

TOOLKIT FOR PROMOTING FELON ENFRANCHISEMENT

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The first version of this toolkit was distributed at the Mission Fair of the Monmouth Presbytery on November 17, 2018 at The Presbyterian Church of Toms River. It has been adapted for a national audience and includes the following:

- Description of the author’s journey on the subject
- Suggestions for how churches can study the issue and then advocate for enfranchisement
- Resources for further information

“In its emphasis on the accountability of the individual to God and on the spirit of cooperation, Christianity nourishes the very roots of democracy.... The enjoyment of special privilege by some because of race and creed, and the consequent discrimination against others, draws its support from sources that are at variance with the Christian principles of human worth and brotherhood (fellowship)....” Minutes of the General Assembly, 1942, cited in *Lift Every Voice: Democracy, Voting Rights, and Electoral Reform* (2008), 218th General Assembly, p. 1

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How a Presbyterian Layman Became an Advocate for Enfranchisement of Prisoners, Parolees and Probationers

I have been a lifelong advocate for justice and peace rooted in a strong Biblical faith. When I was a student at Princeton Theological Seminary in the early 1970s, I had my eyes opened working as a chaplain for Spanish-speaking inmates at Trenton State Prison (one year) and Rahway State Prison (2.5 years). I also did a summer internship at the Mercer County Department of Corrections as a bilingual social worker. I felt called by those experiences to pursue whatever path God put me on to ameliorate conditions of Hispanics in the criminal justice system.

After finishing the M.Div. I completed an M.A. in Criminal Justice, which led to being hired as a Research Associate in the Administrative Office of the New Jersey Courts in 1978. Soon I also earned a Th.M. concentrating on social ethics. Within a few years I became the director of the Judiciary's new program to provide equal access to witnesses, defendants and others coming into the courts who had limited or no proficiency in English. Over a career of 31 years working to create policies and services to ensure language access in the New Jersey Judiciary, it was a dream come true to be able to implement a world-class program that provided language access to the state's trial courts.

Since retiring at the end of 2008, I've sought out other opportunities to work as a faith-based advocate for peace and justice. In the Fall of 2017, I heard about a nearby group that had just been formed to promote the enfranchisement of prisoners, parolees and probationers in response to a call for state initiatives on voting rights by the American Civil Liberties Union (ACLU).¹ I attended a meeting of ACLU Let People Vote-Mercer County, curious to see what it was all about and very skeptical about the idea of allowing prisoners to vote. I was delighted to see an amalgam of citizens from Lawrence Citizen Activists, the League of Women Voters, and unaffiliated people like myself, all of whom were dedicated to advocating for what's called "enfranchising felons."

At the beginning it seemed to me that the case for enfranchising persons convicted of crimes was strongest with respect to probation. After all, probationers live in the community, tend to work and pay taxes, and, since they've remained in our communities, are perhaps the most "deserving" of voting. It also seemed that the next most deserving group would be parolees. Parolees are persons who have been released from terms of imprisonment into the community and are, once again, living among us, hopefully working, paying taxes, and striving to be productive citizens. What a great way to boost their chances of succeeding if they can vote and express their voices in the political realm!

But prisoners? That was a hard one for me at the outset. The more I studied the issues, learned the history of disenfranchisement of offenders in my state, and thought theologically about how disenfranchisement operates in New Jersey and elsewhere, the more the scales on my eyes fell away. Ultimately, I concluded that, while it may not be politically expedient to try to enfranchise prisoners simultaneously with parolees and probationers, God has called me to advocate for enfranchising all three groups. **Welcome to the journey!**

¹ <https://www.aclu.org/blog/voting-rights/people-power-launches-50-state-voting-rights-campaign-reenergize-our-democracy>

STEP ONE: EXPAND YOUR KNOWLEDGE AND UNDERSTANDING

This is a complex history that invites study of history, law, the intersection with other major issues, and more. Here are some suggested approaches and resources.

