



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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TO: Members, Assembly Committee on Corrections and Courts

FR: Attorney General J.B. Van Hollen

A handwritten signature in black ink that reads "J.B. Van Hollen".

DT: August 27, 2009

RE: Testimony Opposing 2009 AB 353, Relating to Expanding Voting by Felons

We all value our freedom. And we cherish our civil rights, such as the right to vote. Our freedoms and rights, however, are not absolute. Freedoms and rights carry with them responsibilities, and the minimum responsibility is that we do not transgress the rights of others. The clearest and most severe transgression is when an individual chooses to commit a felony.

In committing a felony, offenders perform what society, through law, classifies as the most severe breach of the social compact. Committing a felony is so serious that society deems it appropriate to deprive felons of their liberty. We do so because were we to allow individuals to lawlessly deprive law-abiding citizens of their rights and liberties, we would lose our society altogether.

As a consequence of the serious nature of a felony, under current law, Wisconsin joins the majority of states in prohibiting a felon who is still serving his or her sentence from voting.¹ Not only does the deprivation of this significant political liberty serve as punishment, it sends a strong and clear message that strikes at the heart of our democracy: so long as a felon is serving time for undermining the social compact, he or she may not participate in the political process by exercising the right to vote. Society can send no stronger message of condemnation of a criminal act. Until a felon's debt to society is paid and he or she demonstrates the ability to reintegrate into society by successfully completing extended supervision, the right to vote is appropriately limited – as is the felon's liberty.

As written, a convicted felon may vote under AB 353 unless the felon is "incarcerated". Technical questions of actual custody status (i.e. probation/parole/extended supervision holds, inmates with Huber privileges, inmates incarcerated under electronic monitoring) arise. As a result, election officials will be challenged in efforts to establish and verify an offender's custody status. The bill increases responsibilities, and undoubtedly cost to taxpayers, on law enforcement, the courts, and voting officials while creating greater ease for felons serving their sentences to cast ballots.

The opportunity for voter fraud is enhanced.

Of great concern is that sentences of felons are diminished by this bill bringing further harm to the victims of their criminal acts as well as the general public for which these sentences are imposed to protect.

I oppose and respectfully encourage this Committee to oppose 2009 Assembly Bill 353.

¹ As of a year ago, in 12 of these states, a felon's right to vote is never restored.