

“Social justice should be the underlying goal of all humanity.”

-Alan V. Lowenstein, Institute Founder



Testimony of Nuzhat Chowdhury  
New Jersey Institute for Social Justice  
In Support of A4083

New Jersey Assembly State and Local Government Committee  
Thursday, December 12, 2024

Chairman Karabinchak, Vice-Chair Swain and members of the Committee:

Thank you for the opportunity to submit this testimony in strong support of A4083, the John R. Lewis Voter Empowerment Act of New Jersey.

My name is Nuzhat Chowdhury, and I am Senior Counsel with the Democracy & Justice Program at the New Jersey Institute for Social Justice (the “Institute”). The Institute’s cutting-edge racial and social justice advocacy seeks to empower people of color by building reparative systems that create wealth, transform justice, and harness democratic power—from the ground up—in New Jersey. We work to build and strengthen an inclusive New Jersey democracy by advocating for policies that make voting and democracy more accessible.

It is no secret that our democracy is under attack. Over the past decade, federal voting rights protections have been significantly eroded and they continue to be threatened. Since the Supreme Court ruled to gut the heart of the federal Voting Rights Act (“VRA”) in *Shelby County v. Holder* (2013), we have seen states pass more and more restrictive laws and policies that make voting harder.<sup>1</sup> These restrictive policies—such as requiring voter ID at the polls or increasing voter roll purges or limiting the ability to vote by mail—cause voter suppression by creating obstacles that discourage and disenfranchise voters. Voters of color are disproportionately harmed by these types of changes.<sup>2</sup>

Voting is the bedrock of civic engagement and our democracy. It is imperative that the New Jersey Legislature protect New Jersey voters, even if Congress does not.

The John R. Lewis Voter Empowerment Act of New Jersey, A4083, or the NJVEA, is state-based voting rights legislation that would strengthen New Jersey’s democracy by protecting New Jersey voters and expanding access to the ballot. The NJVEA would build on the work New Jersey has already been

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<sup>1</sup> Jasleen Singh and Sara Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Guttled the Voting Rights Act 10 Years Ago*, Brennan Center for Justice (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-guttled-voting-rights>.

<sup>2</sup> *The Impact of Voter Suppression on Communities of Color*, Brennan Center for Justice (Jan. 10, 2022), <https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>.

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**do social justice.**

doing to create an inclusive state democracy and show a commitment to voters, especially voters of color, by acting to protect them when Congress won't.

The Institute strongly supports A4083 and urges the Legislature to pass it as soon as possible.

## **I. New Jersey Voters, Especially Voters of Color, Face Chronic Obstacles at the Polls, Which Can Result in Voter Suppression**

New Jersey has made great strides in building a better democracy over the past few years. We are grateful for the work this Legislature has done in passing many commonsense and popular pro-democracy reforms to New Jersey, such as early voting,<sup>3</sup> automatic<sup>4</sup> and online<sup>5</sup> voter registration, expanding vote-by-mail,<sup>6</sup> ending prison gerrymandering<sup>7</sup> and restoring the right to vote to those on parole or probation.<sup>8</sup> In many ways, New Jersey has made good strides in building a better democracy over the past few years.

However, New Jersey voters still face an unequal democracy. Even now, New Jersey voters encounter chronic obstacles while voting, such as long lines and late poll openings, limited physical accessibility of polling locations, racially-motivated voter intimidation, being incorrectly asked for voter identification, and limited language assistance at the polls.<sup>9</sup>

Since October 2020, the New Jersey Election Protection Coalition, of which the Institute is a member, has been helping New Jersey voters facing issues at the polls each election cycle. Incidents that the Coalition has helped voters resolve include:<sup>10</sup>

- Racially-motivated electioneering meant as voter intimidation in Bergen County (November 2020)
- Signs indicating that a voting location was closed in Middlesex County that was only in English, leaving several Spanish speakers with no assistance on where to vote (November 2020)

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<sup>3</sup> *New Jersey Assembly Passes Early In-Person Voting Bill*, INSIDER N.J. (Mar. 1, 2021),

<https://www.insidernj.com/press-release/new-jersey-assembly-passes-early-person-voting-bill/>.

<sup>4</sup> Dustin Racioppi, *Registering to vote in New Jersey will become automatic by end of the year*, NORTHJERSEY.COM (Apr. 17, 2018), <https://www.northjersey.com/story/news/new-jersey/governor/2018/04/17/registering-vote-new-jersey-become-automatic-end-year/521637002/>.

