



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2024, RELATING TO VOTING RIGHTS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Thursday, January 28, 2016 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Valri Lei Kunimoto, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The purpose of this bill is to provide incarcerated felons who were residents of the State of Hawai'i with the right to vote by absentee ballot. Presently, a felon may not vote unless the felon is "finally discharged," placed on probation, or paroled. The Department has the following concerns, and requests that the bill be clarified or held.

Section 7 of this bill amends section 831-2, Hawaii Revised Statutes (HRS), by deleting the provision on the loss of voting rights for felons. Article II, section 2, of the Hawai'i Constitution provides in part, "No person convicted of a felony shall be qualified to vote except upon the person's final discharge or earlier as provided by law." The Constitution authorizes the Legislature to prescribe conditions for felons to vote earlier than final discharge. In its present form, however, this bill seeks to allow all incarcerated felons to vote by absentee ballot without limitation or condition. This is contrary to the plain language of the Constitution.

In addition, we note there is an apparent ambiguity created by section 8 of the bill. Section 8 of the bill amends section 831-5(a), HRS, to allow the instrument of discharge to provide that the defendant's "rights" are restored upon discharge after completion of the sentence or service of probation or parole without defining those "rights."

Thank you for the opportunity to provide our testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2024
RELATING TO VOTING RIGHTS

By
Nolan P. Espinda, Director

Senate Committee on Judiciary and Labor
Senator Gilbert S. C. Keith-Agaran, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

Thursday, January 28, 2016, 9:30 a.m.
State Capitol, Conference Room 016

Chair Keith Agaran, Vice Chair Shimabukuro, and Members of the Committee:

At this time, the Department of Public Safety (PSD) would like to provide comments to SB 2024. We note that those who are incarcerated but have yet to be convicted of their crimes (pretrial status) already have the right to vote via the absentee ballot process.

For those who are on Probation, their right to vote is immediately reinstated upon release from the Courts or a Correctional Center. Those released on Parole for a felony conviction have their right to vote reinstated when the individual has paid his/her "debt" to society.

Lastly, this Committee may wish to consider the impact on close district-by-district elections which could potentially be decided by the margin provided by incarcerated sentenced felons, either housed in or out of state, voting via absentee ballot, as proposed in this bill.

Thank you for the opportunity to testify on this measure.



SB2024
RELATING TO VOTING RIGHTS
Senate Committee on Judiciary and Labor

January 28, 2016

9:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) Administration will recommend that the OHA Board of Trustees **SUPPORT** SB2024, which would restore the right to vote in Hawai'i elections to incarcerated pa'ahao. **Denying the right to vote to an entire class of citizens—especially where that class is disproportionately composed of Native Hawaiians—is deeply problematic to our islands' democratic ideals, and counterproductive to the rehabilitation and effective reentry of our incarcerated population.**

Voting is a fundamental right essential to a functioning democracy, as the primary vehicle for a citizen's voice in participatory government. Such a right should only be restricted for the most compelling of state interests. However, throughout the nation, state laws categorically deny the right to vote to citizens with criminal convictions, undermining democratic principles with no demonstrable public safety value.ⁱ

Nationally, felony disenfranchisement, or the denial of voting rights based on criminal convictions, is a policy with deeply racist roots. In the post-Civil War Reconstruction Era, and after the passage of the Fifteenth Amendment to the U.S. Constitution which extended blacks the right to vote, these laws were tailored and targeted alongside other Jim Crow policies to exclude the black vote.ⁱⁱ And these laws continue to exact a staggeringly disproportionate impact on communities of color.ⁱⁱⁱ Dramatic growth of the U.S. prison population—450 percent between 1977 and 2008^{iv}—has further compounded these impacts such that currently, an estimated 5.85 million citizens nationwide are excluded from the civic participation inherent in voting.^v The vast majority of people so disenfranchised continue to be people of color.^{vi}

In Hawai'i, our prisoner disenfranchisement law has stripped the right to vote from a rapidly increasing segment of our own population, including a disproportionate number of Native Hawaiians. Our prison population has grown even faster than the national rate, increasing by 900 percent between 1977 and 2008^{vii} (and by 1,400 percent between 1977 and the present), resulting in the disenfranchisement of approximately 6,000 citizens today. With Native Hawaiians comprising nearly forty percent of our incarcerated population,^{viii} the disproportionate reduction of Native Hawaiian voting power is undeniable.

