

Voting Rights for Parolees, Public Act 21-2, Sections 96-98.

Sec. 96. Section 9-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons who, during the preceding calendar month, have been (1) convicted in the Superior Court of a felony and committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility, or [a community residence] (2) returned to confinement in a correctional institution or facility from parole or special parole, release pursuant to section 18-100, 18-100c, 18-100e, 18-100h or 18-100i or furlough pursuant to section 18-101a. Such lists shall include the names, birth dates and addresses of such persons, with the dates of their conviction and the crimes of which such persons have been convicted, or the dates of the violation of their parole, special parole, release or furlough and the nature of such violation, as applicable. The Secretary of the State shall transmit such lists to the registrars of the towns in which such **[convicted]** persons who have been convicted or returned to confinement, as applicable, resided at the time of their conviction or violation of parole, special parole, release or furlough and to the registrars of any towns where the **[secretary]** Secretary believes such persons may be electors. The registrars of such towns shall compare the same with the list of electors upon their registry lists and, after written notice mailed by certified mail to each of the persons named at the last-known place of address of such person, shall erase such names from the registry lists in their respective towns or voting districts.

(b) Any person who procures such person or another to be registered after having been disfranchised by reason of conviction of crime and committed to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, and any person who votes at any election after having forfeited such privileges by reason of conviction of crime and confinement, shall be fined not more than five hundred dollars and imprisoned not more than one year.

Sec. 97. Section 9-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) A person shall forfeit such person's right to become an elector and such person's privileges as an elector upon conviction of a felony and (1) committal to the custody of the Commissioner of Correction for confinement in a correctional institution or facility, **[or]** but not a community residence, (2) committal to confinement in a federal correctional institution or facility, or (3) committal to the custody of the chief correctional official of any other state or a county of any other state for confinement in a correctional institution or facility, **[or]** but not a community residence, in such state or county.

(b) If a person has forfeited such person's privileges as an elector under subsection (a) of this section, has regained such privileges under section 9-46a and is subsequently returned to confinement in a correctional institution or facility, but not a community residence, from parole or special parole, release pursuant to section 18-100, 18-100c, 18-100e, 18-100h or 18-100i or furlough pursuant to section 18-101a, such person shall again forfeit such privileges.

[(b)] (c) No person who has forfeited and not regained such person's privileges as an elector **[,]** as provided in section 9-46a, or who has regained such privileges and again forfeited such privileges as provided in subsection (b) of this section, may be a candidate for or hold public office.

Sec. 98. Section 9-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) (1) A person who has been convicted of a felony and committed to confinement in a [federal or other state] correctional institution or facility [or community residence] of the federal government or of another state shall have such person's electoral privileges restored [upon the payment of all fines in conjunction with the conviction and] once such person has been [discharged] released from confinement, **[, and, if applicable, parole.]**

(2) A person who has been convicted of a felony and is committed to confinement in a community residence of the federal government or of another state shall have such person's electoral privileges restored if such person had previously forfeited such electoral privileges.

(b) ~~(1)~~ Upon the release from confinement in a correctional institution or facility ~~[or a community residence]~~ of a person who has been convicted of a felony and committed to the custody of the Commissioner of Correction, ~~[and, if applicable, the discharge of such person from parole, (1)]~~ (A) the person shall have the right to become an elector, ~~[(2)]~~ (B) the Commissioner of Correction shall give the person a document certifying that the person has been released from such confinement, ~~[and, if applicable, has been discharged from parole, (3)]~~ (C) if the person was an elector at the time of such felony conviction and, after such release, ~~[and any such discharge,]~~ is residing in the same municipality in which the person resided at the time of such felony conviction, the person's electoral privileges shall be restored, and ~~[(4)]~~ (D) if the person was an elector at the time of such felony conviction and, after such release, ~~[and any such discharge,]~~ is residing in a different municipality or if the person was not an elector at the time of such felony conviction, the person's electoral privileges shall be restored or granted upon submitting to an admitting official satisfactory proof of the person's qualifications to be admitted as an elector. The provisions of ~~[subdivisions (1) to (4), inclusive, of this subsection]~~ subparagraphs (A) to (D), inclusive, of this subdivision shall not apply to any person convicted of a felony for a violation of any provision of this title until such person has been discharged from any parole or probation for such felony.

(2) A person who has been convicted of a felony and committed to the custody of the Commissioner of Correction and is confined in a community residence shall have such person's electoral privileges restored if such person had previously forfeited such electoral privileges.

(c) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) or (b) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of such person's conviction that such person's electoral rights have been so restored.

(d) The Commissioner of Correction shall establish procedures to inform those persons who have been convicted of a felony and committed to the custody of said commissioner for confinement in a correctional institution or facility or a community residence, and are eligible to have their electoral privileges restored or granted pursuant to subsection (b) of this section, of the right and procedures to have such privileges restored.

The **[Office of Adult Probation]** Commissioner of Correction shall, within available appropriations, inform such persons who are on **[probation on January 1, 2002]** parole or special parole, or confined in a community residence, of their right to become electors and procedures to have their electoral privileges restored, which shall be in accordance with subsections (b) and (c) of this section.

(e) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons convicted of a felony and committed to the custody of said commissioner who, during the preceding calendar month, have (1) been released from confinement in a correctional institution or facility, or (2) begun confinement in a community residence, [and, if applicable, discharged from parole.] Such lists shall include the names, birth dates and addresses of such persons, with the dates of their convictions and the crimes of which such persons have been convicted. The Secretary **[of the State]** shall transmit such lists to the registrars of the municipalities in which such convicted persons resided at the time of their convictions and to the registrars of any municipalities where the **[secretary]** Secretary believes such persons may be electors.

Office of Legislative Research Public Act Summary

PA 21-2, June 2021 Special Session—SB 1202

Emergency Certification

AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023

§§ 96-98 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY

Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in a community residence; restores these privileges to convicted felons who are on parole or special parole or confined in a community residence

Forfeiture of Electoral Privileges (§ 97)

By law, a person forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to a state or federal prison. The act eliminates a requirement that these people forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The act also specifies that if a person regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for palliative and end-of-life care; or
3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain medical services not otherwise available).

Notice to Secretary of the State and Registrars of Voters (§ 96)

The act makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under prior law, the commissioner had to send the secretary a list by the 15th of each month of all people convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary then sent the list to the registrars of voters in towns where (1) the people resided at the time of their conviction or (2) she believed they may have been electors.

The act (1) eliminates the requirement that the DOC commissioner's report include a list of these people committed for confinement in a community residence and (2) requires that it also include a list of people returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough, along with the date and nature of these violations (see above).

The act makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring her to notify registrars in towns where (1) people returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors. By law, after sending a written notice by certified mail to the person's last known address, the registrars must remove his or her name from the registry list.

Restoration of Electoral Privileges (§ 98)

Under prior law, someone imprisoned for a felony regained the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

The act allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates prior law's requirements that these people also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The act specifies that a convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored. Under the act, the DOC commissioner must, within available appropriations, inform people who are on parole or special parole or confined in a community residence of their right to become electors and the process for restoring their privileges.

The act also makes conforming changes to a related monthly report that the DOC commissioner must send to the secretary of the state. Prior law required the commissioner to send the secretary a list by the 15th of each month of all people convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole. The act eliminates the requirement that the list include community residence releases and parole discharges and instead requires it to include people who began confinement in a community residence.

By law, unchanged by the act, the secretary must send this list to the registrars in the towns where (1) the people lived at the time of their conviction or (2) she believes they may be electors.