<sup>5</sup> *Governor Murphy Signs Legislation to Expand Access to and Strengthen Democracy*, STATE OF NEW JERSEY (Jan. 21, 2020), <https://www.nj.gov/governor/news/news/562020/20200121j.shtml>.

<sup>6</sup> *Governor Murphy Signs Voting Reform Package to Strengthen New Jersey Elections*, STATE OF N.J.: OFFICE OF THE GOVERNOR (July 28, 2022), <https://www.nj.gov/governor/news/news/562022/20220728c.shtml>.

<sup>7</sup> *New Jersey Governor signs bill ending prison gerrymandering*, PRISON POLICY INITIATIVE (Jan. 21, 2020), <https://www.prisonersofthecensus.org/news/2020/01/21/nj-signed/>.

<sup>8</sup> Kelly Mena, *NJ Restores Voting Rights to 80,000 on Parole or Probation*, CNN (Dec. 19, 2019), <https://www.cnn.com/2019/12/19/politics/new-jersey-voting-rights-felons-phil-murphy/index.html>.

<sup>9</sup> *Election Protection Report: Issues New Jersey Voters Encountered from October 15 through November 3, 2020*, NEW JERSEY ELECTION PROTECTION COALITION (Apr. 2021), [https://www.aclu-nj.org/sites/default/files/2020\\_election\\_protection\\_report.pdf](https://www.aclu-nj.org/sites/default/files/2020_election_protection_report.pdf).

<sup>10</sup> Incidents were called in to the Lawyers' Committee for Civil Rights Voter Protection Hotline

- Partisan voter intimidation close to the town’s ballot drop box in Passaic county that was organized through Facebook (November 2020)
- No ballot drop-off boxes in Salem City, a predominantly Black city in Salem County; when Black voters went to the Board of Elections office, they were greeted by a sheriff who asked to see ID and turned them away if they did not have one, thereby stopping them from submitting their ballots (November 2020)
- At least four reports of robocalls to “Stay safe and stay home,” which intimidated older voters (November 2020)
- Voter discouragement and disenfranchisement when machine errors in Monmouth County and Mercer County threw polling locations into confusion and chaos; multiple voters reported that lines were long, poll workers seemed unaware of what was going on, and paper ballot issues caused them to turn away from voting (November 2022)
- Voter intimidation in a parking lot in Hightstown in Mercer County by an individual shouting that he was there to make sure that no “illegals” voted in the election (November 2022)
- Incorrect voting signs in a polling location in Hudson County stating that without an ID, one couldn’t vote, and other polling locations in Hudson County asking voters to show ID in order to vote (November 2022)
- Polling locations in Morris County incorrectly refusing to provide provisional ballots to voters who didn’t show up in their system (November 2024)

According to data collection during the November 2020 election and published in a report by the New Jersey Election Protection coalition, there were at least:<sup>11</sup>

- 261 calls with voter registration issues across the state that kept New Jersey voters from voting, with 92 of these calls originating from Middlesex County
- 267 calls about mail-in ballot issues, including non-receipt of mail-in ballots, lost or spoiled mail-in ballots, confusion about drop boxes and complications caused by changes in signatures; Essex, Bergen and Middlesex Counties had the most reported issues with non-receipt of mail-in ballots
- 52 calls about poll worker misinformation or mistakes, including incorrectly asking for IDs to vote and cast provisional ballots, creating barriers to voters with disabilities that impeded them from voting, and wrong instructions regarding mail-in ballots
- 35 calls and a variety of social media posts about late poll place opening and long lines at polling locations, especially in Essex County
- 28 calls and a variety of social media posts about voter intimidation at polling places, through robocalls and physical mail, with the majority of these calls originating from Bergen, Hudson and Middlesex Counties

Additionally, the following incidents were reported publicly:

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<sup>11</sup> *Election Protection Report: Issues New Jersey Voters Encountered from October 15 through November 3, 2020*, NEW JERSEY ELECTION PROTECTION COALITION (Apr. 2021), [https://www.aclu-nj.org/sites/default/files/2020\\_election\\_protection\\_report.pdf](https://www.aclu-nj.org/sites/default/files/2020_election_protection_report.pdf).

- Almost 100 lost general ballots in West Orange and Orange in Essex County due to a postal service worker dumping 2,000 pieces of undelivered mail<sup>12</sup> (October 2020)
- Consent decree entered between the U.S. Department of Justice and Union County because the county was violating the federal VRA by not providing voting assistance and materials in Spanish<sup>13</sup> (May 2023)
- Voter discouragement and disenfranchisement when voters in Burlington County experienced up to five hours' wait to cast a ballot; despite a last-minute court order to keep polls open until 9 p.m., some polling sites still turned away voters and many voters left upset without being able to vote<sup>14</sup> (November 2024)

With these far from isolated incidents, each New Jersey election cycle paints an ongoing picture of frequent challenges and obstacles to voting that, in the aggregate, results in voter suppression.