While no study has demonstrated that prisoner disenfranchisement meaningfully furthers any legitimate public safety purpose, growing research reveals that restoring the vote to convicted prisoners could benefit both pa'ahao and society as a whole. Pa'ahao have consistently reported feelings of alienation from their 'āina, community, and 'ohana while incarcerated, inhibiting their ability and desire to re-enter and contribute positively to society. The revocation of voting rights only further compounds this isolation. Restoring the right to vote would encourage pa'ahao to remain informed, invested, and involved in their communities, allowing them to assume limited

duties of responsible citizenship while incarcerated, and fostering more effective reintegration upon their release. Civic participation among previously convicted offenders has also been linked with lower recidivism rates.^{ix} Although the re-enfranchisement of approximately 6,000 pa‘ahao statewide is unlikely to tip the scales in many voting districts, it does present an easy, cost-effective opportunity to enable and encourage positive, prosocial civic engagement, community connection, and reentry support for convicted offenders.

Lastly, it is well known that Hawai‘i has historically suffered from low voter turnout,^x with Native Hawaiians believed to be particularly underrepresented at the polls. Reducing all barriers to voting—especially those disproportionately faced by Native Hawaiians—can only strengthen our democracy, by increasing opportunity for voter participation.

Recognizing the need to address the growing impacts of felony disenfranchisement, since 1997, 23 states have made progressive changes to reduce barriers to voting for individuals with past convictions.^{xi} **With a rapidly growing prisoner population, Hawai‘i should join Vermont and Maine and enfranchise our full citizenship in furtherance of our democratic ideals and the rehabilitation of our convicted offenders.**

Therefore, we respectfully urge the Committee to **PASS** SB2024. Mahalo for the opportunity to testify on this important measure.

ⁱ See Pamela S. Karlan, *Convictions and Doubts: Retribution, Representation, and the Debate over Felon Disenfranchisement* 21-26 (Stanford Pub. Law & Legal Theory Working Paper Series, 2004), available at <http://papers.ssrn.com/abstract=484543>.

ⁱⁱ E.g., Angela Behrens, Christopher Uggen, & Jeff Manza, *Ballot Manipulation and the ‘Menace of Negro Domination’: Racial Threat and Felon Disenfranchisement in the United States, 1850-2002*, 109 *Am. Journal of Sociology* 559 (2003).

ⁱⁱⁱ The Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf (citing George Hill & Paige Harrison, *Sentenced Prisoners Under State or Federal Jurisdiction*, BUREAU OF JUSTICE STATISTICS (Dec. 16, 2005), <http://bjs.ojp.usdoj.gov/content/data/corpop01.csv>; Heather C. West & William J. Sabol, *Prisoners in 2009*, BUREAU OF JUSTICE STATISTICS (Dec. 2010), <http://www.bjs.gov/content/pub/pdf/p09.pdf> (revised Oct. 27, 2011)).

^{iv} *Id.*

^v Christopher Uggen, Sarah Shannon, & Jeff Manza, *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*, THE SENTENCING PROJECT (July 2012), http://www.sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf.

^{vi} As early as 1998, 1.4 million black adult males, or 13 percent of the black population nationally, was already disenfranchised due to a prior conviction. Jamie Fellner & Marc Mauer, *Losing the Vote*, THE SENTENCING PROJECT, at 2 (1998), http://www.sentencingproject.org/doc/file/fvr/fd_losingthevote.pdf. The Office of Hawaiian Affairs, *supra* note 3 at 17.

^{viii} OHA’s 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up “24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population.” (at pg. 10) Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. The Office of Hawaiian Affairs, *supra* note 3 at 28-38.

^{ix} In one study, among individuals who had been arrested previously, 27 percent of non-voters were rearrested, compared with 12 percent of voters. Voting appears to be part of a package of pro-social

behavior that is linked to desistance from crime. Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, 205-206 (2004).

^x Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.

^{xi} Nicole D. Porter, *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2010*, THE SENTENCING PROJECT (2010), http://www.sentencingproject.org/doc/publications/publications/vr_ExpandingtheVoteFinalAddendum.pdf.



