

News From The States

EVENING WRAP

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By [Kate Queram](#)

Yes, the criminal justice system is fundamentally broken, but did you know that it is also extremely weird? I don't mean that in an endearing way — I mean that it is disturbingly strange, to the point that I often wonder how it's a real thing and why we allow it to continue. There are plenty of examples, but a lot of them are buried in background policies that don't always attract a lot of attention. Until now, anyway.



The Big Takeaway

Among the strange policies we tend to accept at face value is the widespread practice of depriving convicted felons of their right to vote, a practice otherwise known as [felony disenfranchisement](#). Like so much of American history, the policy is rooted in white supremacy. Southern states enacted the first disenfranchisement laws in the late 1800s, when Black men were granted the right to vote; in many places, the policies were a precursor to things like [poll taxes](#) and [literacy tests](#). By 1912, [42 states](#) had adopted similar laws.



(Asterisk needed.)

(Photo by Scott Olson/Getty Images)

In one form or another, most are [still on the books](#) today. Only two states (Maine and Vermont, along with D.C.) do not impose voting restrictions on people with felony convictions. Thirty-nine states restore voting rights after some mix of incarceration, probation and parole. In the remaining nine states, people can lose their voting rights indefinitely for specific crimes, unless they seek a pardon from the governor, complete a certain waiting period, or jump through various additional — and seemingly arbitrary — hurdles.

One of those states is Tennessee, where officials in July complicated an already burdensome process by requiring people with felony convictions to both restore their citizenship rights in court *and* repay outstanding legal debts and child support payments before being permitted to vote. The change combined what had been two separate paths, making Tennessee one of about 10 states to tie voting rights to legal financial obligations — and the only one that involves child support payments in the process, [the Tennessee Lookout reported](#).

Satisfying debt is a daunting prospect for many formerly incarcerated people, who often struggle to find work and housing due to their convictions. Even without those challenges, legal costs — some as high as six figures — can prove

insurmountable. Those who can repay the debt must still muddle through the restoration process, which involves paying new court fees, collecting signatures from county and state officials, and awaiting approval from a judge, who can rule for or against a petition at their discretion.



“None of this money has gone toward repaying your legal debt, so...”
(Photo by Getty Images)

Plaintiffs in a federal lawsuit filed last year described it as a “wild-goose chase” in need of significant reforms. Only one person has had their voting rights restored since the changes went into effect, while 40 have been denied, according to data from the Tennessee secretary of state’s office. (Another 35 people gained voting rights by expunging their convictions, which is an option available only after certain time periods for some felonies.)

“This is a big moment for shining the light on a process that has long been broken,” said Blair Bowie, a director at Washington, D.C.-based Campaign Legal Center who is representing the plaintiffs in the 2022 lawsuit. “This new guidance really exposes just how big of a problem Tennessee has with felony disenfranchisement.”

Lawmakers in Kansas highlighted problems in a different system

Wednesday, agreeing to recommend changes to a civil asset forfeiture law that allows law enforcement agencies to seize property from people suspected — but not convicted — of crimes. Police departments and sheriff's offices have long defended the program as an important tool for disrupting criminal activity, while advocates argue that the law lacks due process and incentivizes law enforcement to withhold assets from suspects, [the Kansas Reflector reported](#).

From July 2019 through November 2023, law enforcement agencies seized \$23.1 million in cash and property, according to the Kansas Judicial Council. Some was returned to owners through court proceedings or funneled to the federal government via revenue-sharing agreements, leaving agencies with \$13.9 million on hand, according to the data.



Handing it over.
(Photo by Getty Images)

Calls for reform had for years been thwarted by tough-on-crime politicians, but the GOP-majority legislature embraced the issue this year with support from conservative bigwigs like Americans for Prosperity and the Kansas Justice Institute, which began to view the law as an example of government overreach and an infringement on civil liberties.

Legislators on a bipartisan interim committee recommended eight changes, from

winnowing the list of crimes that can trigger asset forfeiture and increasing the burden of proof for law enforcement agencies to requiring early probable cause hearings in civil seizure cases. Another proposed reform would allow the court system to require law enforcement agencies to pay attorney fees for claimants.

A Republican lawmaker in New Jersey veered in the opposite direction this week, proposing an amendment to the state's constitution that would temporarily remove and replace any elected official who is facing indictment, [per the New Jersey Monitor](#). The measure, filed Monday, was inspired by embattled U.S. Sen. Bob Menendez, a [twice-indicted](#) New Jersey Democrat who currently stands accused of accepting bribes in the form of gold bars, among other things.

The policy would likely be a nonstarter under the U.S. Constitution, which empowers Congress to expel its own members (George Santos, [we hardly knew ye](#)) but does not provide a similar mechanism for states. The U.S. Supreme Court has not ruled on the issue specifically but said in [a 1995 ruling](#) barring term limits that state-level efforts to adopt their own qualifications for congressional service “would be inconsistent with the Framers’ vision of a uniform National Legislature representing the people of the United States.”