Further, the suppressive impact of these challenges is not evenly felt; these problems often and continue to occur more frequently in communities of color, therefore disproportionately impacting Black, Brown and other voters of color. This can be seen in New Jersey voter turnout patterns.

For example, in the November 2022 midterm elections, although New Jersey boasted a voter registration rate of 70.5%,<sup>15</sup> barely half of the voting eligible population voted in the election itself. In the November 2020 general election, the voter registration rate was 84.6%, but 78.3% of the voting eligible population turned out to vote.<sup>16</sup>

When broken down further, certain patterns emerge in the voter turnout data. In the November 2022 midterm elections, the counties with the lowest percent of ballots cast were Essex, Hudson

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<sup>12</sup> *Postal Employee Admits Dumping Mail, Including Election Ballots Sent to West Orange Residents*, U.S. DISTRICT ATTORNEY'S OFFICE, DISTRICT OF NEW JERSEY (May 27, 2021), <https://www.justice.gov/usao-nj/pr/postal-employee-admits-dumping-mail-including-election-ballots-sent-west-orange-residents>.

<sup>13</sup> *Justice Department Secures Agreement with Union County, New Jersey, Under the Voting Rights Act*, Office of Public Affairs, U.S. Department of Justice (May 9, 2023), <https://www.justice.gov/opa/pr/justice-department-secures-agreement-union-county-new-jersey-under-voting-rights-act>.

<sup>14</sup> Brandon Goldner, Tom Gardiner, *Voters in Burlington County, New Jersey demand changes after waiting for hours at polling sites*, CBS NEWS (Nov. 6, 2024), <https://www.cbsnews.com/philadelphia/news/burlington-county-new-jersey-polling-sites/>; Bill Bonvie, *How Assurances Went Awry: What We Know So Far That Made Election Day in Burlington County Such an 'Intolerable' Debacle*, PINE BARRENS TRIBUNE (Nov. 14, 2024), <https://www.pinebarrentribune.com/articles/featured-stories/how-assurances-went-awry-what-we-know-so-far-that-made-election-day-in-burlington-county-such-an-intolerable-debacle/>.

<sup>15</sup> *Number of Voters and Voter Registration as a Share of the Voter Population (November 2022)*, KFF, <https://www.kff.org/other/state-indicator/number-of-voters-and-voter-registration-in-thousands-as-a-share-of-the-voter-population/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D> (last accessed Dec. 9, 2024).

<sup>16</sup> *Number of Voters and Voter Registration as a Share of the Voter Population (November 2020)*, KFF, <https://www.kff.org/other/state-indicator/number-of-voters-and-voter-registration-in-thousands-as-a-share-of-the-voter-population/?currentTimeframe=1&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D> (last accessed Dec. 9, 2024).

and Cumberland Counties at 32%, 29% and 33%, respectively.<sup>17</sup> And in the November 2020 general election, the two counties with the lowest voter turnouts were again Essex and Hudson counties, both at 62%.<sup>18</sup> Essex County is majority people of color, with 36.7% Black, 16.78% Non-White Hispanic and 5.65% Asian population.<sup>19</sup> Hudson County, the most densely populated county in New Jersey, is also majority people of color, with a 28% Non-White Hispanic, 15.7% Asian and 10.4% Black population.<sup>20</sup> And Cumberland County has a 19.9% Non-White Hispanic and 17.7% Black population.<sup>21</sup>

Meanwhile, the counties with the highest voter turnout—Hunterdon County in November 2022 at 57%, followed by Cape May and Sussex Counties at 50%, and in November 2020, Hunterdon County at 86% and Gloucester County at 79%, with Burlington, Cape May, Morris, Ocean and Sussex Counties following at 78%—all boast majority white populations. Hunterdon County, for example, is 83% Non-Hispanic white.<sup>22</sup>

It's not difficult to connect the dots in the pattern. The chronic barriers to voting faced largely by cities and communities of color have suppressive impact and are contributing to low voter turnout in those places.

## **II. The NJVEA (A4083) Would Protect New Jersey Voters By Giving Them Needed Tools to Defend Their Right to Vote and Expanding Access to the Ballot**

New Jersey voters deserve to have equal access to their right to vote, regardless of their background or community. Legislation like A4083, that protects Black, Brown and other voters of color and expands their access to the vote, is imperative for our state's future.

