

# Felon Voting Rights

**A** one-time encounter with the justice system can have lasting effects on an individual in more ways than one. For starters, those who have been imprisoned are far more likely to become inmates again. Within five years of release, 76.6 percent of prisoners are rearrested, according to the Bureau of Justice Statistics.

Then there are voting rights. Some 5.9 million Americans will be barred from voting in the 2016 presidential election because of a felony conviction, according to the Sentencing Project, an advocacy group for loosening restrictions.

From the time they were written, most state constitutions have permanently denied voting rights to people convicted of felonies. But states began reversing those prohibitions in the mid-20th century, and the trend has continued. Currently, 11 states permanently ban some felons from voting.

Advocates for restoring voting rights say voting can reduce recidivism by fostering a greater commitment to and involvement in the local community. They also point out that without a parental role model, children of disenfranchised voters are less likely to vote themselves, creating a cycle of disengagement.

Others say felons shouldn't be allowed to vote because they

committed serious crimes. They've lost the public's trust. A loss of freedoms is simply a consequence of their poor judgment, they argue. It's just how the judicial system works.

Except for Maine and Vermont, all states restrict felon voting rights to some degree. Thirteen states ban only felony inmates from voting, four also include parolees, and 20 include both parolees and probationers.

Consequently, the percentage of felons who cannot vote varies by state. The rate is highest in Florida, where 10.4 percent of the voting age population is prohibited from voting, according to The Pew Charitable Trusts. The national average is 2.5 percent. The Florida Legislature rejected recent measures to expand felon voting rights.

In 2015, North Dakota and Wyoming enacted legislation easing voting restrictions for ex-offenders, while 17 other states and Puerto Rico considered similar legislation. Maryland's governor vetoed a bill.

With a presidential election nearing, felon voting rights is likely to remain a popular topic as candidates from both parties have expressed support for re-engaging citizens whose votes could make a difference in some states.

—Zita Toth



# Fighting Revenge Porn

**T**he damage a private photo can do once it's posted on the Internet, the embarrassment and distress it can cause the victim, and the challenge it can be to remove it highlight just how horrible "revenge porn" can be.

In April, Kevin Christopher Bollaert was sentenced to 18 years in custody after being convicted on identity theft and extortion charges in connection with a pair of websites he operated. One site displayed naked and sexually explicit pictures, mostly of women, posted by angry former romantic partners. When people requested that pictures be removed, they were directed to another website that charged up to \$350 to take the photos down. Bollaert was ordered to pay a \$10,000 fine and \$15,000 to each of his victims. After Bollaert was charged, but before his conviction, California enacted legislation criminalizing the distribution of revenge porn if it causes the victim serious emotional distress.

Since 2013, about half the states have enacted laws that, generally, criminalize the unauthorized distribution of sexually explicit images of another person with the intent to embarrass, harass or frighten that person. The laws vary in their details and in the penalties imposed. Without specific laws against the practice, victims are limited to pursuing stalking or harassment charges, filing a

civil action or registering for copyright protection of the photos, all of which can be difficult to achieve.

Even search engine giant Google Search has joined the conversation. Shifting from its previous philosophy that its search function "should reflect the whole Web," Amit Singhal, senior vice president, stated in June that the company would "honor requests from people to remove nude or sexually explicit images shared without their consent from Google Search results."

Critics argue this legislation can be overbroad and infringe on free speech. In July, a federal court ordered Arizona prosecutors to halt enforcement of the state's 2014 law. The advocacy group Media Coalition Inc. had challenged the law as a restriction on speech that criminalizes a wide range of newsworthy, artistic, educational and historical images. Media Coalition represents most U.S. booksellers, publishers and librarians; film, recording and video game producers; and home video and video game retailers.

Although states have been leading the way in crafting bills to tackle the problem, Congress may take action as well. U.S. Representative Jackie Speier, from California, is working on federal legislation.

—Pam Greenberg and Kevin Frazzini

# Battle on the e-Gridiron



In the fantasy sports world, players act as owners to draft teams that compete against each other based on the performance of real-world athletes. It all involves a bit of make-believe, but there's nothing imaginary about the number of people playing or the amount of money involved. An estimated 56.8 million North Americans will participate this year, and each will spend around \$465. That's 15.3 million more fans than in 2014, according to the Fantasy Sports Trade Association.

A recent twist on traditional fantasy sports involves daily competitions in which players' teams compete not for a whole season but for just one day. These daily sites are legal, even though most forms of online gaming are not, and sports betting is illegal everywhere outside of Nevada. Why? The answer comes from a combination of federal and state laws.

The federal Professional and Amateur Sports Protection Act bans betting on sports, except through Nevada's well-known sports-wagering businesses and the sports lotteries of Delaware, Montana and Oregon. All of these were in operation before Congress passed the legislation in 1993. In theory, the law should apply to fantasy gaming, but no fantasy player has ever been challenged. Fantasy sports were exempted from the ban in the Unlawful Internet Gambling Enforcement Act of 2006 as well.

Although the federal laws can provide a framework, gambling is typically regulated by the states. Currently, only Montana explicitly prohibits fantasy sports if played over the Internet. Fantasy games are considered to be illegal in Arizona, Iowa, Louisiana and Washington, as well, but not because of specific bans. Confusion comes from vague laws, conflicting attorneys general opinions and assumptions made by public officials. Lawmakers in those states have introduced bills over the last two years to clarify and formally legalize fantasy sports, but none have passed.

Lawmakers in Indiana, Massachusetts and Pennsylvania have introduced legislation to allow casinos or lotteries to offer daily fantasy games. And in Texas, a bill was introduced to require sports betting sites, including fantasy sports sites, to obtain licenses. As fantasy sports continue to grow in popularity, more states are likely to clarify their positions on the games.

—Jonathan Griffin

# Employers Dealing Payroll Cards

Payroll cards have become a popular alternative to paper checks and direct deposits for paying wages. Lawmakers have tried to balance promoting their use with protecting employees from hidden and unclear fees. Payroll cards operate much like prepaid debit cards. They can be loaded with employees' wages and used in stores or online to buy goods or pay bills. Cards are often branded by American Express, Discover, MasterCard or Visa and can be used to get cash from ATMs, bank tellers or through convenience checks.



Proponents argue that payroll cards are safer and more convenient than getting paid in cash or by paper check. The cards are protected like traditional debit cards under the Federal Reserve Board's Regulation E. For employees who don't use financial institutions or who cash their paychecks, payroll cards eliminate check-cashing fees. Employees can also use monthly transaction records to track their spending, and if a card is lost or stolen, the transactions can be disputed and the funds replaced, if necessary.

Consumer advocates are concerned that some of the fees the cards charge are hidden. They also claim that the terms, conditions and available options are not always clearly disclosed. Although payroll cards eliminate check-cashing fees, some card providers charge for ATM transactions, point-of-sale and customer service, overdrafts and access to account balances.

Twenty-two states and Puerto Rico have enacted legislation authorizing the use of payroll cards. Georgia and Rhode Island enacted legislation this year. Twenty states and Puerto Rico apply the law to all employers, while Texas and Washington apply the law specifically to institutions of higher learning. In Florida, a new law requires labor pool employers to give employees notice before switching to a pay card system. The employer also must give workers a list of nearby businesses that provide free withdrawals.

—Heather Morton