Committee: Committee on Judiciary and Labor
Hearing Date/Time: Thursday, January 28, 2016, 9:30 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawai'i in Strong Support of S.B. 2024, Relating to Voting Rights

Dear Chair Keith-Agaran and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in strong support of S.B. 2024, which seeks to allow incarcerated persons who were Hawai'i residents at the time of their arrest to vote via absentee ballot in Hawai'i's elections.

Disfranchisement has a disproportionate effect on Native Hawaiians

Currently, an estimated 6,000 people from Hawai'i are barred from voting because they are incarcerated. Disfranchisement has a particularly disproportionate effect on Native Hawaiians, who are significantly over-represented in the disfranchised population: Native Hawaiians comprise 39% of the total disfranchised population, though they comprise only 24% of the total population of Hawai'i. Indeed, felony disfranchisement was originally implemented on the continent in a deliberate attempt to disenfranchise African Americans; the result is a racially disproportionate policy that prevents approximately 5.85 million Americans nationwide from voting.

Allowing incarcerated individuals to vote will improve public safety, aid law enforcement and empower families and communities

Research finds a link between voting participation and re-offense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote.¹ Similar effects were found among people with a prior arrest: 27% of non-voters were re-arrested, compared to 12% of people who had voted. Voting is particularly important for the reintegration of approximately 1,400 individuals incarcerated on the mainland, far from their families and communities.

Far from making streets safer, disenfranchisement is detrimental to public safety. Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of disenfranchisement is that the very behavior that society strives to encourage – the commitment to the larger social and political collective – is undermined by a policy that requires people who desire to engage in that behavior to relinquish the right to vote. As a public safety official in Maine (one of the states that allows incarcerated individuals to vote) testified, the state's mission "is to return a prisoner to the community a better person

¹ Jeff Manza & Christopher Uggen. "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." COLUMBIA HUMAN RIGHTS LAW REVIEW 36, No. 1 (2004) 193-215.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
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Hon. Sen. Keith-Agaran, Chair, JDL Committee
and Members Thereof
January 28, 2016
Page 2 of 2

than when he or she entered.” An integral part of this process is the ability for prisoners to become productive citizens in their community upon release. One of the basic entitlements and responsibilities regarding civic responsibility is to exercise one’s ability to vote.

Restricting incarcerated individuals from voting does not prevent crime, nor does it provide compensation to victims. In fact, disenfranchising incarcerated individuals is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of formerly incarcerated individuals into society. There is simply no legitimate purpose in denying incarcerated individuals the ability to vote.

Thank you for this opportunity to testify.

Sincerely,



Mandy Finlay
Advocacy Coordinator
ACLU of Hawai‘i

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for 50 years

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From: mailinglist@capitol.hawaii.gov
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Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Wednesday, January 27, 2016 11:09:01 AM

SB2024

Submitted on: 1/27/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
RaeDeen Karasuda	Chaminade University of Honolulu	Support	No

Comments: STRONGLY SUPPORT. This is a proven intervention against prisoner recidivism.

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COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY and LABOR

Chair: Sen. Gil Keith-Agaran

Vice Chair: Sen. Maile Shimabukuro

Thursday, January 28, 2015

9:30 a.m.

Room 016

STRONG SUPPORT FOR SB 2024 – VOTING RIGHTS FOR INCARCERATED PERSONS

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,500 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in strong support of voting rights for incarcerated persons. Currently, only Maine and Vermont and the Commonwealth of Puerto Rico allow their incarcerated citizens to vote. Voting rights restrictions upon criminal conviction were enacted in many states to prevent African Americans from voting at a time when literacy tests and poll taxes were legal. More than a century later, disenfranchisement laws continue to discriminate. Nationwide, over 13 percent of black adult males are denied the right to vote, and black men make up 36 percent of the total disenfranchised population. These laws disproportionately affect Latinos as well: 16 percent of Latino men will enter prison in their lifetime, compared to only 4.4 percent of white men.

In 2014, former U.S. Attorney General, Eric Holder¹ said, "*In many states, felony disenfranchisement laws are still on the books. And the current scope of these policies is not only too significant to ignore – it is also too unjust to tolerate...*"

And although well over a century has passed since post-Reconstruction states used these measures to strip African Americans of their most fundamental rights, the impact of felony disenfranchisement on modern communities of color remains both disproportionate and unacceptable. Throughout America, 2.2 million black citizens – or nearly one in 13 African-American adults – are banned from voting because of these laws. In three states – Florida, Kentucky, and Virginia – that ratio climbs to one in five."

