

EYE ON CIVIL LIBERTIES: WHERE YOU CAN HAVE AN IMPACT IN ELECTIONS CLOSER TO HOME

States News Service

October 19, 2020 Monday

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Length: 1854 words

Byline: States News Service

Dateline: NEW YORK, NY

Body

The following information was released by the American Civil Liberties Union (ACLU):

The intense focus on the presidential race can easily obscure policies that could have more of a direct impact on communities in both red and blue states, but they are no less important. Many voters don't engage with the electoral process because they don't think their votes make a difference or count for much. Down-ballot races are where voters can make a real impact in shaping policies and spark a broader public debate.

The ACLU is nonpartisan, so our goal with down-ballot campaigns is to ensure that voters are educated about the potential consequences of an election, not to support specific candidates. We don't tell voters who to vote for, but provide them the tools to cast an informed vote by elevating the key issues at play in the race.

So what policies are at stake in this election? Here's a quick snapshot of the types of civil liberties and civil rights issues that could be on your ballot.

Criminal Justice Reform

This summer police accountability and other criminal justice reforms were thrust front and center. These are issues we've long worked on but now take on new importance and are reflected across the spectrum of races where we're engaged.

Take the Maricopa County, Arizona attorney race. Elected prosecutors, district attorneys, or county attorneys have an enormous impact on the criminal legal system they decide who to charge with crimes, whether to offer a second chance or send someone to prison, and when to hold police accountable. In Maricopa, we're focusing on how candidates can hold police accountable when they kill someone and end prosecutions of low-level marijuana possession, charges that disproportionately impact people of color.

Conditions of confinement are also a key issue in the criminal justice space. Sheriffs are often the people directly in charge of local jails, meaning they're responsible for conditions in these facilities and the people incarcerated there. In Cobb County, Georgia, 50 people have died in custody since 2003, and others have experienced deadly neglect, misconduct by deputies, inhumane conditions, extended lockdowns, and inadequate medical care. Through our engagement in this race, voters could not only improve conditions in the jail but also establish accountability for what goes on behind those walls.

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But it's not just local officials who can have an impact on the criminal justice system. Ballot measures allow an entire state to address issues like mass incarceration. In Oklahoma, we're working on State Question 805, a common-sense criminal justice reform that will limit extreme sentences for nonviolent crimes and save Oklahoma taxpayers \$186 million. Oklahoma hands down cruel and unfair sentences for minor crimes, leading to one of the highest incarceration rates in the country. An individual sentenced in the state served 33 years in prison for writing \$400 worth of bad checks, and a mother was sentenced to 15 years for stealing basic necessities and children's toys from a Walmart. State Question 805 will limit sentences like these that are out of proportion to the crimes.

Reproductive Freedom

Since 2011, states have passed more than 460 abortion restrictions, eroding abortion access for far too many, disproportionately harming low-income people and people of color. With President Trump having promised only to nominate justices that would overturn *Roe v. Wade*, if his current nominee is confirmed, the legal right to abortion will be in the gravest danger it has faced yet. As federal protections for reproductive rights become precariously uncertain, safeguarding this right at the state level has never been more urgent.

Montana stands out as a state with strong protections for reproductive freedom, especially in its geographic region, but that's mostly because of its governor, as well as some important state supreme court precedents. The state legislature continually passes abortion restrictions like targeted regulations of abortion providers (TRAP laws) and abortion bans, but has been stopped by the governor's veto pen. Without a governor who supports abortion rights, Montana could see severe restrictions on the five remaining abortion providers in Montana, which also serve patients from Idaho, the Dakotas, and Wyoming, where access is virtually non-existent due to restrictions. The risk is so high that the ACLU is dedicating significant resources to informing voters on what's at stake in this race so they can make an informed decision.

Should *Roe v. Wade* be overturned, abortion could become illegal in several states, including Arizona. The Arizona House of Representatives, however, is very close to obtaining a majority that would protect abortion rights, so we're engaging in two key state legislative races House Districts 20 and 23 to mobilize voters on this issue. Additionally, since access to abortion turns not only on statewide legislation but also on prosecutorial discretion, we have raised abortion in the Maricopa County attorney race too. Should abortion be banned in the state, the Maricopa County attorney would have significant influence on whether to charge people with crimes for seeking or providing abortion care.

