

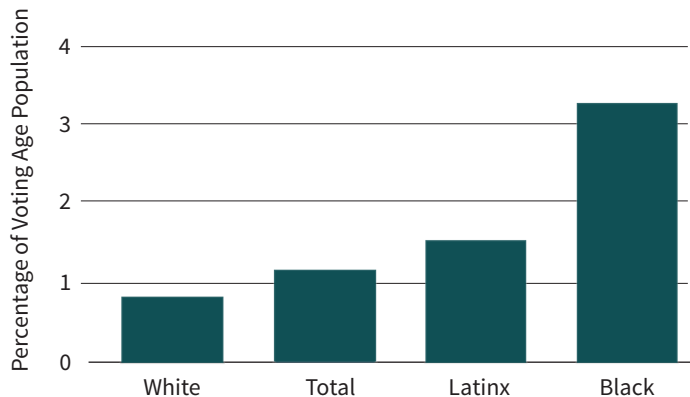
New Mexico Should Restore Voting Rights to Over 17,000 Citizens

New Mexico denies the right to vote to 17,572 citizens, over 1% of its voting age population, because they are supervised in the community on probation or parole, or incarcerated in prison or jail for a felony conviction.¹ An estimated 64% of New Mexico’s disenfranchised adults live in the community. The law restricting voting by people with felony convictions undermines New Mexico’s democracy and extends the racial injustice embedded in the criminal legal system to its electoral system.

Lawmakers should extend voting rights to all citizens with felony convictions, including persons completing felonies in prisons and jails and under community supervision for a felony conviction.

Felony disenfranchisement bears unequal weight on communities of color in New Mexico, largely due to disparities in the state’s criminal legal system.²

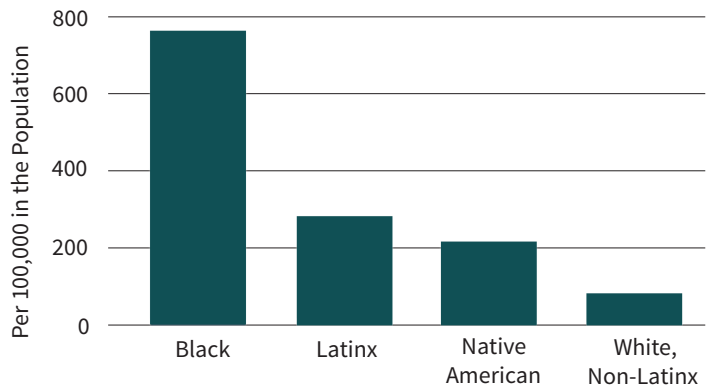
Felony Disenfranchisement Rates by Race and Ethnicity in New Mexico, 2022



Racial Injustice in New Mexico’s Criminal Legal System Causes Disparities in Disenfranchisement

New Mexico’s felony disenfranchisement law disproportionately harms people of color. Black people are significantly more likely to be disenfranchised than non-Black people in the state, with about one in 30 Black New Mexicans of voting age disenfranchised, a rate 2.9 times that of non-Black New Mexicans. Latinx people are also significantly more likely to be disenfranchised than non-Latinx people in the state. One in 65 Latinx New Mexicans of voting age are disenfranchised, a rate 1.7 times that of non-Latinx New Mexicans. In contrast, one out of 125 voting age white New Mexicans are disenfranchised.

Imprisonment Rate of New Mexicans by Race and Ethnicity, 2022



Such disparities in incarceration go beyond differences in criminal offending and result from differential practices throughout New Mexico’s criminal legal system. While New Mexico trails behind other states in collecting criminal justice race and ethnicity data,³ some examples explain criminal justice practices that have differential effects on racial and ethnic groups:

- Three former police officers were whistleblowers in a civil lawsuit that alleged their former police department was targeting neighborhoods of color. Data analyzed by an expert witness showed that the police department in the city of Hobbs, New Mexico disproportionately stopped Black residents in pedestrian stops. Using Hobbs

police department data, US Census data, and GIS mapping, “the south end of Hobbs, where minorities comprise more than 80% of the population, experienced pedestrian stops over the 2016 to 2018 period at a disproportionate rate compared to the remainder of Hobbs.”⁴

- The American Civil Liberties Union of New Mexico, the Drug Policy Alliance, New Mexico Voices for Children, and Young Women United analyzed a year’s worth of arrest and booking information from 2015 in Bernalillo County, New Mexico.⁵ The share of Latinx and Black men and Latinx, Black, and Indigenous women who were booked for drug violations were higher than their share in the total population. The share of white New Mexican men and women booked were lower than their share in the population.

