



February 11, 2005

Representative Marian McClure and Representative Trish Groe  
Chair and Co-Chair, Public Institutions and Retirement Committee  
Arizona House of Representatives  
Capitol Complex  
1700 West Washington  
Phoenix, AZ 85007-2890

Dear Representatives McClure and Groe and Members of the Committee:

We write in support of 2005 Arizona Bill HB 2490. As we understand the bill, it would automatically restore voting rights to people with felony convictions – both state and federal – once they have completed their criminal sentences. Voting is both a fundamental right and a civic duty. Restoring the right to vote strengthens democracy by increasing voter participation and helps people returning from prison to reintegrate into society. By exercising the franchise, a person resumes one of the essential duties of full citizenship and takes a further step toward his or her rehabilitation. An additional benefit of the bill will be to remove the expense, administrative problems, and confusion caused by the current requirement that any person with a second felony conviction must apply for restoration, while others have rights restored automatically.

The Brennan Center is a nonprofit, nonpartisan organization that advocates for fair elections and voting rights, among other issues. As part of our work to promote full, equal participation in democracy, we support the reenfranchisement of people with felony convictions. Much of the Brennan Center's work in this area takes place under the auspices of the Right to Vote Campaign, a consortium of national organizations and state coalitions working to restore voting rights to people who have lost them through criminal convictions. Based on what we have learned through our research and advocacy in this field, we can say that passing HB 2490 is an important way to strengthen and streamline the democratic electoral process in Arizona.

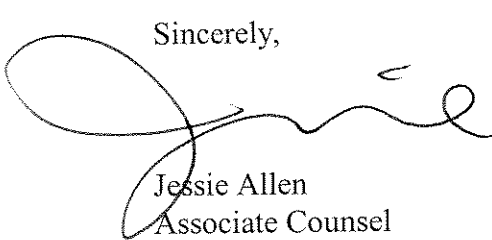
By adopting HB 2490, Arizona will remove a needless barrier to full participation in the political mainstream. The people who will be enfranchised by HB 2490 all will have fully served the sentences deemed appropriate by the legislature and the courts. As both a matter of justice and of sound law enforcement policy, post-sentence burdens on civil rights are problematic. Forcing people convicted of second felonies to go through a discretionary application process in order to have their rights restored alienates them further from the community to which they return after they have finished serving their sentences. This disserves both the formerly incarcerated individual and the community. As the American Correctional

Association Assembly has recognized, “the loss of the right to vote is not based on a need to protect the integrity of the electoral process and the justice system” and “does not serve any rehabilitative purpose.”<sup>1</sup> Indeed, postponing voter participation may hamper rehabilitation and reintegration of people returning from prison by preventing them from joining in an activity that helps define a person as a fully functioning community member. Thus HB 2490 does away with a barrier to civic participation that is both unfair and unwise.

In addition, the bill will greatly simplify the administrative process currently surrounding civil rights restoration in Arizona. This will have many pragmatic benefits. It will of course do away with the costs associated with processing requests for restoration under the current system. Moreover, by creating a simple, uniform process for rights restoration, Arizona will clear up confusion associated with the current two-tier system that can wind up disenfranchising citizens who are eligible voters. Surveys done by the Brennan Center and other groups with our assistance show that in many states, especially those with complicated voting restoration schemes, both potential voters and local election officials are often misinformed or confused about the requirements people returning from prison must fulfill in order to register or re-register to vote. As a result, would-be voters are given incorrect information and sometimes discouraged or actually turned away from registering. Creating a simple uniform system of automatic restoration will go a long way toward preventing similar problems in Arizona.

In sum, the Brennan Center supports HB 2490 as a way to strengthen inclusive democracy in Arizona, while saving taxpayer money and improving government administration.

Sincerely,



Jessie Allen  
Associate Counsel



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<sup>1</sup>ACA Resolution at [http://www.aca.org/pastpresentfuture/Winter\\_2004\\_Rresolutions.asp](http://www.aca.org/pastpresentfuture/Winter_2004_Rresolutions.asp).