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**STATE-BASED ADVOCACY ON  
FELONY DISENFRANCHISEMENT**

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## **STATE-BASED ADVOCACY ON FELONY DISENFRANCHISEMENT**

In recent years the issue of felony disenfranchisement has received increasing scrutiny from a broad range of perspectives. More than four million Americans are unable to vote as a result of laws in 48 states and the District of Columbia that prohibit persons with a felony conviction from electoral participation. These laws affect varying categories of felons on prison, probation, and parole, and in some states, offenders who have completed their sentence yet may be barred for life.

Policymakers and advocates in a number of states have begun to question the wisdom and fairness of such policies. This has led to increased public education efforts designed to highlight the impact of disenfranchisement, litigation challenging its premises and effects, and legislative initiatives to scale back or repeal disenfranchisement provisions.

This report assesses the successful advocacy efforts of coalitions in three states – Connecticut, Delaware, and Maryland – in changing longstanding state policy on disenfranchisement. In Connecticut, legislation signed into law in 2001 expanded voting rights to felons currently on probation. A constitutional change in Delaware removed the lifetime voting ban on ex-felons, replacing it with a five-year waiting period after completion of sentence. And in Maryland, new legislation removes the lifetime ban on voting by persons with two felony convictions and imposes a three-year waiting period after completion of sentence.

The case histories described in this report outline some of the key elements and strategies employed by state-based advocates. Each of the campaigns was tailored to a particular political climate, but all are instructive for advocates seeking change on this issue.

## **CONNECTICUT: ORGANIZING AND COLLABORATION, PERSISTENCE AND EDUCATION**

### **Introduction**

In May 2001, Republican Governor John Rowland signed into law a measure that restores voting rights to people currently on probation for a felony conviction. Prior to this, persons in Connecticut with a felony conviction had lost their right to vote while they were on probation, in addition to those felons in prison or on parole.

Much of the credit for the new law goes to State Representative Kenneth P. Green, former chair of Connecticut's Legislative Black and Puerto Rican Caucus. In 1999, Rep. Green tried unsuccessfully to persuade the House leadership to consider a bill restoring the voting rights of felons on probation. In a bid to force the issue, Rep. Green attached a voting rights restoration bill to a public financing bill in the waning days of the legislative session. As he did so, Rep. Green laid a clear and unequivocal challenge to his colleagues: "When you have people in the community, working, paying taxes, they should have the right to vote. You're talking about taxation without representation. This is just as important in opening up the political process as other bills to empower our citizens."

Although the public financing measure died, Rep. Green now had everyone's attention. Shortly thereafter, DemocracyWorks, a citizens lobbying association founded by Miles Rapoport, former Connecticut Secretary of State, met with Rep. Green and other key legislative leaders including House Majority Leader David Pudlin, and Representative Andrew Fleischmann. From here DemocracyWorks organized a diverse coalition of civil rights groups and election reform advocates, forming the Connecticut Voting Rights Restoration Coalition.

### **Organizing For Victory**

During the 2000 legislative session, the coalition worked with Rep. Green and other legislative allies to mobilize broad public support for a voting rights restoration bill. In the process, Coalition membership swelled to over 40 organizations, including the ACLU, NAACP, Connecticut Citizen Action Group, Common Cause, the State Commission for Women, African American and Latino groups, church groups, and social service agencies working in the criminal justice system. Despite the work of numerous people, and despite successfully passing the House with strong bipartisan support, the bill died in the Senate.

Following this defeat, the Coalition decided to shift its focus to a public education and outreach campaign. It distributed brochures on the issue to community groups, probation offices, voter registrars, and all state legislators. The campaign also organized and conducted workshops, mainly in Alternative Incarceration Centers, attended by over 770 Connecticut residents. A statewide media campaign included 33 billboards in English and Spanish in five major cities. Finally, members of the Coalition coordinated legislative strategies with key allies and supporters.

As a result of these efforts, Rep. Green and the Connecticut Voting Rights Restoration Coalition were victorious in the 2001 session. The measure passed the House with an 80-63 vote and the Senate 22-14, and on May 4, 2001, Governor Rowland signed the bill, making it Public Act 01-11.

