking for the League of Women Voters of Connecticut, mainly speaking to bill #629. Passage is long overdue, I guess you have really heard and I imagine you will hear more testimony for this. It is a marvel sometimes to us to realize that a bill has been a committee and before the Legislature so often. A bill that seems so right. There is no moral, legal or financisl reason that we know of not to pass this bill. Essentially I don't want to repeat what others have said but, essentially by the procedure that we have had we are extending a sentence beyond what the judge meeted out to the felon by making him pay, by making him wait 6 months, by making him go through all these procedures instead of automatically having his rights restored. This is an additional sentence, and it seems to me since I understand that they get a certificate of discharge saying that they completed the sentence. There seems to be no reason why that can't be shown or a certified copy of this can't be shown in registering. And indeed as Harry Hammer said if the Commission doesn't exist we also don't have to pay the Commission. So any small expense that might be required say for the certificate would be negligible and I understand from Commissioner .....that he has written to me that their budget is prepared to accept that small cost. Whatever that might be.

The other bill, we've testified already to 7812 and 5651. 5651 is the door to door registration and our testimony of March 7th. 5651 door to door and 7812 public registration of voters and I have submitted testimony for March 7th on this but I would just like to repeat one thing. On 7812 which I see is not in final draft, we the League is very much in favor of some mandatory provision of registering outside City Hall for cities of a certain size. I mean once a city gets to be, oh I don't even know what the arbitrary figures could be, say 70,000people. There really is no reason for .....however this bill since it isn't drafted

UNIDENTIFIED SPEAKER: It's combined with another bill.

MARION GLICKSON: Oh, I'm sorry well this is there, over there so I'm not sure is necessary to say that these procedures be established for all the places that are listed in the proposed bill. I, you know, the League approves all of these places as places to register but I'm not sure that a bill ought to mandate it at all of them, they might be or, you know one place or another. As long as there is some public registration where there is a lot ..... The other thing is we are favorable all the structural and procedural barriers to the handicapped. We have some concern even though they have testified that a card is useful and I can easily understand why a card is useful if somebody can't speak or to indicate that they need help. Cards make us very uneasy. We're very afraid that they could be lost or stolen and I don't know what the solution is. Perhaps to the handicapped .....will be so obvious if someone is handicapped that nobody can possibly use their card.

UNIDENTIFIED SPEAKER: (Completely Inaudible)

MARION GLICKSON: The door to door registration, well we think it's fine but we're again very concerned that the canvas procedure does not, is not carried out the way it should be and this is simply, what this would do, if we don't strengthen the canvas procedure, it would be very spotty door to door registration at best. And I'm not sure that that's really what we

want. I think the canvas procedure is more important, alright. Thank you

REPRESENTATIVE FOX: (Inaudible - not using a mike)

MARION GLICKSON: Well, actually I do , I don't feel that one necessarily follows on the other. I think there are other problems to be dealt with and other ways to deal with them.

REPRESENTATIVE FOX: Inaudible

MARION GLICKSON: No, I do not and I'm not sure, as a matter of fact as far as I understand that one can be convicted of a felony, you know it may be a one time this person, I'm not sure you can classify and I'm not sure that it is our job to classify whether somebody is going to go back or not. That's up to the courts, to the police depending on what happens. I think our rights are our rights and they ought be applied equally to everybody.

REPRESENTATIVE LOWDEN: Do you think that we should amend this proposal to apply to some of .....

MARION GLICKSON: I thin if we don't, it depends on what else we require, if he's still on parole or she then that's part of the sentence. In other words I don't know that we should play courts in this area.

SENATOR SCHWARTZ: Isn't true that a person (Inaudible)

MARION GLICKSON: Well, that's what I'm saying, only you're saying it better. I suspect that somebody new is repeated offender over and over and over again and probably isn't that interested in voting either and we wouldn't have to worry in this area, but that's speculation.