¹ Attorney General Eric Holder Delivers Remarks on Criminal Justice Reform at Georgetown University Law Center, Feb. 11, 2014, www.justice.gov

We know that in Hawai'i, Kanaka Maoli are over-represented in the justice system. Voting rights restrictions fly in the face of the criminal justice system's goal of rehabilitating those who are serving their sentence.

RESEARCH, ARTICLES, LAWSUIT

*"Denying the right to vote to an entire class of citizens is deeply problematic to a democratic society and counterproductive to effective reentry. Fortunately, many states are reconsidering their archaic disenfranchisement policies, with 23 states enacting reforms since 1997, but there is still much to be done before the United States will resemble comparable nations in allowing the full democratic participation of its citizens."*²

*"Studies show that the recidivism rate for felons goes down significantly when they are given back their basic civil rights, including the right to vote," said Ron Bilbao of the ACLU in Florida. "The governor went in the wrong direction."*³

*"[T]he argument that allowing prisoners to vote would be costly and impractical is ethically unjustifiable. Similarly, the fact that prisoners lose many freedoms does not imply they should lose all their civil rights. Denying prisoners the right to vote is likely to undermine respect for the rule of law... Allowing prisoners to vote, by contrast, may strengthen their social ties and commitment to the common good, thus promoting legally responsible participation in civil society."*⁴

In 2010, a 9th Circuit Court of Appeals panel ruled 2-1 that Washington State felony inmates are entitled to vote under Section 2 of the Voting Rights Act of 1965. The court held that current restrictions, which strip convicted felons of the right to vote while incarcerated or under Department of Corrections supervision, unfairly discriminate against minorities.

In *Farrakhan v. Gregoire*⁵ six "minority citizens of Washington state who have lost their right to vote pursuant to the state's felon disenfranchisement provision, filed [suit] in 1996 challenging that provision on the ground that, due to racial discrimination in the state's criminal justice system, the automatic disenfranchisement of felons results in the denial of the right to vote on account of race, in violation of Section 2 of the Voting Rights Act," according to the appeals court's opinion.

Section 2 of the Voting Rights Act (VRA) states that "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a

² **FELONY DISENFRANCHISEMENT: A PRIMER. The Sentencing Project**

http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Primer.pdf

³ **U.S. felons a potentially powerful yet shunned voting bloc**, By Thomas Ferraro, WASHINGTON | Wed Oct 24, 2012,

<http://www.reuters.com/article/2012/10/24/us-usa-campaign-felons-idUSBRE89N1C620121024>

⁴ **Locked Out: Felon Disenfranchisement and American Democracy**, Jeff Manza, PhD, Professor of Sociology and Political Science at the Institute for Policy Research at Northwestern University; Christopher Uggen, PhD, Distinguished McKnight Professor of Sociology at the University of Minnesota, 2006.

⁵ *Farrakhan v. Gregoire*,

<http://public.findlaw.com/LCsearch.html?restrict=consumer&entry=Farrakhan+v.+Gregoire%2C&Search=Search>

manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color."

The lawsuit focuses on the disparate impact that felon disenfranchisement laws have on racial minorities. It contends that because "nonwhites make up a large percentage of the prison population, a state law prohibiting inmates and parolees from voting is illegal because it dilutes the electoral clout of minorities," according to the Spokane Spokesman-Review.

The 9th Circuit agreed, finding that "the discriminatory impact of Washington's felon disenfranchisement is attributable to racial discrimination in Washington's criminal justice system" and therefore violates Section 2 of the VRA.⁶

Marc Mauer, executive director of the Sentencing Project, a nonprofit advocacy group for criminal justice, said ex-inmates are generally ignored when it comes to voting. "*There simply isn't a lot of encouragement for them to even register,*" said Mauer. "*If we believe everyone should vote, we shouldn't put character conditions on it.*"

Restoring voting rights to citizens with felony convictions is part of effective rehabilitation and voting rights restrictions fly in the face of the criminal justice system's goal of rehabilitating those who are serving their sentences. This administration has asserted their commitment to rehabilitation and reentry and certainly educating and engaging people in the civic process of voting keeps people connected to their communities.

