

**SUBJECT:** Requiring TDCJ to notify ex-offenders of the right to vote

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 6 ayes — Madden, Hochberg, McReynolds, Dunnam, Haggerty, Jones  
0 nays  
1 absent — Oliveira

**WITNESSES:** For — Xavier L. Bowser, Mt. Zion Church Prison Ministry Team; Latreese Cooke, MEEELJ, Inc., Minorities for Equality in Employment, Education, Liberty, and Justice, Inc.; Nicole Porter, American Civil Liberties Union of Texas; Ana Yanez-Correa, Texas Criminal Justice Coalition; Benny Hernandez; Herbert Steptoe; (*Registered, but did not testify*: Ken Bailey, Texas Democratic Party; Luis Figueroa, Mexican American Legal Defense and Educational Fund, MALDEF; Mary Finch, League of Women Voters; Teri Sperry, True Courage Action Network)  
Against — None

**BACKGROUND:** Election Code, sec. 11.002 includes in the definition of qualified voters those who have been convicted of felonies if they fully have discharged their sentences, including any terms of incarceration, parole, or supervision, or terms of court-ordered probation. The definition also includes those who have been pardoned or otherwise released from their disability to vote.

**DIGEST:** HB 770 would require the Texas Department of Criminal Justice to provide written notice to offenders who were released from its custody or supervision that they may be eligible to vote if they were no longer subject to the conditions prohibiting voting in current law. TDCJ also would be required to give the offender an official voter registration application.  
  
The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** HB 770 would codify a current practice of TDCJ to provide notice to offenders being released from prison after finishing their sentences, as

well as to those being released from parole, that they may be eligible to vote. This little-known practice is important enough that it should be in statute instead of just in agency policies, where it could be eliminated or changed by agency officials.

Participating in civic life and having a stake in the outcome of elections can help ex-offenders connect with society and encourage law-abiding behavior. However, many ex-offenders being released from prison and parole are unaware that they may be eligible to vote. Making sure that they continue to be notified about current law would facilitate their reintegration into society by encouraging their participation in civic life. Because a robust democracy depends on the participation of all segments of society, the Legislature should ensure that TDCJ continues to do what it can to help inform ex-offenders of current law. The bill would not expand the eligibility of ex-offenders to vote, but simply would let some of them know about current law.

Because of the unique circumstances involving ex-offenders, it is appropriate to use a unique way to notify them that they may be eligible to vote. Other methods currently used to encourage voting, such as making voter registration forms available at driver's license offices, may not reach all ex-offenders and do not make the explicit point that ex-offenders may be eligible to vote despite their involvement with the criminal justice system. Ex-offenders respect and trust information from TDCJ, whereas they may view information by other, less authoritative sources as suspect.

The fiscal note for HB 770 estimates no significant impact on the state, and the criminal justice impact statement estimates no significant impact on the workload of state agencies.

OPPONENTS  
SAY:

HB 770 is unnecessary because TDCJ already notifies offenders who finish their prison sentences or their parole terms that they may be eligible to vote.

OTHER  
OPPONENTS  
SAY:

There are numerous ways that people in the free world are encouraged and aided in voting, and the state should be cautious about mandating that resources be used in efforts aimed at a very narrow category of potential voters.