

Statement of

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Good morning. My name is Erika Wood and I am the Deputy Director of the Democracy Program at the Brennan Center for Justice.

Perhaps more than any in recent history, this year reminds us why the right to vote matters. Hundreds of thousands of Americans have not only registered to vote, but showed up at the polls during the primaries this spring.

However, there remains one last blanket barrier to the franchise. Across the country there are 5.3 million American citizens who are denied the right to vote because of a felony conviction in their past. Nearly 4 million of these people are not in prison; they live, work, pay taxes, and raise families in our communities, but remain disenfranchised for years, often for decades, and sometimes for life.

But as the report we are releasing today makes clear, these felony disenfranchisement laws are only half the story. The Brennan Center and the ACLU, together with our state partners, have interviewed hundreds of local election officials in more than 15 states to determine the level of knowledge of their respective state felony disenfranchisement policies. These interviews revealed persistent and widespread confusion among election officials across the country that could result in the de facto disenfranchisement of untold hundreds of thousand of *eligible* voters on Election Day.

Election officials receive little or no training on these laws, and there is little or no coordination or communication between election offices and the criminal justice system. These factors, coupled with complex laws and complicated registration procedures, result in the mass dissemination of inaccurate and misleading information to the public.

De facto disenfranchisement has devastating long-term effects in communities across the country. Once a single local election official misinforms a citizen that he is not eligible to vote because of a past conviction, it is unlikely that citizen will ever follow up or make a second inquiry. Without further public education or outreach, the citizen will mistakenly believe that he is ineligible to vote not just this year, but for many years to come.

Some of the key findings in our report include:

- Half the election officials interviewed in **Colorado** did not know that Coloradans on probation could vote, in a state where 46,000 people are currently on probation.
- Half the officials interviewed in **Arizona** did not know that their state law provides a process for people with more than one conviction to have their voting rights restored.
- A third of the election officials interviewed in **Ohio** did not know if individuals with misdemeanor convictions could vote.
- A third of the election officials in **New York, New Jersey and Washington State** said that they would require individuals with felony convictions to provide some kind of documentation before allowing them to register to vote, even though such documentation is not required by law, and in some cases did not even exist.

The widespread and persistent confusion and misinformation identified in our report is easily remedied by a few straightforward, common sense policy initiatives:

1. **Simplify the Law.** Restore voting rights upon release from prison when people are back in the community. Eliminate all waiting periods and complicated registration procedures.
2. **Educate.** Regularly train election and criminal justice officials on the law and proper registration procedures.
3. **Provide Notice.** Ensure that criminal defendants are informed when they lose their right to vote AND again when they are eligible to register and vote.
4. **Assist with Voter Registration.** Make the Department of Corrections and Probation and Parole authorities responsible for assisting with voluntary voter registration.
5. **Eliminate paperwork.** Voting rights should be restored automatically without additional paperwork and bureaucratic red tape. Once eligible to vote, individuals with criminal histories should follow the same registration procedures as everyone else.

In fact, as we will hear from The Sentencing Project, states are implementing many of these recommendations. And just last Friday, Senator Russ Feingold and Representative John Conyers introduced the Democracy Restoration Act of 2008, a bill that seeks to restore voting rights in federal elections to people as soon as they are released from prison back into the community, and requires correction officials to notify people of their voting rights. More information about the Democracy Restoration Act is available on our website.

Thank you. I am happy to answer any questions you have.