REPRESENTATIVE LOWDEN: Gordon Bates

GORDON BATES: My name is Gordon Bates and I represent first the Connecticut Prison Association and next Director A. Ray Petty and secondly the Connecticut Council of Churches and its Executive Director Dwight Kempner Rev. Dwight..... and Representative Mary Ambler. Both organizations would like to go on record against, in favor of Proposed Bill 629 as they have in the last several years, where bills have been proposed along this line. We feel that there is no rational reason why this bill ought to be passed and where, and I think representing both organizations, is a trifle surprised that it get such agreement consequently along the line and yet never seems to get on the statutes. I would reiterate and reinforce what has already been said both this year and last year. That the requirements of a fee and waiting period are an act of pre-judgement and prejudice against the restoration of rights that ought to be granted upon release and completion of a sentence. We are, I think, the only state that does require that kind of fee. It costs money unnecessarily and it prevents a great number of men and women who ordinarily might be encouraged to vote and exercise their sufferage to avoid doing that. And if we're really interested in helping people to restore to

S ATE OF CONNECTICUT
DEPARTMENT OF CORRECTION
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ELLA T. GRASSO
GOVERNOR

JOHN R. MANSON
COMMISSIONER

Members of Election Committee

Regarding apposed Bill #629 an Act concerning elimination of the Commission on Forfeited Rights. The Department of Correction backs the bill. We believe that it is in the best interest of society to assist offenders to reintegrate into the community and to do everything to assist them to remain crime free. Voting rights are among the most basic and symbolic rights in a democratic form of government.

To force an individual to have to apply and have his record sent to a commission for scrutiny, not to mention the $5, does not assist an individual to get back into the main stream. It also offends our notion of justice; that is, once ones debt is paid they should have their rights re-stored as easily as possible. It is because of all the above we support proposed Bill #629 - to abolish the Commission of Forfeited Rights.

L. Albert Ed.D.

Prepared by L. Albert, Ed.D.
Dir. of Rehab. Svs.

S-108

CONNECTICUT
GEN. ASSEMBLY

SENATE

PROCEEDINGS
1975

VOL. 18
PART 4
1559-2065

THE PRESIDENT:

Will you remark?

SENATOR MARTIN:

Yes. This bill makes clear in statute that private schools whose primary purpose is not special education may make application to service children who have special education needs which cannot or are not being met by public schools from which they come. As with all special education, private school placements, the intent is that approval of the Secretary of the State Board would be a prerequisite for such placements and that a contract would be signed in each instance. Legislative intent also makes it very clear that this action is to cover only those children who would normally be receiving programs outside of the usual public school system anyway and it is an intent to limit residential and out-of-state placing and to consider the schools included in this bill as possible alternatives. Mr. President, if there is no objection, I move that it be placed on the Consent Calendar.

THE PRESIDENT:

Hearing no objection, the matter is placed on the Consent Calendar.

THE CLERK:

Cal. 682, File 698, Favorable report joint standing committee on Elections. Substitute for Senate Bill 629. AN ACT CONCERNING ABOLITION OF THE COMMISSION ON FORFEITED RIGHTS.

SENATOR SCHWARTZ: (28th)

Mr. President, I move acceptance of the joint committees favorable report and passage of the bill.

THE PRESIDENT:

Will you remark?

SENATOR SCHWARTZ:

Yes, Mr. President, the Commission on Forfeited Rights is an archaic and outdated institution. It also charges a fee for the reinstatement of forfeited rights which can be interpreted as a poll tax. In addition, it has no budget for the 1975-76 budget year and all of these reasons I feel dictate that we remove this institution from our state scene. If there is no objection, Mr. President, I move that this be placed on the Consent Calendar.

THE PRESIDENT:

Hearing no objection, the matter is placed on the Consent Calendar.

THE CLERK:

Cal. 683, File 704. Favorable report of joint standing committee on Human Rights and Opportunities. Substitute for Senate Bill 1424. AN ACT ELIMINATING AN UNNECESSARY DISTINCTION IN THE CONVEYANCE OF PROPERTY BY MARRIED WOMEN.

THE PRESIDENT:

Senator Hudson.

SENATOR HUDSON: (33rd)

Mr. President, I move acceptance of the committee's favorable report and passage of the bill.

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CONNECTICUT
GEN. ASSEMBLY

HOUSE

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MR. O'NEILL (34th):

Mr. Speaker, may that item be passed retaining its place.

THE SPEAKER:

Is there objection? Hearing none, the bill is retained.

THE CLERK:

Page 2 of the Calendar, onpage 2, Calendar No. 1001, substitute for S.B. No. 629, An Act Concerning Abolition of the Commission on Forfeited Right, File No. 698.

MR. WEIGAND (83rd):

Mr. Speaker, I move for suspension of the rules for the immediate consideration.

THE SPEAKER:

Is there objection? Hearing none, the rules are suspended.

MR. WEIGAND (83rd):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

Question is on acceptance and passage in concurrence. Will you remark?