"Disenfranchising felons is an archaic practice, at odds with basic American values about both punishment and democracy."

The New York Times editorial, 10/17/02

"If we want former felons to become good citizens, we must give them rights as well as responsibilities, and there is no greater responsibility than voting."

U.S. Representative John Conyers, Jr. (D-MI)

Community Alliance on Prisons strongly supports this measure and we sincerely hope that the committee sees the importance of this measure, especially in light of its shameful history of racism and the exclusion of certain classes of people. This is not democracy!

⁶ **Federal Court Rules on Voting Rights of Incarcerated Felons. 1/12/2010,**
<http://www.foreffectivegov.org/node/10687>

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Tuesday, January 26, 2016 9:57:01 AM

SB2024

Submitted on: 1/26/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	The CHOW Project	Support	No

Comments: The CHOW Project supports SB2024. All residents of our state deserve the right to vote. It is important to keep our community members who are incarcerated in touch with the outside world. They still deserve a voice, and a say in what happens in society. They are still American citizens, and the freedom to vote should be guaranteed to all of us, regardless of background. We cannot restrict the voting rights of a select group of people because that opens the door to discrimination against more groups in the future. We cannot treat those who are incarcerated as "other" - they are our brothers, mothers, friends, and they could easily be anyone else.

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Dedicated to safe, responsible, humane and effective drug policies since 1993

TO: Senate Committee on Judiciary and Labor
FROM: Carl Bergquist, Executive Director
DATE: 28 January 2016
RE: SB2024, Relating to Voting Rights, **STRONG SUPPORT**

The Drug Policy Forum strongly supports this measure to restore voting rights to incarcerated felons, a measure that, in part, is necessitated by the misguided and failed War on Drugs. By incarcerating large numbers of people for myriad drug offenses, many non-violent, we are needlessly ruining lives and costing the state tens of millions of dollars each year. Moreover, following arrests and convictions fueled by racial profiling, communities of color and especially the native Hawaiians are disproportionately impacted. To deny these individuals, and other felons, the right to vote while serving their sentence is punitive, undemocratic and counter-productive to their rehabilitation. It also keeps these communities marginalized and less represented across elected offices. Moreover, as we absorb the November 2015 decision by President Obama to “ban the box” on federal job applications, we have to consider that the formerly incarcerated who stand to benefit from that action, would equally benefit from being civically engaged, e.g. by voting, while still in prison.

Voter turnout in Hawai'i and the United States as a whole is very low, and we need to do more to engage as many community members as possible. Hawai'i is considering automatic voter registration as one way to increase participation, and this measure should be seen as another way.

The nation as a whole is reconsidering the harshness of sentencing guidelines and the premise of the mass incarceration system, and it is doing so on a bi-partisan basis. This week, the Supreme Court made retroactive its declaration that life without parole for juveniles is unconstitutional. As a result, countless individuals will either never need rehabilitation or they may find it easier going forward. Hawaii, in joining Vermont, Maine and Puerto Rico by protecting the basic right to vote for the incarcerated, can help chart a more enlightened and inclusive path.

Mahalo for the opportunity to testify.

To: Chair Gil Keith-Agaran; Vice-Chair Maile Shimabukuro
From: Khara Jabola-Carolus, Hawai'i Coalition for Immigrant Rights
Hrg: Senate Cmtee. on Judiciary and Labor; Thurs., January 28, 2016, at 9:30 a.m. in Rm. 016
Re: Testimony in Support of S.B. 2024, Relating to Voting Rights

Aloha Chair Keith-Agaran and Members of the Committee on Judiciary and Labor:

The Hawai'i Coalition for Immigrant Rights, as the immigration arm of Faith Action for Community Equity, writes in strong support of S.B. 2024, which seeks to allow incarcerated persons who were Hawai'i residents at the time of their arrest to vote via absentee ballot in Hawaii's elections.

Our Coalition works to provide a path to integration for communities historically excluded from the political process. Felon disenfranchisement laws and policies do not deter criminal conduct; rather, these policies hinder offenders' successful reintegration into their communities following release.

Additionally, disenfranchisement policies have historically had a disproportionate impact on communities at the base of our political and economic hierarchy: Filipinos and Native Hawaiians.

