

HB57

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Bill Analysis 2019 Regular Session

SPONSOR: Representative Gail Chasey

SHORT TITLE: Restore Felon Voting Rights

SYNOPSIS OF BILL: House Bill 57 would end the practice of terminating certificates of voter registration upon a voter's felony conviction. The only remaining causes for canceling a voter's certificate of voter registration would be 1) the death of the voter; 2) at the request of the voter; and 3) at the direction of the board of registration.

STRENGTHS: Dating back to the Jim Crow era, a patchwork of state felony disenfranchisement laws, which vary in severity from state to state, prevent approximately 5.85 million Americans with felony and, in several states, misdemeanor convictions from voting. Confusion about and misapplication of these laws also de facto disenfranchise countless other Americans. In New Mexico, over 24,000 people with felony convictions could become eligible to vote if this bill were to pass. New Mexico incarcerates Latinos at a higher percentage than other states in the country, and Black and Native populations are also dramatically overrepresented in the New Mexico criminal justice system.¹ Given the racial disparities in our justice system, restoring the vote for people of color with felony convictions would take a step towards reversing the racist Jim Crow laws of the past.

Note, the Fiscal Impact Report cites a study from the National Conference on State Legislatures that inaccurately lists New Mexico as a state where voters' rights are automatically restored after completion of a sentence. Although New Mexico law currently allows people with felony convictions to vote, there are significant hurdles for people looking to re-register to vote with the Secretary of State's Office after obtaining a certificate of discharge showing that the individual has in fact completed their sentence.

ADDITIONAL INFO: If New Mexico were to remove a felony conviction from the list of reasons to terminate a certificate of voter registration, it would join Vermont and Maine as the only states to allow incarcerated persons the right to vote. Because Vermont and Maine never allowed disenfranchisement due to a felony conviction, New Mexico would become the first state to end its history of felony disenfranchisement.

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
Disenfranchisement of prisoners is counterproductive for democracy and public safety. These include limitations on the electorate, enhanced racial disparity, and exacerbating challenges for reentry. While successful reentry is largely conditioned upon access to employment, housing, and other services, a key ingredient lies in developing positive connections to institutions in the community. ¹	Increasing access to participation in our democracy is inherently apolitical.	This legislation would have no discernible fiscal impact according to the Fiscal Impact Report.	The arguments against felony disenfranchisement are strong. Felony disenfranchisement operates contrary to the goals of ensuring public safety and reducing reoffending by alienating from society those individuals that the criminal justice system is simultaneously attempting to reintegrate. ²	A

1 Blueprint for Smart Justice New Mexico (September 2018), retrieved at <https://www.aclu-nm.org/en/publications/blueprint-smart-justice-new-mexico>.

2 Voting Behind Bars: An Argument for Voting By Prisoners, Marc Mauer, Howard Law Journal (June 2011), retrieved at <https://www.sentencingproject.org/publications/voting-behind-bars-an-argument-for-voting-by-prisoners/>.

3 Democracy Imprisoned: The Prevalence and Impact of Felony Disenfranchisement Laws in the United States, Report to the United Nations Human Rights Committee (September 2013), retrieved at <https://www.sentencingproject.org/publications/democracy-imprisoned-a-review-of-the-prevalence-and-impact-of-felony-disenfranchisement-laws-in-the-united-states/>.