



**TESTIMONY BY CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS
BEFORE THE ILLINOIS HOUSE ELECTIONS & CAMPAIGN FINANCE
COMMITTEE IN SUPPORT OF HOUSE BILL 4469**

April 11, 2018

Submitted By:

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Thank you for the opportunity to submit testimony today in support of Illinois House Bill 4469. Chicago Lawyers' Committee for Civil Rights (Chicago Lawyers' Committee) has operated as Chicago's preeminent nonprofit, nonpartisan civil rights legal organization since 1969, and we work to secure racial equity and economic opportunity for all. We provide legal representation through partnerships with nearly 50 member law firms. We also collaborate with grassroots organizations and diverse coalitions to implement community-based solutions that advance civil rights, including serving as a steering committee member of Just Democracy Illinois.

The Voting Rights Project of Chicago Lawyers' Committee was established to eliminate, reduce, and prevent barriers to voting for communities of color and low-income residents in Illinois. We advocate for expanded voter access for all communities, regardless of race, ethnicity, socioeconomic, or disability status. A major component of our work is Election Protection, the nation's largest non-partisan voter protection program, which operates the 866-OUR-VOTE hotline and supports companion lines at 888-VE-Y-VOTA and 888-API-VOTE. Election Protection hotline and pollwatcher volunteers have answered thousands of voter questions and resolved numerous problems at the polls. That puts us in a unique position to understand voter access barriers, investigate and remedy problematic practices, provide information on voting rights, and advocate for necessary reforms. As part of this program, we trained and deployed attorneys to monitor voting in Cook County Jail in 2017 (for individuals eligible to vote in suburban Cook County local elections) and 2018 (for individuals eligible to vote in the midterm primary elections). We also have assisted numerous voters who have a past criminal record and were formerly incarcerated but are now eligible to vote in Illinois. We have a close-up view of the voter access barriers faced by voters in pretrial detention and voters with a past criminal record, which puts us in a unique position to advocate for necessary reforms like Illinois House Bill 4469.

Voting access for individuals in pretrial detention is a critical civil rights issue in Illinois. Illinois has one of the largest populations of individuals in pretrial detention in the nation, with



approximately 20,000 people detained in jail pretrial across Illinois¹. The vast majority of this population has the right to vote.² People of color and low-income individuals are overrepresented in correctional facilities, including jails, and many eligible voters in jail are already members of communities most vulnerable to discrimination and disenfranchisement. The barriers to voting imposed by pretrial detention make a bad situation worse.

While Illinois law has long stated that pretrial detention is not a disqualification for voting³, significant barriers still remain. Even though officials in some Illinois counties have taken notable steps to ensure that individuals in pretrial detention have at least some ability to vote by mail, far too many counties have not. The current state laws recognizing these individuals' right to vote have simply not been enough to make voting possible or practical for most individuals in pretrial detention. Many election authorities and jail officials across the Illinois have neglected to take any action to allow individuals detained in their jurisdiction to have any practical ability to vote. By requiring that local election authorities collaborate with the county jail in their jurisdiction to facilitate voting by mail for eligible voters, HB 4469 will be an important step forward in making longstanding legal rights a practical reality.

We commend the Chicago Board of Election Commissioners for its support of HB 4469, as well as other institutions including Cook County Department of Corrections and Cook County Clerk's Office who have also worked to improve access for voters in pretrial detention. But even in the few jurisdictions where officials have proactively provided vote-by-mail resources or in-person assistance to voters in pretrial detention, the current system still unfortunately disenfranchises too many eligible voters. HB 4469 would be an important step forward in addressing the current inconsistent rules and procedures for voting in pretrial detention, as well as the stark disparity between the limited registration and voting options available in pretrial detention, compared to the voter access resources available to all other eligible voters in Illinois.

Like for any voter population in Illinois or across the country, access alone is not enough to lead to vibrant civic engagement and voter participation. People will not exercise rights they don't know they have, and education is particularly important in this context. Every year, approximately 30,000 people in Illinois are released from prisons or discharged from jail.⁴ Under Illinois law, these people are eligible to register and vote upon release, but many do not know it. In addition to recently released individuals, far too many of the roughly 4 million people in Illinois with past

¹ Todd D. Minton, Bureau of Justice Statistics, NCJ 248627 Census of Jails, Population Changes, 1999-2013, at 6 (2015).

² Noncitizens, individuals under 18, and individuals serving a sentence for a crime of which they have been convicted are not eligible to vote in Illinois.

³ Illinois Constitution Art. III Sections 1-2; 10 ILCS 5/3-5.