Of note, Native Americans make up 11% of New Mexico’s population and 9.5% of its prison population (race and ethnicity data are unavailable for the community supervision population).⁶ While no official felony disenfranchisement estimates are available for Native Americans, their representation in New Mexico’s population and criminal legal system indicates they too are heavily impacted by felony disenfranchisement laws and policies.⁷

New Mexico should safeguard democratic rights and not allow a racially disparate criminal legal system to restrict voting rights.

Supporting Voting Rights Improves Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one’s perceived status as an “outsider.”⁸ Illustrated by Kelly Garcia, an OLÉ New Mexico member, who knows what it is like to lose her right to vote, “It’s awful. It’s inhumane to not give people a voice. That’s another way of keeping people oppressed.”⁹ The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.¹⁰ Having a say and a stake in the life

and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota’s Christopher Uggen and New York University’s Jeff Manza find that among people with a prior arrest, there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.”¹¹ Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.¹² Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including persons completing felony sentences in prisons and jails and under community supervision for a felony conviction, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, New Mexico can improve public safety while also promoting reintegrative prosocial behaviors.

New Mexico Can Strengthen its Democracy by Restoring the Right to Vote

Legislation has been introduced in New Mexico to begin to dismantle felony disenfranchisement and such efforts should continue.¹³

New Mexico should join Maine, Vermont, Puerto Rico, and Washington, D.C. in ensuring all of their citizens can participate in our democratic process. New Mexico should advance racial justice by re-enfranchising its entire voting age population.

ENDNOTES

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.

² L. Freeman, personal communication, November 28, 2022. See <https://nmsc.unm.edu/reports/index.html>; U.S. Census Bureau. 2020. *Quickfacts: New Mexico*. <https://www.census.gov/quickfacts/fact/table/NM/POP010220>

³ Proctor, J., & Jameson, E. (2019, March 11). NM lacks criminal justice data on race, ethnicity. *New Mexico In Depth*. <https://nminddepth.com/2019/nm-lacks-criminal-justice-data-on-race-ethnicity/>

⁴ Associated Press. (2021, July 3). Hobbs settles e-cops suit over race-based enforcement. *Albuquerque Journal*. <https://www.abqjournal.com/2406146/hobbs-settles-ex-officers-suit-over-race-based-enforcement.html?paperboy=loggedin630am>; Cooper, W. S. (2019). Declaration of William S. Cooper. Civil Action NO.: 2:17-CV-01011-WJ-GBW. <https://www.documentcloud.org/documents/6788640-Hobbs-Plaintiff-Demographer-Report.html>

⁵ American Civil Liberties Union of New Mexico, the Drug Policy Alliance, New Mexico Voices for Children, & Young Women United. 2017. *Racial and ethnic bias in New Mexico drug law enforcement*. <https://www.nmvoices.org/wp-content/uploads/2017/07/DPA-report-corrected-web.pdf>

⁶ L. Freeman, personal communication, November 28, 2022. See <https://nmsc.unm.edu/reports/index.html>

⁷ New Mexico also does not collect LGBTQIA+ data; therefore, there is no way to know how many LGBTQIA+ New Mexican citizens are disenfranchised due to a felony conviction.

⁸ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L.,

& Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

⁹ OLÉ.[@OLENewMexico]. (2022, October 27). *OLÉ member Kelly Garcia knows firsthand what it's like to lose one of her basic rights - the right to vote* [Tweet]. Twitter. <https://twitter.com/OLENewMexico/status/1585697596198223881>; OLÉ is a non-profit, grassroots member organization of working families. Since 2009, members and staff have worked together to strengthen communities using issue-based campaigns and electoral engagement to ensure that working families are playing a critical role in shaping New Mexico's future with a united voice. By centering the experiences of people of color, early educators, parents, workers and Immigrants, OLÉ creates a space for people to grow their leadership and create lasting change in New Mexico. <http://olenm.org/>

¹⁰ Uggen et al. (2022), see note 1.

¹¹ Uggen & Manza, (2004). See note 8.

¹² Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/Z38Z66F>

¹³ Fisher, A. (2022, January 27). Secretary of State talks details of NM's Voting Rights Act: Proposal is meant to expand voting rights access. Does it go far enough? *Source NM*. <https://sourcennm.com/2022/01/27/secretary-of-state-talks-details-of-nms-voting-rights-act/>; McDevitt, M. (2021, February 6). Taking back their voice: Bill aims to lower barriers to restoring felons' voting rights. *Las Cruces Sun News*. <https://www.lcsun-news.com/story/news/2021/02/06/new-mexico-bill-expanding-felon-voting-rights-clears-house-committee/4391644001/>