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**Testimony of Kwame Akosah
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Before the
New York City Council
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The Brennan Center for Justice at NYU School of Law thanks the members of the Committee on Governmental Operations for the opportunity to share testimony at today’s hearing on Res. 870, which calls upon the New York State Legislature to pass Bill A.7634, a bill restoring voting rights for people with criminal convictions in their past.

The Brennan Center is a non-partisan law and policy institute that seeks to improve our systems of democracy and justice. Through legislative advocacy, policy research, and litigation, we work to advance reforms that will make our elections more free, fair, and accessible. The Brennan Center has a particularly long record of supporting efforts to reform criminal disenfranchisement laws at the state and federal levels. The Brennan Center has published a series of reports on voting rights restoration, and provided support to legislative reform efforts throughout the country. Most recently the Center was involved in efforts supporting Maryland legislation restoring voting rights to people released from incarceration, which was passed earlier this month.

Bill A.7634 would restore voting rights to forty thousand New Yorkers who are on parole, and are now living and working in our communities. Accordingly, it would also require the state to notify individuals when a criminal conviction will result in the loss of voting rights, as well as when the right to vote is eventually restored. It would also require the provision of voter registration forms at the time an individual is released from incarceration.

Supporting the passage of this legislation is good public policy for the following reasons:

First, rights restoration serves public safety

Resolution No. 870 correctly notes that restoring voting rights for people with criminal convictions who are now living and working in our communities will “promote community reintegration and civic engagement.” Parole and probation professionals agree, the American Probation and Parole Association has stated that disenfranchisement laws work against successful re-entry.¹ And research reinforces this view – studies have found “consistent differences between

¹ American Probation and Parole Association, Resolution on “Restoration of Voting Rights”, Sep. 2007, available at: <https://www.appa->

voters and non-voters in rates of subsequent arrests, incarceration, and self-reported criminal behavior.”²

Second, rights restoration will reduce the disproportionate disenfranchisement of minorities

As Resolution No. 870 correctly identifies, New York’s incarcerated population is disproportionately minority – which means that the communities in which these individuals reside are disproportionately disempowered by criminal disenfranchisement laws. In research conducted for a 2010 report, the Brennan Center found that nearly 80% of those who have lost their right to vote under New York’s disenfranchisement laws are African American or Latino, and that New York state’s disenfranchisement law has historical roots in a concerted effort to exclude African Americans from participating in the political process. As detailed in our report, *Jim Crow in New York*,³ at the very time that the Fourteenth and Fifteenth Amendments forced New York to remove its nefarious property requirements for African-American voters, New York changed its law requiring the disenfranchisement of those convicted of “infamous crimes.” Today, New York’s disenfranchisement law is nearly identical to the provision enacted 140 years ago.

Third, rights restoration will reduce confusion and administrative burden

Bill A.7634 is also an important step towards addressing the unnecessary confusion caused by New York’s current law which arbitrarily denies voting rights to people on parole, but not on probation. A Brennan Center study revealed that more than a third of New York’s local election boards incorrectly stated that people on probation were ineligible to vote.⁴ Restoring voting rights to individuals once they exit incarceration is an easier to administer policy that will eliminate the opportunity for mass dissemination of inaccurate and misleading information which could lead to the de facto disenfranchisement of eligible would-be voters.

Progress across the country

Across the country there is considerable momentum towards restoring voting rights to individuals with criminal convictions, fueled by a growing bipartisan consensus that restoring voting rights is a smart-on-crime policy that strengthens our democracy and communities. Over the past two decades, more than 20 states have taken action to allow more people with past criminal convictions to vote, to vote sooner, or to access that right more easily.⁵

[net.org/eweb/Dynamicpage.aspx?site=APPA_2&webcode=IB_Resolution&wps_key=3c8f5612-9e1c-4f60-8e8b-1bf46c00138e](http://www.brennancenter.org/eweb/Dynamicpage.aspx?site=APPA_2&webcode=IB_Resolution&wps_key=3c8f5612-9e1c-4f60-8e8b-1bf46c00138e)

² Christopher Uggen and Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, 213 (2004-05).

³ Erika Wood, Liz Budnitz, and Garima Malhotra, *Jim Crow in New York*, Brennan Center for Justice (2010) at 4,5, available at <https://www.brennancenter.org/publication/jim-crow-new-york>.

⁴ *Boards of Elections Continue Illegally To Disfranchise Voters with Felony Convictions*, Brennan Center for Justice (2006) available at http://www.brennancenter.org/sites/default/files/legacy/d/download_file_34668.pdf.

⁵ Alabama, Connecticut, Delaware, Florida, Hawaii, Iowa, Kentucky, Louisiana, Maryland, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Tennessee Texas, Utah, Virginia, Washington, Wyoming. *Criminal Disenfranchisement Laws Across the United States*, Brennan

Bill A.7634 provides a valuable opportunity for New York to participate in this move to help individuals re-integrate into society, to encourage civic participation, to correct historically unjust laws, and to reduce harm caused by confusing and burdensome disenfranchisement laws.

We therefore urge the City Council to pass Resolution No. 870.