

**Oral Testimony of
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**Before the
New Jersey Assembly Appropriations Committee**

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Good afternoon. My name is Eliza Sweren-Becker and I am counsel in the Voting Rights and Elections Program at the Brennan Center for Justice at NYU School of Law.

Thank you for the opportunity to express support for restoring voting rights to those living in the community with criminal convictions in their past. Rights restoration encourages civic participation, offers a second chance to those who have served their time, and furthers equality. It will also reduce confusion for both citizens and election officials alike.

The Brennan Center is a national nonpartisan law and policy institute affiliated with NYU School of Law that seeks to improve our systems of democracy and justice. Named after son of Newark, Justice William Brennan, we have a long history of partnering with election administrators, legislators, and other elected officials at the local, state, and federal level to reform and improve our elections and election administration. At the Brennan Center, we have worked to reform criminal disenfranchisement laws at the state and federal levels for decades, through research, legislative and executive advocacy, and public education.

We enthusiastically support Assembly Bill 5823 and urge each of you to vote to pass this bill out of committee, and to move the bill to a floor vote as swiftly as possible.

New Jersey has been stuck with its current policy of felony disenfranchisement for far too long. Now is the time for forgiveness and second chances. Now is the time to restore voting rights. While the list of reasons to do so is long, I'll highlight three today.

First, rights restoration benefits everyone in New Jersey communities.

For years, New Jersey has been a national leader in advancing democracy reforms and honoring the right to vote – including with the passage of automatic voter registration last year.

This is a state that clearly understands the value of an expansive democracy that welcomes citizens to make their voices heard. The power of that welcoming message is never stronger than when it is delivered to people who are reintegrating into their communities after a conviction.

There are more than 80,000 people on probation and parole who live, work, pay taxes, and raise families in New Jersey's communities, but do not have the right to vote.¹ The state's policy of disenfranchising citizens with criminal convictions denies formerly incarcerated people the respect and responsibility of full citizenship.

Our communities benefit when we encourage returning citizens to see themselves as a worthy part of the larger society. We can do that by giving them a vote and a voice. On the other hand, when we deny people the right to vote, we tell them that their voices do not matter, and that they do not have a stake in the community. For this reason, both the American Probation and Parole Association and the Association of Paroling Authorities International have passed resolutions in favor of restoring voting rights upon release from prison.²

Second, New Jersey is out of step with most of neighboring states.

Over the last 20 years, New Jersey's neighbors—including New York, Connecticut, Delaware, Maryland, Rhode Island—have changed their policies to expand access to the polls for those with past convictions. Yet New Jersey's felony disenfranchisement policy is the same as Texas and Georgia. New Jersey's disenfranchisement of people in the community sweeps in more people than any of the northeast states.

The momentum for rights restoration is not just limited to blue states in the North East. Nevada and Colorado this year enacted policies to restore voting rights to those living in the community. Last November, Florida voters overwhelmingly enacted Amendment 4 with nearly 65% of the vote – indeed, Amendment 4 received more than a million more votes than the republican candidate for governor who won office. Iowa and Kentucky, the last two states with permanent blanket disenfranchisement policies, seem poised for reform over the next year under the leadership of republican Governor Kim Reynolds in Iowa and the democratic Governor-Elect, Andy Beshear, in Kentucky.

We have seen that support for rights restoration goes beyond party politics because Americans of all political stripes believe in second chances. Sixteen states, both red and blue,

¹ THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE, VALUE TO THE SOUL: PEOPLE WITH CRIMINAL CONVICTIONS ON THE POWER OF THE VOTE 3 n.24 (2019), https://d3n8a8pro7vhmx.cloudfront.net/njisi/pages/1360/attachments/original/1570569487/Value_to_the_Soul_10-08-19_FIN_WEB.pdf?1570569487.