And in Colorado, we're fighting back a ballot measure, Proposition 115, that would ban abortion later in pregnancy. Prop. 115 would make it a crime for doctors to provide abortion care starting at 22 weeks in pregnancy, robbing pregnant people of the ability to make their own personal medical decisions, taking into consideration their own personal situations. Prop. 115 is a one-size-fits-all mandate that fails to acknowledge every pregnancy is unique and shows no compassion for what families face in unimaginably complicated circumstances. And it takes away the ability of doctors to provide the best medical care for their patients.

Immigrants' Rights

Typically, the federal government shapes our policies on immigration. But they frequently also try to involve local law enforcement in their efforts to find, detain, and deport immigrants, splitting families and communities. This is the case for local sheriffs who are often asked to house detained people, including immigrants, and have the power to enter into agreements with federal immigration enforcement to deputize local police as immigration agents.

In the run-up to November 3, we're focused on three specific sheriff races that have the ability to transform the quality of life for immigrant families. In Charleston, South Carolina, the next sheriff could end the city's 287(g) agreement with federal immigration agencies, which wastes local resources to detain and deport immigrants on behalf of the federal government. And in Cobb and Gwinnett counties in Georgia, two of the most aggressive locations for local immigration enforcement, we've asked candidates if they'll commit to both ending the 287(g) program and stopping the use of ICE detainers, which can extend a person's detention beyond the authorized amount of time, allowing ICE to take them into custody and eventually deport them. In Gwinnett County alone, the

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county shared information with ICE on more than 5,000 immigrants in 2017, which accounted for one-fifth of all interactions nationwide that year. In Miami-Dade County, Florida another area of ACLU electoral engagement the mayor will appoint a new sheriff, so in this case, we've gotten involved in a mayoral race to let voters know about the candidates' positions. But, the issues at stake are the same treating immigrant communities justly and curtailing local collaboration with ICE.

Racial Justice

While our country remains in a moment of racial reckoning, there are states where voters can have a direct impact on racial justice in just a few weeks. Of course, many reforms to the criminal justice system, like State Question 805 in Oklahoma, could mean decreasing racial disparities in who gets charged and the length of their sentences. But these policies on the ballot go beyond criminal justice reform.

This year, Nebraska voters can decide to reduce predatory payday loan interest rates, which average more than 400 percent. These payday loans, marketed as a short-term fix for those in financial stress, are actually designed to trap borrowers in a cycle of long-term debt. The consequences of payday lenders fall especially hard on communities of color, where payday lending stores are located in higher numbers than in other neighborhoods. It becomes incredibly hard for minority families to build wealth, save for the future, or have a safety net because dollars are systematically drained away. This ballot measure comes at a time when many Americans are devastated by the global health pandemic and the longstanding racial disparities it has exacerbated, leaving millions unable to meet their families' basic needs. While many of these issues will take work to resolve, voting for this ballot measure will be a move in the right direction to help remedy economic and racial injustice.

In California, the most diverse state in the nation, voters can choose to support Proposition 16, which would bring affirmative action back to the state for the first time in decades. The current affirmative action ban means fewer and less profitable opportunities for women and communities of color. But this isn't only about money and jobs lives are at risk. Black, Latinx, and Native American people are dying disproportionately from COVID-19 because of the devastating consequences of decades of discrimination in education, housing, jobs, health care, and more. Affirmative action would help reduce and eliminate those harms by leveling the playing field, for instance, through expanding access to health care education to all communities. Research has shown that communities of color receive better health care from medical professionals of those communities. If passed, Proposition 16 will help bring equal opportunity to all Californians, increasing access to fair wages, good jobs, and quality schools for everyone.

Make a Plan to Vote

Of course, none of these policies will change if you don't vote. So make a plan and recruit friends and family. For more on how to vote in your state, check out our Let People Vote tool.

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