

April 1, 2025

Chair Wanggaard, Vice-Chair James, and Honorable Members of the Senate Committee on Judiciary and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in opposition to Senate Bill 95.

SB-95 would prevent people with felony convictions from regaining their constitutional right to vote until they have paid all “fines, costs, fees, surcharges, and restitution” imposed “in connection with the crime.” Put simply, this proposal would create a modern-day poll tax in Wisconsin.

Voting is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest. Before the Supreme Court outlawed them in the 1960s, poll taxes had been widespread in American elections throughout history, imposed as a means of systematically disenfranchising populations that those in power wanted to keep from voting – namely Black people, women, and poor people. Today, most Americans rightfully look back at poll taxes as a disgraceful and racist stain on our democracy, which is what makes the emerging effort to reinvent them for the 21st century so horrifying.

In light of the profound racial disparities in Wisconsin’s criminal legal system mentioned at the beginning of this testimony, we know exactly who SB-95 will disenfranchise the most. A patchwork of state felony disenfranchisement laws, varying in severity from state to state, prevent an estimated 4.4 million Americans with felony convictions from voting.¹ Confusion about and misapplication of these laws de facto disenfranchise countless other Americans.

Under current law, Wisconsinites who have past felony convictions can legally vote once they have finished serving their sentence and are no longer on probation, parole, or extended supervision—also known as being “off-paper.” According to DOC, 45,060 people were on some form of supervision for a felony as of June 2024.² This means in addition to the 23,000 Wisconsinites incarcerated in DOC institutions, over 45,000 Wisconsinites are disenfranchised because they are “on paper.” SB-95 would add the additional stipulation making restoration of their voting rights contingent upon the full repayment of any fines, costs, fees, surcharges, and restitution in any way connected with the underlying crime. In effect, the constitutional rights of thousands of people in Wisconsin would come at a cost.

¹ “Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction,” The Sentencing Project (October 2022), <https://www.sentencingproject.org/app/uploads/2024/03/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>.

² “Division of Community Corrections, 2024: A Year in Review,” Wisconsin Department of Corrections, <https://doc.wi.gov/DataResearch/DataAndReports/DCCYearInReview.pdf>.

The combined carceral debt of formerly incarcerated people in the United States adds up to about \$50 billion.³ This is a staggering figure, considering the average returning citizen with a job earns only a little more than \$10,000 in their first year back in the community.

In Wisconsin, the mountain of system-imposed debt begins pre-trial, as state statutes give counties discretion to charge incarcerated people a fee for their incarceration, including booking fees or a daily rate for room and board. In 2019, Wisconsin Watch found that at least 23 Wisconsin counties assess “pay-to-stay” fees.⁴ Further, Wisconsin jails and telecommunications companies extract more money from incarcerated people and their families, with rates for phone calls as high as \$14.77 for a 15-minute call in some counties.⁵ While the Federal Communications Commission voted to enact new rules to lower the cost of phone and video calls, the timeline for bringing prisons and jails into compliance could extend into 2026.

For individuals incarcerated in DOC institutions, their families often go into debt to help cover the cost of phone calls and electronic messages with loved ones and assist with the cost of basic needs items in commissary outside of the tiny bar of soap, tiny tube of toothpaste, and single stamped envelope received every two weeks. Notably, depending on job classification, those incarcerated in DOC institutions earn between \$0.05 per hour to \$0.12 per hour; and for a small proportion with extra security clearance, \$0.42 per hour.

SB-95 is presumably modeled after Florida’s SB 7066—a bill signed into law to subvert Amendment 4, a referendum passed by voters to overturn a Jim Crow Era law and re-enfranchise formerly incarcerated people. Similar to Florida’s disenfranchisement scheme, SB-95 would be extraordinarily difficult to implement because Wisconsin does not have a centralized database identifying the precise amount of an individual’s financial obligation that must be satisfied for re-enfranchisement. This would make it nearly impossible for some individuals to determine what they owe, if anything, and whether they would be eligible to vote.

The ACLU of Wisconsin strongly urges committee members to vote against Senate Bill 95.

³ “You’ve Served Your Time. Now Here’s Your Bill,” HuffPost (Sept. 2018), https://www.huffpost.com/entry/opinion-prison-strike-labor-criminal-justice_n_5b9bf1a1e4b013b0977a7d74.

⁴ Izabela Zaluska, *Pay-to-stay, other fees, can put jail inmates hundreds or thousands in debt*, Wisconsin Watch (Sept. 15, 2019), <https://wisconsinwatch.org/2019/09/pay-to-stay/>.

⁵ Wanda Bertram, *New data: Wisconsin jails and telecom giants profiting from high phone rates that keep families apart*, Prison Policy Initiative (Sept. 10, 2021), <https://www.prisonpolicy.org/blog/2021/09/10/wisconsin-phones/>.