Finally, allowing offenders to vote from within prison may reduce recidivism and make our communities safer, as research finds a link between voting participation and re-offense.^[1] Voting can be a tool to educate incarcerated persons about civic engagement, and reconnect them to the communities they left behind. This promotes public safety by allowing for more successful reintegration into society.

In 1774, Benjamin Franklin wrote, "They who have no vote are enslaved to those who have votes." Given Hawai'i's low voter turnout rate, we should be doing everything we can to encourage voting and to break down existing barriers. S.B. 2024 can only create positive change for Hawai'i.

We support S.B. 2024, and respectfully urge the Committee to approve this measure.

Thank you for this opportunity to testify,

Khara Jabola-Carolus
Director, Hawai'i Coalition for Immigrant Rights
Faith Action for Community Equity

[1] Jeff Manza & Christopher Uggen. "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." *Columbia Human Rights Law Review* 36, No. 1 (2004) 193-215.

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SB2024

Submitted on: 1/26/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We FULLY SUPPORT this bill, for its obvious intended purpose: to end the disenfranchisement of convicted felons. Just as for the record, a specific group of inmates have already been allowed to "vote" in the past. In 1993, while I was confined in Halawa Medium Security Facility, as a Kanaka Maoli, I was allowed to cast my vote in the plebiscite that was meant to determine what direction the Hawaiian people should go in our quest for self-determination and self governance. There was no cry of threats to public safety, nor of threats to the orderly running of the facility. In fact there were no recorded problems in the voting process. It's about time we end the draconian practice of not allowing prisoners to vote. Absentee voting is economically sound & presents no threat to prison or public safety. Mahalo, De MONT R. D. Conner, Manager

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SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments: Although the criminals are incarcerated to pay the penalty for their crimes, they should not lose their right to vote as citizens of the State of Hawaii.

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SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Hairgrove	Individual	Oppose	No

Comments:

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To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Wednesday, January 27, 2016 11:08:03 AM

SB2024

Submitted on: 1/27/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
RaeDeen Karasuda	Individual	Support	No

Comments: STRONGLY SUPPORT. Evidence-based policy and academic scholarship confirms this is a legitimate intervention toward increased community reintegration.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB2024 on Jan 28, 2016 09:30AM*
Date: Monday, January 25, 2016 5:58:20 PM

SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Monday, January 25, 2016 11:22:24 PM

SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments: I urge you to support SB2024 as it works towards correcting the injustice of disproportionately affecting minority populations. Inmates should still maintain the right to vote and have a voice in our democratic process. Silencing those while they live in the system we created does not give voice to those whom we seek to rejoin our community once their time is served. Thank you for supporting a persons right to vote.

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From: mailinglist@capitol.hawaii.gov
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Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Tuesday, January 26, 2016 4:56:10 PM

SB2024

Submitted on: 1/26/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments: I urge you to support voting rights for convicted felons. I am particularly concerned that prisoners are differentially from minority or discriminated against ethnic groups, and from people of lower income. To disenfranchise these people is to skew our political system in ways that are not democratic. Allowing prisoners to vote encourages them to stay engaged with the community and allows them to have a voice in how they are governed. Please support SB 2024.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Monday, January 25, 2016 9:45:26 AM

SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments: Please support this bill as it will assist inmates prepare for returning back to the community. Mahalo.

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Cc:
Subject: Submitted testimony for SB2024 on Jan 28, 2016 09:30AM
Date: Monday, January 25, 2016 4:27:40 PM

SB2024

Submitted on: 1/25/2016

Testimony for JDL on Jan 28, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Individual	Support	No

Comments: January 25, 2016 Dear Honorable Legislators: Please pass this measure that would help rehabilitate people in our prisons by allowing their input in our democracy. The measure has the long term promise of increasing community safety by reducing recidivism. Both Vermont and Maine allow incarcerated felons to vote as well as many other countries including Serbia in the Balkans, where I worked last summer at a prison as a Fulbright Specialist. My work as a former deputy attorney general who represented the state including its prison system, and for the last 20 years helping people harmed by crime and working to improve our state corrections system, motivates my support for this measure. Please call me at (808) 218-3712 or email me lorenn@hawaii.rr.com for more about why I support this important measure. Mahalo for your service to help our community. Aloha, Lorenn Walker, JD, MPH www.lorennwalker.com

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