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Brennan Center for Justice
at New York University School of Law

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Re: Letter in Support of Nebraska Legislative Bill No. 75

March 20, 2017

To Members of the Nebraska Legislature:

The Brennan Center for Justice at NYU School of Law is a non-partisan law and policy institute that seeks to advance reforms that will make our elections more free, fair, and accessible. We write in support of Nebraska Legislative Bill 75, which would restore voting rights to people with felony convictions once they have completed their criminal sentences. Under current Nebraska law, citizens who have successfully completed a felony sentence must wait two years to get the right to vote back. LB 75 would modify this statute to eliminate that two-year waiting period prior to restoration. We urge the Legislature to adopt LB 75 because this reform will:

- **Help citizens with criminal convictions in their past successfully reintegrate into society.** Restoring voting rights aids the re-entry process by promoting community engagement and civic participation. As former APPA Executive Director Carl Wicklund wrote in Kentucky, “one of the key factors in successful re-entry is a person’s identity as a responsible citizen. This identity is built through activities like community engagement, volunteer work and voting.”¹ Withholding voting rights for years after completion of a criminal sentence impedes and delays full reintegration.
- **Remove a two year waiting period that has no benefit for public safety.** Denying voting rights to people after their sentence is complete does not deter future crimes. In fact, the available evidence suggests the opposite: a 2011 Florida study conducted by the state’s own Parole Commission showed that persons with completed sentences whose rights were restored were three times less likely to return to prison or supervision than released individuals overall.²
- **Update Nebraska’s law to bring it in line with its neighbors and with the rest of the nation.** Neighboring South Dakota, Kansas, and Missouri all allow rights to be restored after completion of sentence without a waiting period. Nationwide, 37 states automatically restore voting rights to citizens with past convictions after completion of their sentence or earlier. But for its waiting period, Nebraska would be one of those states.³

After studying the relevant law, we have concluded that passing L.B. 75 is within the Legislature’s legal authority. **We enclose a memo explaining why, in our view, L.B. 75 is constitutional.** We hope that you will pass this important legislation, and we welcome the opportunity to discuss this further.

Sincerely,



Tomas Lopez
Counsel, Democracy Program



Kwame Akosah
Law Fellow, Democracy Program

¹ Carl Wicklund, Op-Ed., *Felon Voting Rights Make Us All Safer*, LEXINGTON HERALD-LEADER, Mar. 6, 2014, <http://www.kentucky.com/2014/03/06/3123547/carl-wicklund-felon-voting-rights.html>.

² FLA. PAROLE COMM’N, STATUS UPDATE: RESTORATION OF CIVIL RIGHTS’ (RCR) CASES GRANTED, 2009 & 2010, at 7, 12 (2011) available at <http://for.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>; see also, Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 COLUM. HUM. RTS. L. REV. 193, 213 (2004), available at http://users.soc.umn.edu/~uggen/Uggen_Manza_04_CHRLR2.pdf.

³ *Criminal Disenfranchisement Laws Across the United States*, BRENNAN CTR. FOR JUSTICE (Oct. 6, 2016), <https://www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states>.