

January 31, 2019

To: Senator James Beach, Chair,

Senate State Government, Wagering, Tourism & Historic Preservation Committee.

From: ACLU Let People Vote, Mercer County.

Re: S-2100: Removes prohibition on voting by persons convicted of indictable offense who are on parole, probation, or serving sentence; Senators Ronald L. Rice and Sandra B. Cunningham Primary Sponsors.

Introduction to testimony on behalf of:

ACLU Let People Vote, Mercer County

Chair, Nicole Plett (nbplett@yahoo.com)

Robert Joe Lee, member (robertjoelee@aol.com)

To Chairman Beach and members of the committee:

My name is Robert Joe Lee and I am speaking today on behalf of more than 70 members of "ACLU Let People Vote, Mercer County." Our group formed in October 2017 to address how we can advocate for New Jerseyans denied the right to vote. We are here today to urge passage of S-2100.

We have been studying this issue for over a year, coming to consensus, and circulating a supporting petition that we will be sharing with our legislators soon.

We understand that including currently incarcerated individuals among those to be enfranchised may seem problematic at first glance. Interestingly, some in our group initially were also concerned. However, the more we studied the pros and cons, the more we realized that all three groups warrant being afforded the franchise. We respectfully encourage this committee to take a close look at the rationale for including all classes of persons convicted and consider including incarcerated individuals as well.

Here are some of the factors that moved us to change our way of thinking:

- Two states (Maine & Vermont) never take away the vote from any felon, not even prisoners.
- The U.S. stands out from the community of democratic nations for systematically disenfranchising felons who are not incarcerated.
- Canada and almost half of European countries permit all incarcerated persons to vote.
- The disenfranchisement of prisoners has a disproportionate impact on the African-American community:
- Blacks constitute about 15% of New Jersey's overall population, but they represent slightly over 50% of persons who have lost their voting rights; and
- New Jersey has the highest disparity in Black:white incarceration rates in the United States for both adults and youth—12:1 and more than 30:1, respectively.
- The disenfranchisement of offenders is closely connected to our state's ugly history of racial discrimination:
 - New Jersey was the first state in the north to limit voting to white male citizens who were 21 years old or older (1807).
 - New Jersey first disenfranchised persons with criminal convictions in our 1844 Constitution, when slavery was still legal.
 - New Jersey's new governor criticized the Emancipation Proclamation in his 1863 inaugural address.

- New Jersey was the last northern state to abolish slavery (1804) and, when it did, the bill provided for “gradual abolition.” Some slaves were held as late as 1865.
- New Jersey was reluctant to ratify the Reconstruction Amendments after the Civil War:
 - Rejecting the 13th Amendment initially and “ratifying” it only after the required 3/4ths of states had ratified it;
 - Initially ratifying the 14th Amendment (4th state to do so), but rescinding the ratification 18 months later, and re-ratifying it only in 2003; and
 - Rejecting the 15th Amendment at first and ratifying it only after the required 3/4ths of states had ratified it.
- Disenfranchising all prisoners is fundamentally unjust and unfair because it:
 - Imposes a collateral punishment unrelated to the crime, adding an unnecessary punitive impact on offenders;
 - Renders a class of citizens politically powerless in matters important to them and their families such as school policy, taxes, employment, housing, healthcare, and policing;
 - Has a grossly disproportionate effect disenfranchising African Americans thereby diluting minority voting power; and
 - Perpetuates and compounds the harm caused by discrimination in the New Jersey criminal justice system.

We are proud to live in New Jersey and want our state to be a progressive leader in becoming truer to the ideals of democracy and equality for all. This is a marvelous opportunity to redress one glaring aspect of racial discrimination in our state and we hope you will seize it.

Thank you for listening and best wishes in your efforts to make New Jersey a better place for all.