A4083, or the NJVEA, follows the lead of the federal VRA and other state-specific VRAs<sup>23</sup> to expand and strengthen voter protections and access to the ballot, especially for voters of color.

The amendments being heard today clarify and strengthen the provisions of this bill, which serve New Jersey voters by: increasing language assistance and resources for voters with limited English proficiency; providing new tools to fight discriminatory voting rules and procedures in court;

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<sup>17</sup> *Total Number of Registered Voters, Ballots Cast, Ballots Rejected, Percentage of Ballots Cast and the Total Number of Election Districts in New Jersey (General Election Nov. 8, 2022)*, NEW JERSEY DEPARTMENT OF STATE (Jan. 18, 2023), <https://www.nj.gov/state/elections/assets/pdf/election-results/2022/2022-official-general-voter-turnout.pdf>.

<sup>18</sup> *Total Number of Registered Voters, Ballots Cast, Ballots Rejected, Percentage of Ballots Cast and the Total Number of Election Districts in New Jersey (General Election Nov. 3, 2020)*, NEW JERSEY DEPARTMENT OF STATE (Oct. 14, 2021), <https://www.nj.gov/state/elections/assets/pdf/election-results/2020/2020-official-general-voter-turnout.pdf>.

<sup>19</sup> *Essex County, NJ*, DATAUSA, <https://datausa.io/profile/geo/essex-county-nj> (last accessed Dec. 9, 2024).

<sup>20</sup> *Hudson County, NJ*, DATAUSA, <https://datausa.io/profile/geo/hudson-county-nj> (last accessed Dec. 9, 2024).

<sup>21</sup> *Cumberland County, NJ*, DATAUSA, <https://datausa.io/profile/geo/cumberland-county-nj> (last accessed Dec. 9, 2024).

<sup>22</sup> *Hunterdon County, NJ*, DATAUSA, <https://datausa.io/profile/geo/hunterdon-county-nj> (last accessed Dec. 9, 2024).

<sup>23</sup> As of this testimony, there are 7 state VRAs that have been enacted and 5 actively under consideration, including our own. *State Voting Rights Acts*, LEGAL DEFENSE FUND, <https://www.naacpldf.org/state-voting-rights-protect-democracy/> (last accessed Dec. 9, 2024).

strengthening protections against voter intimidation, deception or obstruction at the polls; creating a centralized database of voting and election information; and ensuring that local and state voting laws and practices do not deny voters of color and other protected categories of voters the right to exercise their vote. The amendments being heard today will further clarify and strengthen this important protective language and provide more guidance to ensure that .

This legislation would give New Jersey voters the resources, tools and protections to address the chronic obstacles they already face at the polls.

For example, the language access provisions of the NJVEA will increase language assistance for voters with limited English proficiency in more languages; in a state as linguistically diverse as New Jersey,<sup>24</sup> this means that more voters will be able to access voting and election materials, including ballots, in a language they can understand. This, in turn, may lead to greater and more informed civic participation by voters of different language backgrounds.

The NJVEA's prohibition against voter intimidation, deceit and obstruction at the polls will also give voters, and election workers, stronger protections while casting their votes and working elections. The affirmative causes of action will give voters—especially Black, Brown and other voters of color—the legal tools to ensure their votes are not suppressed by discriminatory practices and their communities are fairly counted and heard in elections. And the NJVEA's preclearance program will help stop voting changes and policies that—intentionally or unintentionally—have a discriminatory impact, *before* they cause harm to voters.

At its heart, this legislation is about the voters. The technical amendments today make A4083 stronger and a strong A4083 gives New Jersey voters what they deserve—resources and tools to address the obstacles they face at the polls, and voter protections in state law before they disappear from federal law.

As in other states that have already seen the benefits of implementing their own state VRAs, the NJVEA's protections would likely reduce turnout disparities between different voting communities, increase diversity in local and elected offices and improve government responsiveness. It would help New Jersey—one of the most diverse states in the country—build a stronger, more inclusive democracy, no matter what happens nationally.

New Jersey cannot rely on D.C. to protect New Jersey's voters. We, therefore, strongly support the passage of the John R. Lewis Voter Empowerment Act of New Jersey, and strongly urge you to vote the bill out of Committee today.

Thank you.

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<sup>24</sup> New Jersey is home to nearly 2 million immigrants and refugees, of which over 462,000 have limited English proficiency with language access needs. *New Jersey Language and Demographic Data Report*, NEW AMERICAN ECONOMY, (December 2020) [https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2020/12/NJ\\_Language-and-Demographic-Report\\_Dec-2020.pdf](https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2020/12/NJ_Language-and-Demographic-Report_Dec-2020.pdf).