⁴ Carol Marin & Don Moseley, Tracking Illinois' Released Prison Population, NBC Chicago (May 7, 2014) available at <https://www.nbcchicago.com/investigations/Released-Inmates-Face-Roadblocks-Adjusting-to-Society-258402151.html>.



felony convictions do not know that they are eligible. Based on initial research conducted in Stateville Correctional Center in Illinois, 93% of individuals surveyed felt that the right to vote is “very important,” but 63% were unaware of their right to vote after release and 73% were unaware of the process required in Illinois to reclaim their voting rights.⁵ HB 4469’s provision of know-your-rights information would be an important step forward in increasing community members’ awareness of how voting rights can be reclaimed after incarceration. Ultimately, civic education led by those most directly affected will be the key to improving fair access to voting and civic engagement for community members in the criminal justice system.

The right to vote is essential to our democracy and a critical tool to lower recidivism and drive positive social change for all our communities. Chicago Lawyers’ Committee’s work with incarcerated individuals and returning citizens – the individuals whose rights are at stake today – reinforces our conviction about the importance of fair access to voting. Below is an excerpt of a statement from an incarcerated community member in Stateville Correctional Center in Illinois. This statement and additional statements included in an Appendix attached to this testimony. These individuals are students of DePaul University’s Inside-Out Prison Exchange Program class (Political Science 269 – Law, Politics, and Mass Incarceration), currently being taught by Dr. Christina Rivers, Associate Professor of Political Science at DePaul University.

“The importance for all eligible voters to gain access to voting is the cornerstone of the democracy of this nation. This nation is built by the people for the people. Awareness needs to be raised that voting is essential to our democracy. I believe HB 4469 will do just that particularly to the population of pretrial detainees and people who have completed [a] sentence. There are many people in the above mentioned category that are not aware of [their] right to vote and others who believe [their] individual vote would not be significant and may not even be counted...It is our civic duty to cast our vote for the productivity of not only our communities but for the nation as well.

“As a prior pretrial detainee and an individual that completed my sentence, I did not have any available information informing me of my right to vote. I automatically assumed I couldn’t. I was even told I couldn’t vote by me having a prior conviction. I had no facts readily available to dispute [this]. Being disenfranchised to vote automatically made me feel I was not a part of the community. I felt like an outcast. Such [a] feeling embarked an array of thoughts and actions that separated me from the community.

⁵ See <https://www.clccrul.org/s/2018-Criminal-Justice-EP-Flyer-yels.pdf>, citing research conducted by members of the Law and Politics Think Tank of Stateville Correctional Center, supervised by Dr. Christina Rivers of DePaul University.



“Being an eligible voter is [a] feeling of empowerment knowing that you have a say in society. Society is the key word which means companionship – a voluntary association of persons for common ends. Pretrial detainees and people who have completed their sentences [need] to know that they are still a part of the community and have a say in the world. This aspect will contribute to the rehabilitation and reframing of the population of men and women that are or have been incarcerated thus reducing the recidivism rate. I am speaking from personal experience and experiences of others that are similarly situated.

As explained by the community member whose words are included above, voting rights are fundamental, not only as an inherently vital part of our democratic system, but also as a means for self-empowerment and self-determination for all our communities. It is imperative that our laws reflect our values and that our government actively seeks to ensure the full and fair right to vote for all eligible voters. Accordingly, we respectfully request that the Illinois House Elections and Campaign Finance Committee support fair access to voting by passing HB 4469.

It's my belief that pretrial detainees are considered by the law of U.S. Const and Ill. Const, to be innocent until proving guilty. So they should be able to access to all their rights including voting. The harm of not allowing detainees to vote is silence a man/woman voice, on who we would want to represent them. When history have lost so many lives to win the right to vote, the "Power that be" find another way to strip it from us.

Voting allow me a chance to voice my concerns on the state of ~~which~~ party I feel represent my views. Making it that each vote count as a human being wanting better for their area, state or country. Once people have completed their sentences their rights should be restored to them. If not it is violating another Constitutional right found in the writing of the 8th amend. U.S. Const., Ill Art. 1 § 8 of the Const. How long do society downgrade and violate the rights of ~~pre~~pretrial detainees and post criminals after their convictions.

4/4/18

HB 4469

It is important to support bills such as this one, especially in today's political climate. The country is at a fork in the road between a liberal or conservative ideology. Having access to a vote is essential for people to have the ability to elect an accurate representative of their values. Minorities are incarcerated at a higher percentage than most, so a very high amount of people will have backgrounds containing some form of record. Having access for pre-trial detainees and those who completed their sentences is crucial since the sheer amount of people who fulfill this bracket is so high. Everyone has an idea of what is needed to make life easier for them, why should so many people not be able to elect a representative for their issues? It's absurd to leave so many people behind while our country goes in the direction of what only some want. Voting Rights and Voting Access needs to be an important Campaign point, but even more importantly - It needs to be a Law, so that those who seek to oppress cannot do so easily.