MR. WEIGAND (83rd):

Mr. Speaker, the bill would abolish the Commission on Forfeited Rights but more importantly and the purpose of the bill is that it would allow a person who has been convicted of a felony to have his electoral privileges restored upon submission of written proof to the Registrars of Voters that the terms of his conviction have been completed and complied with. This bill is an important bill because it takes us one step closer to the often expressed philosophy that once a man has paid his debt to society that he should no longer be stygmatized by the fact that he was sentenced to a prison term. I think it is an important step

in rehabilitation. There are still some roadblocks which must be removed toward full rehabilitation of those who have served sentences as felons. I commendthis bill to the House. I urge its passage.

THE SPEAKER:

Will you remark further on the bill?

MR. MATTHEWS (143rd):

A question through you sir, to the proponent.

THE SPEAKER:

Please frame your question sir.

MR. MATTHEWS (143rd):

Thank you. Does, is there any restriction on the number of times which this can occur to an individual should he be arrested and confined to prison several different times during his life?

MR. WEIGAND (83rd):

Through you Mr. Speaker, from the bill as it's drafted, I don't believe there is any limitation if a person lost his electoral rights upon conviction it happened again, I believe the same sequence would follow.

MR. MATTHEWS (143rd):

I think I'm sympathetic to a situation in which a person would be jailed one time for an offense and we would attempt to give him the opportunity to restore himself to the electoral group, but I think if it occurs over and over, I would be opposed to the bill and under the circumstances, I guess I shall have to vote against the bill.

THE SPEAKER:

Will you remark further?

MR. FOX (149th):

Mr. Speaker, I would like to rise in opposition to this bill. I think, Mr. Speaker, that what we are confronted with here is giving to a convicted convict better privilege than we give our electors who are law abiding citizens. This bill will provide there is no period when a convicted felon must demonstrate that he is a good citizen, converted himself from crime to decency and that he will automatically become eligible to rights. I think there should be such a period of demonstration of good performance, good deportment and good behavior and I feel that this bill is discriminating in favor of the convicted criminal as against the law abiding citizen. Therefore, I oppose it. I do not object to the convicted criminal becoming eligible for rights to vote after he has demonstrated his rights. I do not hold a cause to retain the forfeited rights commission in itself but I do feel that there should be a period after which he can possibly demonstrate his good deportment, good behavior by a certification from the Police Chief of the current town in which he lives or from a minister of the church in which he adheres and I don't think that that is an unreasonable thing to ask since all citizens, all of you, are asked to go and make an effort before you can vote. You have to go and register. You have to make an effort. I think the convicted parolee should make at least an effort and on that basis, I ask that this bill be defeated. (record 9)

MRS. HANZALEK (61st):

Thank you Mr. Speaker. Mr. Speaker, I rise in support of this measure. I remember we debated this, among other things, long and long last year and the year before and I think it's high time that we do away with I think of the Mickey Mouse of the commission. However, I do have a question of the proponent of the bill, if I may.

THE SPEAKER:

Please frame your question.

MRS. HANZALEK (61st):

Sir, my question is this. As I recall the statutes, the commissioners who serve on this commission on forfeited rights are paid $40 per diem. Without the commission we would no longer have to pay them that per diem and I wonder whether it would not be proper to have a fiscal note attached to the bill for that reason.

THE SPEAKER:

Does the gentleman care to respond?

MR. WEIGAND (83rd):

Only, Mr. Speaker, to say that I would defer to someone that had more knowledge of the necessity of a fiscal note.

THE SPEAKER:

The lady from the 61st has the floor.

MRS. HANZALEK (61st):

I'll gladly defer to anyone who has that expertise.

MR. LOWDEN (146th):

Mr. Speaker, I'm not terribly familiar with the requirements for fiscal notes but it seems to me that there's no particular purpose served by a fiscal note if it shows that the State of Connecticut is going to save money.

MRS. HANZALEK (61st):

Nice try, sir. Thank you.

I still think that this bill should have had a fiscal note attached to it. I won't complain too loudly but I would suggest that perhaps we should do something about it in the future. Thank you sir.

MR. ABATE (148th):

Thank you Mr. Speaker. I rise in support of this bill, Mr. Speaker, simply because I see no rational connection between conviction of an offense and

disenfranchisement, especially when the individual convicted of a specific offense has served his time and has been "rehabilitated". I think we ought to make it more easy for an individual to enter society after having served time with regards to conviction for a specific offense and to deny him the privilege to vote is merely an extension of the ostracism that this particular individual probably experienced when he was incarcerated. For those reasons, I rise in support of this particular bill. Thank you very much.