- Consider the range of laws: The range of whether felons are allowed to vote is extremely wide, with a few states at 180° opposite ends and the rest somewhere in between:
 - In two states (Maine and Vermont) as well as Puerto Rico, no felon *ever* loses the franchise, even while incarcerated
 - In two other states (Iowa and Kentucky [and, until 2018, Florida]), felons are banned from voting for the remainder of their lives, unless one's voting rights are individually restored by the governor
- Look at the national picture consulting one or both of these maps and any other sources you might find from a Google search of “felon disenfranchisement” or something similar:
 - ACLU: <https://www.aclu.org/issues/voting-rights/voter-restoration/felony-disenfranchisement-laws-map>
 - Brennan Center: <https://www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states>
- Ascertain the law (constitution, statutes, case law) on felon voting rights in your state:
 - Determine when and why felons lost the right to vote;
 - Explore the history of proposed and actual changes in the law; and
 - Identify the current status of the law in your state regarding felon voting rightsFor an example of what such research might yield, take a look at the compiler's research in New Jersey at www.courtinterpretingresearch.com under the tab, “Felon Enfranchisement.”
- Find out if your state has any groups working on felon enfranchisement and, if so, find out what they are trying to do and why. Here are some examples from around the country:
 - Florida:
 - Florida Rights Restoration Coalition, <https://floridarrc.com/>
 - Second Chances, <https://secondchancesfl.org/>
 - Massachusetts, *Ballots Over Bars*, <http://emancipationinitiative.org/ballots-over-bars/>
 - Minnesota: *Restore the Vote-Minnesota*, <https://restorethevotemn.org/>See also local chapters, if any, of the organizations listed on page 7 below.
- Find out whether your state has any research or public events that has addressed the subject and, if so, study their findings. Here are some examples:
 - Mississippi, <https://mississippitoday.org/2019/02/05/almost-70-of-mississippians-support-restoring-voting-rights-to-some-ex-felons-poll-finds/>
 - Missouri: <http://law.missouri.edu/faculty/symposia/missouri-symposium-on-felon-disenfranchisement/>
 - New Jersey Institute for Social Justice, *We Are 1844 No More: Let Us Vote* (2017), available at <http://www.njsj.org/1844nomorereport2017>
 - Tennessee Advisory Committee to the U.S. Commission on Civil Rights, https://www.usccr.gov/pubs/docs/TN_SAC_Ex-Felon-Report.pdf
 - Wisconsin, <https://badgerherald.com/opinion/2019/05/01/its-time-to-enfranchise-wisconsins-prisoners/>

- Study the legislation proposed in New Jersey as a possible model or point of departure. S-2100/A-3456 is available at <https://legiscan.com/NJ/bill/S2100/2018>.
- Watch a news report on the January 31, 2019 testimony on S-2100 before the NJ Senate State Government, Wagering, Tourism & Historic Preservation Committee. This was a marvelous “Discussion Only” hearing with people from a wide range of backgrounds testifying: several former prisoners, many advocacy groups, a representative of law enforcement (a retired State Trooper), the Bishop of the Episcopal Diocese of NJ, and others: <https://www.njtvonline.org/news/video/advocates-push-to-restore-voting-rights-for-convicts-in-and-out-of-prison/>. The compiler of this toolkit also testified and that testimony is available on his website referenced above.
- Review the pros and cons in this compilation: <https://felonvoting.procon.org/>.
- Read some helpful publications on the subject, particularly:
 - “An Open Letter to Presidential Candidates on Voting Rights,” <https://www.documentcloud.org/documents/5983400-Open-Letter-to-Presidential-Candidates-on-Voting.html>
 - Bazelon, Emily. “Exiled from Democracy,” *The New York Times Magazine*, pp. 46-51 (September 30, 1918)
 - Behrens, Angela; Christopher Uggen and Jeff Manza. “Ballot Manipulation and the ‘Menace of Negro Domination’: Racial Threat and Felon Disenfranchisement in the United States, 1850-2002, 109 *AJS* 559 (2003); https://users.cla.umn.edu/~uggen/Behrens_Uggen_Manza_ajs.pdf
 - Manza, Jeff and Christopher Uggen. *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press, 2008
 - Mauer, Mark. “Voting Behind Bars: An Argument for Voting by Prisoners,” 54 *Howard L. J.* 549 (2011); <https://www.sentencingproject.org/wp-content/uploads/2016/01/Voting-Behind-Bars-An-Argument-for-Voting-by-Prisoners.pdf>
 - Sanders, Emmett. “Full human beings: An argument for incarcerated voter enfranchisement,” <https://www.peoplespolicyproject.org/projects/prisoner-voting/>
 - Rogers, Estelle H. “Restoring Voting Rights for Former Felons,” <http://www.projectvote.org/wp-content/uploads/2014/03/POLICY-PAPER-FELON-RESTORATION-MARCH-2014.pdf>
 - The Sentencing Project, “6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016,” <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
- Find one or more people who have lost the franchise due to a conviction and see if he, she or they would be willing to talk with you or a gathering at your church about what the loss of voting rights means to him, her or them.
- Explore what it means for the loss of voting rights to be a “collateral sanction.” See <https://niccc.csgjusticecenter.org/> for resources.