*To be fair, not sure this is what the framers envisioned, either.
(Photo by Win McNamee/Getty Images)*

The measure seems like it would also violate [due process](#), though state Sen. Michael Testa Jr., the Republican (and attorney!) behind the proposal, seems unconcerned by that possibility. He “truly believes” in all of that — due process, the court system, the whole shebang — but he *also* believes that elected officials should be held to a “higher standard.” (I mean, sure. And yet, [here we are](#).)

“I’ve been in the Legislature now for four years, and this is now the second time that one of our United States senators — happens to be the same one, Bob Menendez — is indicted on some extremely troubling charges,” Testa said.

The amendment is unlikely to go anywhere, both because New Jersey is controlled by Democrats and because it probably isn’t legal. Even if it were, the proposal would be problematic at best, given that it would empower [wannabe despots](#) to punish their [political enemies](#), even if they’re never convicted of a crime, according to Matthew Hale, a political science professor at Seton Hall University.

“If you don’t like somebody, you could just get them indicted and get them out. It’s wholly undemocratic and wholly against the principles of innocent until proven guilty,” said Hale, who is also a Democratic councilman in Highland Park. “It’s an absolutely horrible attempt to politicize the courts and law enforcement.”

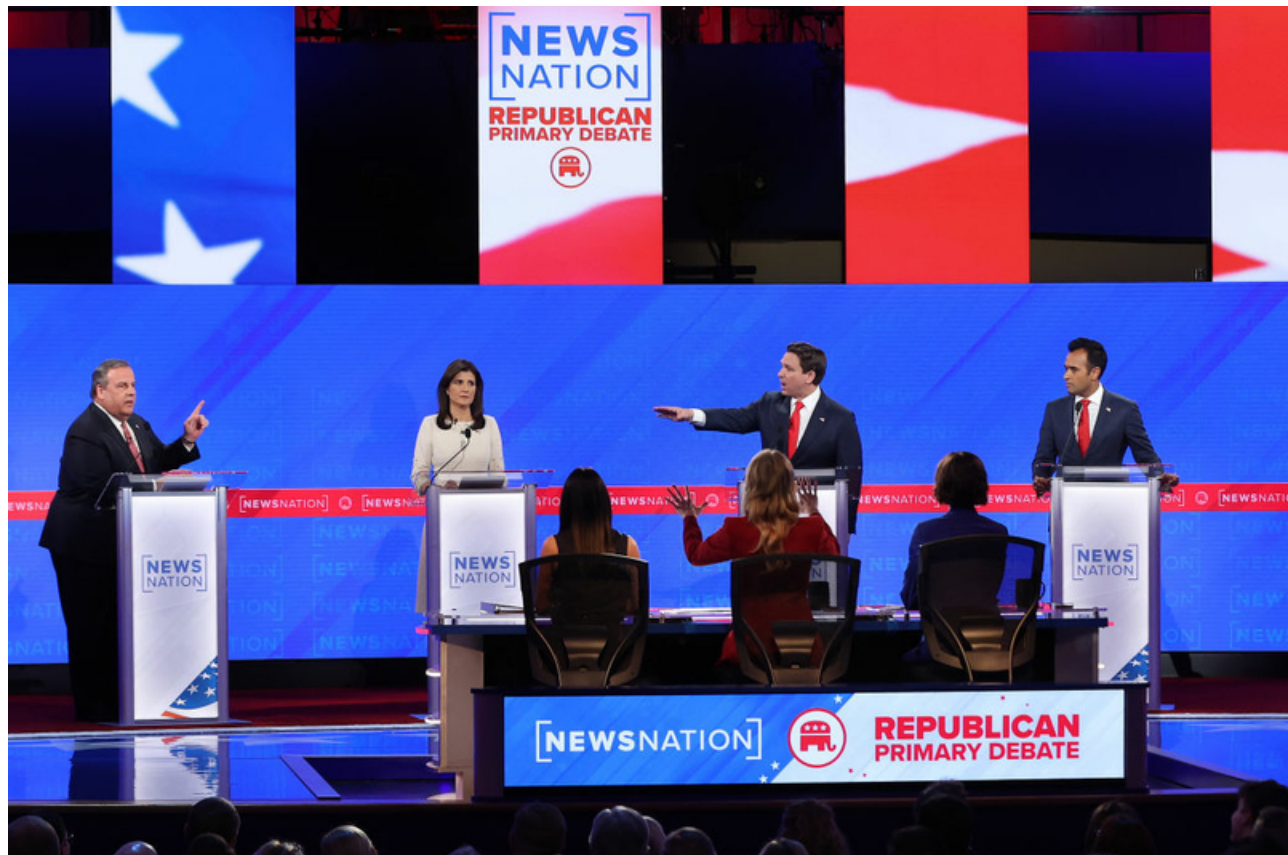
Great idea otherwise, though: [Report: 16% of bills in 2023 Alabama legislative session could increase prison overcrowding ...](#) [Complaints after Connecticut prison halts Muslim prayer services for weeks ...](#) [Florida lawmakers push to provide adults a ‘second chance’ to expunge their criminal records ...](#) [A court order banning Louisiana from holding youth at Angola expires soon. What’s next? ...](#) [Maryland lawmakers, county officials discuss recent juvenile justice reforms and potential changes at annual meeting ...](#) [Michigan Gov. Gretchen Whitmer signs repeal of nation’s only immunity law that shielded drugmakers from legal liability ...](#) [Jailed for their own safety, 14 Mississippians died awaiting mental health treatment ...](#) [Researchers explore how to better tap into Nebraska’s prison population to fill labor gaps ...](#) [New Jersey watchdog finds police training firm taught cops offensive and ‘likely illegal’ tactics ...](#) [Vigil challenges governor, North Carolinians to reimagine criminal justice system ...](#) [South Carolina’s top law enforcement officer reappointed to another term ...](#) [‘Not if I can help it:’ West Virginia counties look at jail bills as opioid settlement funds become available ...](#) [Police officers can help prevent domestic violence killings by asking the right questions](#)