## **What worked, what didn't**

The coalition developed many strategies and constructed many arguments to achieve its victory. Below are some of the crucial elements of their victory, and some of the important lessons learned, as described by DemocracyWorks staff.

1. *When the bill initially failed, we went back and did a lot of work in the community and in the Senate:* We developed key allies in the Senate and in the broader community and worked with them consistently for their support of these issues.
2. *Points made to legislators:*
  - (a) The re-integration into the community argument: an ex-felon involved in the community through voting is more likely to succeed.
  - (b) People with a felony conviction have a right to vote: It's not their need or desire to vote that matters, but their right to vote.
3. *Our most effective strategies:*
  - (a) Having key players and advocating for this issue.
  - (b) Creating public awareness as a door for participation.
  - (c) Producing frequent education efforts: billboards in English and Spanish, public education campaigns with an inside-outside strategy, educating both legislators and the wider community.
  - (d) Communicating through the media, particularly print and radio.
4. *Taking the "do-it-alone" attitude causes failure:* getting everyone on-board in a coalition takes time, but without it, success is difficult.
5. *Having a clear idea of the constituency:* we argued that people with a felony conviction pay taxes and this represents taxation without representation. Further, due to misunderstanding of the law, people who have been out of prison in some cases for 20 years and are good citizens still are not aware of their right to vote.
6. *It is critical to have strong leadership in the community and in the legislature:* a bill cannot be passed without political leadership, a coalition of advocates, and developing a working relationship with key legislative leaders.

## **Conclusion**

The future for DemocracyWorks is to work with Representative Green to focus on the implementation of the new law and to mount a major public education campaign to inform people of their newly won rights. A kick-off event was held in January 2002 unveiling billboards in two languages, which were placed in 33 locations in five major urban areas across the state. Copies of new educational brochures in English and Spanish were distributed. The Coalition is currently also working on a collaborative voter-empowerment project with the Latino and African-American communities in six cities to increase voter participation. The two key strategies for implementation of the new law involve: (1) administrative – working closely with the Department of Corrections and the judiciary around civic education and developing information to educate people systematically about their rights; and, (2) community education – continued efforts with community-based groups to educate citizens about the law and its implementation.

## **DELAWARE: IMPORTANCE OF ISSUE DRIVES ALLIANCE DETERMINATION**

### **Introduction**

Felony disenfranchisement has a long history in many states. One such state is Delaware, which had permanently denied ex-felons the vote since the early 1800s. In 1990, almost two hundred years later, the Delaware Center for Justice founded an alliance for the restoration of ex-offenders' voting rights. The alliance began when a local peace group became interested in the issue and reached out to others in the community, including labor unions and the NAACP. The challenge for the alliance was nothing less than to change the state constitution, a goal they ultimately accomplished in 2000. As a result, an ex-felon now regains the right to vote after a five-year waiting period, along with paying outstanding fines and completing restitution. (Certain classes of offenders are excluded: persons convicted of murder, manslaughter, sex offenses or violations of the public trust.)

### **Who helped, who didn't**

The alliance gained support in both the state House and Senate, but was confronted with a Senate regulation stipulating that a bill can only be released to the floor when the chair of the authorizing committee permits its release. In this case, the bill on transforming disenfranchisement was under the Corrections Committee chair, Senator James Vaughn, who was deeply opposed to the legislation.

Senator Vaughn was a former corrections commissioner who, feeling strongly about disenfranchisement, refused to move on the issue. Finally, in 2000, a way was conceived by the alliance to force him to release it. The strategy was to work with the chair's main objection, which was that there was no way to be confident that an ex-felon had actually paid due fines and restitution and was thus eligible to vote again. Cornered to provide some solution, Sen. Vaughn agreed to put together a task force from corrections, courts, the DELJIS system (the state criminal justice database), and legislators, and promised if the task force came up with something viable he would release the bill to the floor. Delaware Center for Justice Executive Director Janet Leban, who early on took a leadership role in the alliance, reports that the chair assumed the task force would come up empty handed.

However, the elections commissioner took Sen. Vaughn's challenge to work something out very seriously, and in the end the task force came up with a viable system using the corrections database to track ex-felons' completion of parole, payment of fines, restitution, etc. In response, the chair agreed to send the bill to the floor, where it was passed with a large majority.