Please support this bill. The future can become a little bit smoother with this being law.

1. Because voting is their voice in the system. And as we have recently seen in recent elections, every voice matters.

2. You are taking away their voice and more important, their first amendment right of freedom of speech. What I mean by that is voting is a form of speech against or for a person or a political party.

3. I believe that everyone should have the right to vote (or have their voices heard). And I believe that everyone who has the right to vote should vote because of how important it is. Let me explain:

In the recent Alabama election, even though Alabama is a hard-core Republican state - African Americans who didn't vote in the presidential elections, came together to have their voices heard as a testimony against Donald Trump and against past behavior of the republican candidate (I can't remember his name)

As far as those who are eligible to vote but may not know their rights, I believe that voting rights should be taught in Jr. High school like the constitution. This is the only way I believe that you will get the knowledge of a persons voting rights out

out there

~~scribble~~

~~scribble~~
~~scribble~~
~~scribble~~

April 5th 2018

TA
[REDACTED]
Staterville Correctional Center
[REDACTED]

Hello! Thank you for this opportunity to be heard upon this important matter of access of voting including pretrial detainees and those who have successfully completed their sentence.

The importance for all eligible voters to gain access to voting is the cornerstone of the democracy of this nation. This nation is built by the people for the people. Awareness needs to be raised that voting is essential to our democracy. I believe HB 4469 will do just that particularly to the population of pretrial detainees and those who have completed a sentence.

There are many people in the above mentioned category that are not aware of their right to vote and others who believe their individual vote would not be significant and may not even be counted. We as a people need to raise awareness of how significant these votes are. The elected officials that we vote for can either ensure the current laws and policies that are in place or change them. It is our civic duty to cast our vote for the productivity of not only our communities but for the nation as well.

As an prior pretrial detainee and an individual that completed my sentence, I did not have any available information informing me of my right to vote. I automatically assumed I couldn't. I was even told I couldn't vote by me having an prior conviction. I had no facts readily available to dispute the such. Being disenfranchised to vote automatically made me feel like I was not a part of the community. I felt like an outcast. Such a feeling embarked an array of thoughts and actions that separated me from the community.

Being an eligible voter is an feeling of empowerment knowing that you have an say in society. Society is the keyword which means; companionship - a voluntary association of persons for common ends. Pretrial detainees and people who have completed there sentence needs to know that they are still apart of the community and have an say in the world. This aspect will contribute to the rehabilitation and reframing of the population of men and women that are or have been incarcerated thus reducing the recidivism rate. I'am speaking from personal experience and experiences of others that are similarly situated.

Thank you again for this opportunity to be heard upon this matter.

Sincerely,

A black rectangular redaction box covers the signature area. Below the box, a large, stylized cursive letter 'O' is visible, likely the first letter of the name.

4/4/18

What harm is caused by disenfranchising eligible voters in the criminal justice system?

The harm caused by disenfranchising eligible voters in the criminal justice system tells and shows that incarcerated individual he or she is no longer accepted by society. Nor recognized as a real citizen. The criminal justice system once convicted is designed to deteriorate those who are imprisoned relationships with not only family, and friends, but with society as a whole. Section 11 of the Illinois constitution speaks in part about restoring the offender to useful citizenship. What better than to allow that person to be part or feel like part of the community. Instead many laws are put in place to demonize that person, push him or her into a dung hill to be forgotten about. Many individuals incarcerated begin mentally restoring him or her self to becoming useful citizen to society before he or she is released from prison. Being able to vote should be one way an eligible voter in the criminal justice system exhibit his or her self rehabilitation to society.

Written testimony

There are many important reasons why it is vital for individuals who are eligible to vote have access to ballots while they are detained in county jails awaiting trial and given registration applications upon release from prison.

This written testimony will focus on voting for those who have completed their sentence.

To begin, information is critical to this cause and HB4469 ensures that all those individuals released from prison know they are eligible to vote and receive a voter registration application. I like most people thought I lost the right to vote because, of my conviction. This is mainly due to my own ignorance and the fact that I was incarcerated before I reached the age to vote. So, this information provides hope for a better future.

That hope being able to vote and help shape our state government. That voice allows us to voice our hopes, concerns and fears. More importantly it allows us to be civically engaged in society.

We may all be different from each other for various reasons and have all faltered at one point or another but, we all want the same thing... a better future. By voting we are attempting to create that better future even though we may have different ideologies in doing it.

I can not speak for every person who has been or will be released from prison but, I can assure you when I am released I will fill out my voter registration application and

I will exercise my right to vote every time I am able.