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Boards of Elections Continue Illegally To Disfranchise Voters with Felony Convictions

**A study by the
Brennan Center for Justice at NYU School of Law
and
Demos: A Network for Ideas & Action**

March 2006

EXECUTIVE SUMMARY

Today the Brennan Center for Justice, Demos and the Legal Action Center call upon the New York State Board of Elections to end the systematic practice of illegally disenfranchising thousands of eligible voters. A survey of 63 local election boards conducted late last year by the Brennan Center and Demos found that more than one-third of local boards, including four in New York City, are disenfranchising former prisoners and probationers who are eligible to register and vote under state law. These survey results repeat the widespread errors exposed in a 2003 Brennan Center and Legal Action Center survey. The most recent survey shows:

- Twenty four of New York's 63 local boards, or 38%, incorrectly responded that individuals on probation are not eligible to vote, or did not know whether they are eligible to vote. As of January 1, 2004, there were 126,138 New Yorkers on probation.
- Twenty local boards, or 32%, continue to illegally request documentation before allowing individuals with criminal convictions to register to vote. Frequently, the documentation demanded by local boards does not exist, making it impossible for persons with criminal convictions to register, even if they tried to cooperate with the illegal requests.
- Officials from four counties stated they were familiar with a State Board 2003 memorandum, which informs county boards that people with convictions do not need to provide any documents before registering, but require documentation from such people anyway.

- Three New York City offices -- New York County, Queens County, and the New York City Board -- incorrectly stated that people on probation are ineligible to vote. Furthermore, three New York City offices -- Kings County, New York County and Queens County -- illegally continue to require individuals to provide documentation to register. Illegal practices by the New York City boards are particularly harmful because nearly one-third of New Yorkers sentenced to probation, 50% sentenced to prison, and 61% on parole, live in New York City.

The State Board has an obligation to enforce compliance with the State's Election Laws, including laws that protect the right of people with felony convictions to vote. Local boards may not choose to follow voter eligibility laws selectively. The State and local boards must take affirmative steps to stop these illegal practices and to inform individuals who have been improperly turned away that they are entitled to vote.

On February 23, 2006, the Brennan Center, Demos and the Legal Action Center provided the State Board with materials to address these problems, including materials that could be used to educate local boards and the public on the proper eligibility requirements and voter registration procedures for people with felony convictions. Among other things, we also recommended that the State Board promulgate enforceable agency regulations to ensure that local boards do not continue to flout the law and inform persons who may have been improperly turned away of their right to vote. The State Board has not agreed to implement these recommendations.