- Contact PC(USA) groups that may have updated information or suggestions:
 - Advisory Committee on Social Witness Policy, Presbyterian Mission Agency; Rev. Dr. Christian T. Iosso, Coordinator, christian.iosso@pcusa.org; 502-569-5814
 - Racial Equity Advocacy Committee, Presbyterian Mission Agency; Courtney Hoekstra, Associate for Advocacy Committee Support, Courtney.hoekstra@pcusa.org; 888-728-7228, x. 5293
- Become familiar with two ancillary, related issues:
 - Voting rights, our democracy, and electoral reform
 - “Lift Every Voice: Democracy, Voting Rights, and Electoral Reform,” approved by the 218th General Assembly (2008); available at <https://www.presbyterianmission.org/wp-content/uploads/2-votingrights-2008.pdf>
 - Office of Public Witness, “We Shall Not Be Moved: Advocacy in the New Age of Voter Suppression,” by Mara Sawdy and Nora Leccese; available at <https://www.presbyterianmission.org/wp-content/uploads/Voter-Suppression-Discussion-Guide.pdf>
 - Office of the United Nations High Commissioner for Human Rights and The Carter Center, “Human Rights and Election Standards: A Plan of Action”; available at <https://www.cartercenter.org/resources/pdfs/peace/democracy/human-rights-and-election-standards-2018.pdf>
 - ACLU, “Voting Rights are Human Rights”; available at <https://www.aclu.org/other/voting-rights-are-human-rights>
 - Mass incarceration and racial justice
 - Presbyterian Criminal Justice Network
 - <http://www.phewacomcommunity.org/pcjnpresbyteriancriminaljusticenetwork.html>
 - <http://justiceunbound.org/action-alerts/people-not-profit-presbyterians-form-criminal-justice-network/>
 - Presbyterian Women, https://www.presbyterianwomen.org/what_we_do/work-for-justice/mass-incarceration/
 - “The Church and Criminal Justice: Hearing the Cries,” Evangelical Lutheran Church in America (2013); http://download.elca.org/ELCA%20Resource%20Repository/Criminal_JusticeSS.pdf
 - Resource list issued by the National Council of Churches, <http://nationalcouncilofchurches.us/about/massincarcerationpriority.php>
 - Resources from the ACLU, <https://www.aclu.org/issues/smart-justice/mass-incarceration>
 - Michelle Alexander, [The New Jim Crow: Mass Incarceration in the Age of Colorblindness](#). New York: The New Press, 2010.

