

## RESTORING THE RIGHT TO VOTE IN NEW YORK

Under current law, people lose the right to vote in New York when they are convicted of a felony and sentenced to a term of imprisonment. People cannot vote while incarcerated and on parole.<sup>1</sup> People convicted of misdemeanors and those on probation do not lose the right to vote.

### Restoring the right to vote to people on parole will:

- ❖ **Strengthen our democracy** The right to vote forms the core of American democracy. A strong, vibrant democracy requires the broadest possible base of voter participation.
- ❖ **Advance civil rights.** New York's felony disenfranchisement law is firmly rooted in Jim Crow and was part of a concerted effort to exclude African Americans from participating in the political process. The voting bar in the current constitution is nearly identical to the one enacted 140 years ago, and it continues to have its intended effects: 80 percent of those currently disenfranchised in New York due to a felony conviction are African-American or Latino.<sup>2</sup>
- ❖ **Aid law enforcement.** Allowing people to vote after release from prison encourages participation in civic life and helps rebuild ties to the community that motivate law-abiding behavior. A retired Parole Chief from Brooklyn has testified that, "having the right to vote and learning how to exercise that right gives one a voice and a stake in the community; it promotes positive behavior and serves as a powerful conduit for making the transition from criminal to becoming a law abiding member of the community."<sup>3</sup>
- ❖ **Facilitate election administration.** Restoring voting rights to people out of prison eliminates the opportunity for erroneous purges of eligible citizens from the voting rolls and relieves confusion among election officials. A 2006 Brennan Center study revealed that more than a third of New York's local election boards were confused about the current law.<sup>4</sup>
- ❖ **Relieve public misinformation.** Because of the persistent misinformation among election officials, many New Yorkers with criminal histories do not know whether they are eligible to vote. In 2005, researchers found that nearly 30% of people with criminal convictions in New York thought they would never be eligible to vote again.<sup>5</sup> A clear, bright-line rule would help eliminate this confusion.

---

<sup>1</sup> Currently, fifteen states and Washington D.C. allow people on parole to vote. See Erika Wood, *Restoring the Right to Vote* (2009) available at [www.brennancenter.org](http://www.brennancenter.org)

<sup>2</sup> Erika Wood & Liz Budnitz, *Jim Crow in New York* (Feb.12, 2010) available at [www.brennancenter.org](http://www.brennancenter.org)

<sup>3</sup> Leonard Marks, testimony before the New York State Senate Election Committee (April 24, 2009) available at [www.brennancenter.org](http://www.brennancenter.org)

<sup>4</sup> *Boards of Elections Continue to Disenfranchise Voters with Felony Convictions* (March 2006) available at [www.brennancenter.org](http://www.brennancenter.org)

<sup>5</sup> Ernest Drucker and Ricardo Barreras, The Sentencing Project, *Studies of Voting Behavior and Felony Disenfranchisement Among Individuals in the Criminal Justice System in New York, Connecticut, and Ohio* 8 (2005), available at [www.sentencingproject.org](http://www.sentencingproject.org)