### **One man vs. an entire state**

In Delaware, Senator James Vaughn was able single-handedly to prevent voter disenfranchisement legislation from becoming a reality for ten years. The alliance had worked on securing favorable editorials, on getting Sen. Vaughn's constituents to call him, and on signature petitions without effect. In the end, virtually the entire state was involved.

The initial organizing began with the lobbying of community groups and was very successful. Most involved themselves quickly and with little resistance; these included labor

unions, peace groups such as Pacem in Terris, NAACP, and the ACLU. Each organization educated its constituency and eventually reached out to the broader public. The *News Journal*, the main and widely read Delaware newspaper, was very open to alliance op-ed pieces. Information was widely disseminated in newsletters, public education events, position papers, and petitions. Both Democratic and Republican legislators were on board, and as Janet Leban phrases it, “we did not leave a stone unturned. Anything we felt would be reinforcing, we tried it.”

As Janet Leban describes it, the Delaware story is an atypical one. There was no grand opposition to reform. The citizens of Delaware, in fact, widely supported it: they signed petitions, joined the effort, and polled consistently between 75% and 80% in favor of new legislation. The issue never became caught up in a “soft on crime” dialogue. She concludes that in the end Sen. Vaughn switched to the task force idea not because he wanted to, but because he thought the task force gave him a real solution. She theorizes that he never thought the task force would be able to meet his conditions for the release of the bill. When the task force was successful, he stuck by his word and released the bill.

## **Conclusion**

The coalition showed a determination that was extraordinary. The partners met monthly for ten years and always maintained a presence, never fading into the background, none burning out. They all just kept at it. The rewards have been equally extraordinary. As Janet Leban says, “I have heard people say that going into the voting booth for the first time in their lives has been an amazing event for them.” During the 2000 presidential election 1,200 former felons applied to register to vote and 800 were granted voting rights.

Janet Leban says that if she had to do it all over again, there are things she would do differently. For one, she wishes the coalition had worked earlier on providing Senator Vaughn with more options. What she says she would not change are the organizational and alliance structures, their strong and effective leadership, their frequent meetings, their resilience in the face of defeats, press conferences, their good communication, and their networking.

## **MARYLAND: THE RIGHT COALITION AT THE RIGHT TIME**

### **Introduction**

Before Marvin L. “Doc” Cheatham, Sr. built a coalition to take on felony disenfranchisement, the state of Maryland had one of the most restrictive disenfranchisement policies in the nation. While those convicted of a first felony could apply to be reinstated once they had completed their sentence, persons convicted of a second felony were subject to a lifetime voting ban.

Doc Cheatham is widely acknowledged as the defining force behind what came to be the *Maryland Voting Rights Restoration Coalition*. Eventually about fifty organizations strong, Cheatham initially convened the coalition by bringing together two groups concerned with the loss of voting rights, a policy primarily affecting people of color. These groups were the Baltimore Alumni Chapter of Phi Beta Sigma Fraternity, Inc., and the Baltimore chapter of the Southern Christian Leadership Conference. Eventually the coalition came to be a cross-section of Maryland community groups, including the NAACP, League of Women Voters, religious organizations, ex-offender groups, and many others.

### **Legislative Advocacy**

The coalition began its work in October 2001, as an effort to bring together individuals and groups interested in disenfranchisement. In response to a bill proposing limits on disenfranchisement that had been introduced in 2001, the governor of Maryland had just appointed a task force to study the issue and the coalition viewed this as an opportunity to draw attention to its concerns. In December of that year the task force produced its findings, concluding that Maryland’s disenfranchisement laws were among the most stringent in the U.S., but not making any recommendations.

Within two months, two disenfranchisement bills were introduced, one in the House by Delegate Kerry Hill (HB535) and one in the Senate by Senator Delores Kelly (SB184). Hearings on the bills began in March 2002. Seizing the opportunity, the coalition put a face on the issue by bringing several hundred disenfranchised ex-felons to a Senate hearing of the Education, Health and Environmental Affairs Committee. At the hearing the ex-felons gave testimony as to how being unable to vote affected them and their families. Additionally, the coalition brought a broad range of organizations to testify (ACLU, NAACP, and others). The process was repeated in the House of Delegates in a Governmental Matters Committee hearing in April.

