

HB74

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Bill Analysis 2021 Regular Session

SPONSOR: Representative Gail Chasey

SHORT TITLE: Voting After Felony Conviction

SYNOPSIS OF BILL: House Bill 74 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: Voting rights are fundamental to civic engagement and felony disenfranchisement weakens our democracy. Critically, the loss of voting rights for felons has as drastically disproportionate impact on communities of color, who are already underrepresented at the polls on Election Day.

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. ~~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.

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. The bill would streamline that process by removing the need for a "certificate of discharge" and requiring New Mexico Corrections Department give inmates an opportunity to register or update their registration prior to release.

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 18 other states where convicted folks lose their rights while incarcerated but receive automatic restoration upon release.² In New Mexico, over 24,000 people with felony convictions could become eligible to vote if this bill were to pass.

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
<p>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</p>	<p>Increasing access to participation in our democracy is inherently apolitical.</p>	<p>This legislation would have no discernible fiscal impact according to the Fiscal Impact Report.</p>	<p>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.³</p>	<p>A</p>

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

2 Criminal Disenfranchisement Law Across the United States (December 2020), retrieved at <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states>

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/>.