THE SPEAKER:

Are you prepared to vote? Members please be seated, staff come to the well. For the second time, the gentleman from the 149th.

MR. FOX (149th):

Mr. Speaker, for the second time, I regret taking your time but I do want to call attention to the people of this assembly and also the gentleman who just spoke that recidivism is increasing, that repeaters are becoming more and more. We are not solving the problem. We are not bringing out good citizens from the jails. We are going the other way. And, therefore, I want to say that I feel very strongly that this is not a bill to, for deserving people; it's a bill for undeserving people and I urge you to vote against it.

MR. STOLBERG (93rd):

Mr. Speaker, I would just call the previous speaker's attention to Article XV of the United States Constitution which points out that the rights of citizens of the United States to vote shall not be denied or bridged by the United States or by any state on account of race, color or previous condition of servitude. I think this is the overriding application when someone is out of prison, they should have that right returned.

MR. HANLON (70th):

Mr. Speaker.

THE SPEAKER:

Will the Chamber please be attentative.

MR. HANLON (70th):

Thank you, Mr. Speaker. Through you a question, Mr. Speaker, to the proponent.

THE SPEAKER:

Please frame your question.

MR. HANLON (70th):

When one is discharged from confinement or probation, does one get a written statement to that effect?

MR. WEIGAND (83rd):

Whatever--there are papers that are sometimes referred to as release papers. I don't know what is contained in those documents but I think the Commissioner of Corrections is aware of this bill and could furnish whatever documentation might be required by Registrars and I think even that, there may be some variance from town to town as to what registrars may require.

MR. HANLON (70th):

Through you, Mr. Speaker, what then would be the proponent's opinion as to what would be adequate written proof that the fines have been paid and that the person has in fact served the time that he had to.

MR. WEIGAND (83rd):

Mr. Speaker, I'll make an attempt to answer that. I think it is important for the legislative history of this bill. I personally in considering that question would deem that documentation from the Commissioner of Corrections upon release from a state prison, a penal institution, would be what is required to comply with showing that the terms of the conviction have been complied with.

MR. HANLON (70th):

Mr. Speaker, through you one more question. Would a written statement by the person involved be adequate under the statute? In other words, just a statement signed by the prisoner or the former prisoner?

MR. WEIGAND (83rd):

No, I would think that the requirement that upon submission of written proof to the Registrars, that certain things have been done, that fines in conjunction with the conviction have been paid, that he's been discharged from confinement, parole or probation would definitely be something that would have to come from an authority that has the responsibility for making that determination, not the individual himself.

MR. HANLON (70th):

Mr. Speaker, I think the intent of this bill is noble but I think the standards are somewhat deficient. I think it's not as clear as the gentleman would indicate. I'm not sure exactly what written proof would be adequate to come in under the provisions of this bill so, therefore, I will oppose it.

MR. LOWDEN (146th):

Mr. Speaker, if my memory serves me correctly, testimony at the public hearing on this bill indicated that there are documents supplied by some authority which indicates that a person has paid his debt to society. I think there are such documents issued in each case where a person has served his sentence and I would think, I'm sure that that would be adequate to prove his case to the Registrars.

THE SPEAKER:

Are you prepared to vote? Will the members please be seated, staff come to the well. The machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine will be closed. The Clerk will take a tally.

THE ASSISTANT CLERK:

Total Number Voting.....141
Necessary for Passage..... 71
Those voting Yea.....123
Those voting Nay..... 18
Those absent and Not Voting..... 10

THE SPEAKER:

The bill is PASSED.

THE CLERK:

On page 2, Calendar No. 1003, substitute for S.B. No. 1652, An Act Concerning New Construction for the Court of Common Pleas, File No. 615.

MR. TOBIN (37th):

Mr. Speaker, I move for suspension of the rules for immediate consideration.

THE SPEAKER:

Is there objection? Hearing none, the rules are suspended.

MR. TOBIN (37th):

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

Would the gentleman be kind enough to move acceptance and passage?

MR. TOBIN (37th):

I move acceptance and passage of the amendment.

THE SPEAKER:

Question is on acceptance and passage. The Clerk please call House "A".

THE CLERK:

House Amendment Schedule "A" offered by Mr. Mazzola of the 49th, LCO No. 7673.

In line 2, delete the word "fifty" and insert in lieu thereof "twenty"

In line 3, after the word "constructs" insertthe words "or acquires"