STEP TWO: ACT

- If there's no bill before your legislature, work with a receptive legislator or advocacy group to draft a bill
- If there is a bill you can support, develop and carry out strategies to support its passage, such as:
 - Communicate your support for felon enfranchisement to your own elected officials by whatever means are most effective, including these options:
 - Sending them letters (samples on the author's Felon Enfranchisement page) or e-mails
 - Calling their offices and registering your support with staff
 - Meeting with them and explaining in person why you support such legislation
 - Convey your support to the members of the respective committees of your legislature to which the bill has been referred
 - Collect signatures on a petition and coordinate their collection and deliver them to appropriate officials (see last page of this toolkit for a model and adapt it as may be appropriate in your state)
- Conduct a public information campaign in collaboration with allies to raise awareness by such activities as the following:
 - Organize or lead adult education classes on the subject at your congregation and advocate for your Session to publicly support the legislation
 - Bring in an expert on the subject to speak to your congregation and/or at an interchurch or interfaith gathering in your town or area
 - Become involved with or work collaboratively with a local, regional or statewide group working for passage of the bill
 - Write letters to the editor of newspapers, post information raising awareness of the legislation on social media, write essays for your church's newsletter, post information on social media, etc.
 - Sponsor a table, perhaps with handouts and a trifold poster, to raise awareness at mission fairs, presbytery and synod meetings, and other public venues. Resources for a trifold poster are available on the "Felon Enfranchisement" page at www.courtinterpretingresearch.com.

FEEDBACK WELCOME!

If anyone has suggestions for improving this toolkit, can identify new resources, or provide any information to help advance felon enfranchisement, please contact the author at robertjoelee@aol.com.

ORGANIZATIONS ADVOCATING FOR FELON ENFRANCHISEMENT

Brennan Center for Justice, <https://www.brennancenter.org/issues/restoring-voting-rights>; **Myrna Pérez**, Deputy Director, Democracy Program; brennancenter@nyu.edu; 646-292-8310

The Campaign to End the New Jim Crow, Greater Trenton Chapter; <http://www.endnewjimcrownj.org>; **Patrick Hall** and **Barbara Flythe**, Co-chairs; 609-429-0550; patrickh8055@gmail.com; BarbFlythe@gmail.com

The Drug Policy Alliance, <http://www.drugpolicy.org/>; 212-613-8020; contact@drugpolicy.org

Florida Rights Restoration Coalition, <https://floridarrc.com/about/>; **Desmond Meade**, President; 407-901-3749; info@floridarrc.org

The Leadership Conference on Civil & Human Rights, <https://civilrights.org/>; **Leigh Chapman**, Program Director, Voting Rights; 202-466-3434

League of Women Voters, <https://www.lwv.org/>; 202-429-1965

NAACP Legal Defense and Education Fund, <https://www.naacpldf.org/case-issue/free-vote-people-felony-convictions/> 212-965-2200

NJ Institute for Social Justice, <http://www.njisj.org/>; **Chané Jones**, Associate Counsel; 973-624-9400, x.33; 973-624-9400, x.33; cjones@njisj.org

The Sentencing Project, <https://www.sentencingproject.org/>; **Mark Mauer**, Executive Director; 202-628-1091; staff@sentencingproject.org

Southern Poverty Law Center, <https://www.splcenter.org/our-issues/voting-rights>; **Nancy G. Abudu**, Esq., Deputy Legal Director, Voting Rights; 334-956-8200

Vera Institute of Justice, <https://www.vera.org/>; 212-334-1300; contactvera@vera.org

NOTE: If any of these organizations have a state chapter or office in your state, contact them as well.

NJ Voting Rights Restoration Petition

Initiative sponsor: Let People Vote, a project of ACLU People Power: <http://www.peoplepower.org> or write info@peoplepower.org

We, the undersigned, ask the New Jersey State Legislature to restore voting rights to the almost 100,000 citizens currently in prison, on parole, or on probation in New Jersey. We believe citizens who participate in civic society contribute to their community and their rehabilitation. Restoring the right to vote benefits us all.

Your Name (please print): _____ NJ Legislative District: ____

Your Signature: _____ Date of Signature: _____

Your Street: _____ Town: _____ Zip: _____

Your Name (please print): _____ NJ Legislative District: ____

Your Signature: _____ Date of Signature: _____

Your Street: _____ Town: _____ Zip: _____

Your Name (please print): _____ NJ Legislative District: ____

Your Signature: _____ Date of Signature: _____

Your Street: _____ Town: _____ Zip: _____

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Your Signature: _____ Date of Signature: _____

Your Street: _____ Town: _____ Zip: _____

Your Name (please print): _____ NJ Legislative District: ____

Your Signature: _____ Date of Signature: _____

Your Street: _____ Town: _____ Zip: _____

Mail completed petitions to [insert address].