² See AM. PROBATION & PAROLE ASS'N, RESOLUTION SUPPORTING RESTORATION OF VOTING RIGHTS (Oct. 17, 2007), available at https://appa-net.org/eweb/Dynamicpage.aspx?site=APPA_2&webcode=IE_NewsRelease&wps_key=a587deaf-9cbf-4efd-bd8d-025c14143f65; ASS'N OF PAROLING AUTHS. INT'L, RESOLUTION ON RESTORING VOTING RIGHTS (Apr. 30, 2008), available at <http://www.apaintl.org/about/resolutions.html>.

plus Washington, D.C., restore voting rights immediately upon an individual's release from prison, while two states (Maine and Vermont) never take the right to vote away.³

Indeed, the overwhelming trajectory of this country has been one of giving people with criminal convictions a second chance to participate in our democracy. New Jersey's standstill has been a rare exception to the national movement on rights restoration. And it's time for New Jersey to lead, rather than lag behind, on this issue.

Third, an expanded and inclusive democracy is consistent with American values.

Across the country, voters are paying attention to issues of democracy, and getting engaged.

According to estimates from Dr. Michael McDonald, 50.3 percent of the voting-eligible population cast a ballot nationwide in the 2018 midterm elections. Nationally, this was the highest rate of turnout in a midterm election since 1914. That figure was 53.1 percent in New Jersey. For context, New Jersey saw its prior most recent midterm high in 2006 and that was only 40.6%. Turnout in last week's election was up about four points from 2015's historic low for odd-year elections.⁴ New Jersey voters, like fellow citizens across the country, are clamoring to participate.

Lawmakers have gotten the message. As of July of this year, legislators in 46 states introduced or carried over 688 bills that would expand access to the ballot.⁵ That translated into 37 new laws expanding voting access in 21 states and D.C. That is significantly more than the number of pro-voter reforms signed at similar points in 2017⁶ and 2015.⁷ In mid-2017, the most recent off-cycle legislative year, just 8 states had enacted 9 bills to make voting and registration easier, and in mid-2015, 12 states had enacted 14 such laws.

At the national level, the House of Representatives made H.R. 1—the For the People Act—its first piece of legislation.⁸ H.R. 1 is a sweeping pro-democracy bill that includes a rights

³ See *Criminal Disenfranchisement Laws Across the United States*, BRENNAN CTR. FOR JUSTICE (last revised May 31, 2019), https://www.brennancenter.org/sites/default/files/legal-work/2019.5.31_Criminal_Disenfranchisement_Map.pdf

⁴ Matt Friedman, *Turnout up modestly in 2019*, POLITICO (Nov. 8, 2019), <https://www.politico.com/newsletters/new-jersey-playbook/2019/11/08/turnout-up-modestly-in-2019-487621>.

⁵ *Voting Laws Roundup 2019*, BRENNAN CTR. FOR JUSTICE (July 10, 2019), <https://www.brennancenter.org/analysis/voting-laws-roundup-2019>.

⁶ *Voting Laws Roundup 2017*, BRENNAN CTR. FOR JUSTICE (May 10, 2017), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2017>.

⁷ *Voting Laws Roundup 2015*, BRENNAN CTR. FOR JUSTICE (June 3, 2015), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2015>.

⁸ Office of the Clerk, Final Vote Results for Roll Call 118, U.S. House of Representatives (Mar. 8, 2019), <http://clerk.house.gov/evs/2019/roll118.xml>.

restoration policy consistent with Assembly Bill 5823. In other words, a majority of the House of Representatives decided that election reform and voter access—including *rights restoration*—would be its first order of business this congressional term. I think we can all agree that when Washington, D.C. seems to be moving faster than the New Jersey statehouse, something is amiss.

To those who are concerned about what re-enfranchised voters would do to state politics, it's worth noting that numerous states have more relaxed restoration policies than New Jersey, and it has not brought about a stark shift in existing political dynamics. In Louisiana, for example, most citizens on probation (and even some who are on parole) are able to vote, but Republicans were elected to five of the six congressional seats that were open in the 2018 midterm (it also re-elected a Democratic incumbent), and in Utah, which restores voting rights to all persons in the community, Republicans won their elections in three of the four congressional seats in the 2018 midterm.

The right to vote forms the core of American democracy. A strong, vibrant democracy requires the broadest possible base of voter participation. New Jersey has the opportunity to strengthen its democracy and extend a second chance by restoring the vote to returning citizens who are *already* members of the community. You can and should take the first step today by voting to pass Assembly Bill 5823 out of committee.

I am grateful for the opportunity to address you. Thank you for your careful consideration of this issue. I hope that the legislature will take action *this session*, because the time for rights restoration in New Jersey is now.