State of Our Democracy

Four of the five remaining GOP presidential candidates convened Wednesday for a debate in Alabama, which was won by the guy who declined to appear: Donald Trump. As of Thursday, Trump remained the far-and-away frontrunner, with a *47-point lead* over Florida Gov. Ron DeSantis, his nearest competitor. He's the favorite despite 91 criminal charges in four separate cases and his own refusal to step foot on a single debate stage thus far, mostly because he doesn't have to. His supporters believe that he's somehow a victim, and his would-be competitors are so terrified of alienating those same voters that they've largely declined to attack him, even as they (allegedly) vie to replace him.

The lone exception is former New Jersey Gov. Chris Christie, who watched in horror Wednesday as DeSantis and tech bro Vivek Ramaswamy directed their vitriol toward former South Carolina Gov. Nikki Haley, currently polling in third place at 10.6% among GOP primary voters. Haley claimed to "love all the attention," but Christie found it appalling, [per our D.C. bureau](#).



The opposite of must-see TV.

“For us to go 17 minutes without discussing the guy who has all those gaudy (polling) numbers you talked about is ridiculous,” said Christie, who has spent most of his flagging campaign criticizing Trump. “The fact of the matter is he is unfit to be president.”

Those attacks haven’t gone over well with the Trump-loving GOP electorate, though to be fair this particular field of candidates has not proved particularly adroit at attacking each other, either. Haley emerged relatively unscathed from her slugfest with Ramaswamy and DeSantis, who criticized her foreign policy experience, her ties to Wall Street and endorsements from high-profile billionaires, and her plan to crack down on social media companies. At one point, Ramaswamy scribbled a note on his legal pad, then held it up to reveal an all-caps sign reading “NIKKI = CORRUPT.”

Watch enough of these things (like maybe 10 minutes) and you begin to understand why Trump would rather skip them altogether. He opted this time for a Fox News town hall that aired Tuesday, during which he downplayed concerns that he would use a second term to [dismantle the federal government](#) and [punish his political adversaries](#). He definitely would not be a dictator, he told Sean Hannity.

“Except for Day 1,” he added.

“We’re closing the border and we’re drilling, drilling, drilling,” he said. “After that, I’m not a dictator.”

Well, I’m reassured: [Alabama lawmaker to give state officials more control of Archives’ governance](#) ... [Colorado Supreme Court hears arguments in Trump 14th Amendment case](#) ... [CNN to host GOP presidential debates ahead of Iowa caucuses, New Hampshire primary](#) ... [Kansas disciplinary panel dismisses complaint against judge who authorized newspaper raid](#) ... [Judge orders new election in Louisiana sheriff’s race decided by one vote](#) ... [Three years later, Nevada’s fake electors get indicted](#) ... [Lawmakers advance bill to allow some 17-year-olds to vote in New Jersey primaries](#) ... [New York Democrat Jamaal Bowman censured by U.S. House after he pulled fire alarm](#) ... [Voting rights groups find North Carolina’s new photo ID law caused trouble for voters and county officials](#) ... [16 candidates file to appear on Oklahoma’s presidential primary ballot](#)



From The Newsrooms

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- [Budget: Florida state senator questions \\$558,000 pricetag for collecting citizenship status of hospital patients](#)
- [‘Actually not an oxymoron’: For some of New Hampshire’s young Republicans, climate and environment are top issues](#)
- [Alabama bill would allow high school athletes to make money off of their image](#)
- [Nevada tribes will not appeal most recent lithium mine ruling](#)



One Last Thing

Pantone has decreed that the color of 2024 will be “peach fuzz,” a hue chosen by “human trend prognosticators who travel around the world surveying fashion and design and otherwise predicting what is next,” according to [a New York Times article](#) that as far as I can tell was not written by AI (peach fuzz or otherwise).

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