By proceeding in this fashion the coalition created great fanfare around the issue. During the month the bills were introduced a large rally was held at the state capitol and five busloads of ex-felons and supporters came to rally and to protest disenfranchisement policies. The House bill passed without much difficulty, but the Senate bill ran into trouble. Charged with the impact and efficacy of the coalition, and with Senator Kelly’s lead and Senator Blount’s support, the legislature’s Black Caucus came out forcefully in favor of the bill. Republicans, however, tried to attach amendments that would have jeopardized the bill’s purpose, so to save the bill Senator Kelly sent it back to committee.



As a counter to the Republican position, the coalition launched a wave of lobbying. This work was mostly done by those member organizations accustomed to the lobbying process: ACLU, NAACP, Green Party, ACORN and BUILD (a coalition of 200 churches). This work was “behind the doors” and centered on lobbying Senate votes. In order to build persuasive arguments, the coalition had to identify which senators were against their position and why. Some thoughts included that the “soft on crime” perception was feared, or that since it was an election year many legislators were fearful of being given such a label. Another commonly perceived motive for opposition to the bill was the attitude that felons should pay for their crimes for the rest of their life.

The coalition argued to the legislators that no judge in a court of law would expect someone to continue to be punished for a crime after paying a fine or serving prison time for it. They also argued that once out of prison an individual who is expected to be a citizen with all of the attendant responsibilities was therefore entitled to all of the rights that come with that title. Finally, they argued that as many persons with a felony record had been convicted of drug charges, and as the state of Maryland had failed to deal with the drug epidemic, especially in areas such as Baltimore, a region where most people were poor and of color, the state had to accept some responsibility.

When the bill came up for a vote, it passed by a margin of three votes. The bill’s sponsors had to make sacrifices, and so in order to gain a majority, an amendment was added for a three-year waiting period after completion of sentence. Thus, the new law states that after a first felony a person can reregister, and if after a second or further felony, a person can reregister once parole, probation, restitution, fines, and community service are paid and a three year waiting period expires. Offenders convicted of two violent felonies remain disenfranchised for life.

### **What worked and what didn’t**

Doc Cheatham views the success of the coalition as due to its organization and the efforts that went into realizing all aspects of the campaign: rallies, posters, mailings, flyers, and other media. He especially argues that making the issue visible is critical, comparing the promotion of an issue such as disenfranchisement to the process of a political candidate running for office. He contends that the components are the same, for whether running for office or promoting an issue, a campaign has a goal which is only realized by actively pursuing the spread of a message — by sending letters to the editor, making phone calls, conducting radio interviews, and taking the message to talk shows. Importantly, Doc Cheatham found that the coalition had struck when the time was right. He believes the three components which made the greatest difference in passing the legislation were, (1) organizing a coalition, (2) putting a face on the issue, and (3) working with astute individuals with lobbying skills.

Cheatham also advises:

1. *Diversity is the best strategy.* If a coalition is made up only of African American or Hispanic groups, its impact will be limited. When it is diverse and when numerous groups call for a specific change, there is a powerful impact on politicians, if for no other reason than a reflection of the votes a coalition brings to the table.
2. *Take advantage of the current political climate.* In retrospect, Doc Cheatham sees the public attention brought to the electoral process by the Florida presidential election as an issue that significantly helped motivate many people.

3. *Put a face on the issue.* Widely acknowledged in the Maryland success is the impact of witnesses. Doc Cheatham reports that legislators who were on the fence or who did not know much about the issue, were deeply influenced by ex-felon testimonies of how disenfranchisement affected their lives.
4. *Possess capable organizers at the helm focused on:* (a) moving disagreeing coalition to coalesce on the overall objective; (b) allowing no single coalition member to take control; and (c) having everyone own the coalition and act in a vital role.
5. *Money helps.* Financial resources enable a more professional approach; e.g. creating salaried positions to build relations with legislators and their staff, and having the ability to produce mass mailings to a constituency of targeted districts.

## **Conclusion**

In the end, as Doc Cheatham says, the key elements of a successful disenfranchisement reversal are few: understand the issue (voting rights), understand the players (who votes how, who are the movers and shakers in the chamber, and who can get the bill out of committee and on to the floor), and put together a plan of action. The metaphor he likes to use is a chess game in which one must look 3-4 moves ahead.