

RIGHT TO VOTE



Research Toolkit

How to Survey Voting Registration Procedures
for People with Felony Convictions

Table of Contents

Key Definitions	ii
I. Why Do This Survey?	1
II. Background	2
Who Are We?	3
How this Survey Can Help	3
III. Procedure	5
Survey Overview	5
1. Learn the Law	7
Sample Election Law Report – New York State	7
2. Get Contact Information	8
3. Assign Responsibility	8
4. Call Local Agencies	8
5. Keep Careful Written Records	11
6. Summarize the Answers	11
7. Get Copies of Documents	12
8. Follow Up	12
9. Repeat the Process	13
10. Call State Officials	13
11. Analyze, Summarize, and Report Findings	13
IV. Resources on Felony Disfranchisement	14
Online Resources	14
Leading Cases	14
Reports and News about Past State Surveys	15
V. Telephone Call Guidelines	21
VI. Findings Spreadsheet	28

Key Definitions

Disfranchise

To deprive a person of the rights of citizenship, especially the right to vote.

Felony

Usually defined as a crime with a penalty of more than one year in prison.

Felony Disfranchisement

The loss of civil rights, especially the right to vote, because of a felony conviction.

Jail

A place under the jurisdiction of a local government (such as a county) for the confinement of persons awaiting trial or those convicted of minor crimes for which they are serving short sentences.¹ (Increasingly, jails and prisons are run by private corporations as opposed to local governments.) People in jail are usually eligible to vote.

Local Election Agency

The agency that administers elections at the local level. It may be called a Board of Elections, a Board of Registrars, an Election Commission, or another name, depending on the state.

Locality

The locality covered by a Local Election Agency is often a county, but it may be a parish, a town, or other geographic region, depending on the state.

Parole

The release of a person under certain ongoing conditions and after serving part (or all) of a prison sentence.

Prison

A place of confinement for persons convicted of serious crimes.² People in prison have been tried and convicted of a crime. In the United States, people in prison are ineligible to vote, except for those incarcerated in Maine and Vermont.

Probation

Probation is a sentence ordered by a judge. Probation is usually an alternative to serving time in prison. It allows a convicted person to remain free, often under the supervision of a probation officer.

Re-enfranchisement

The restoration of civil rights, especially voting rights.

¹ Merriam-Webster Online, <http://www.merriam-webster.com/cgi-bin/dictionary?jail>

² *Id.*, <http://www.merriam-webster.com/cgi-bin/dictionary?prison>

I. Why Do This Survey?

Most states have laws that take away voting rights from people with felony convictions for some limited period of time. A few states permanently bar people from the polls based on past convictions, but in most places people are supposed to be able to vote again at some point. It might be after getting out of prison or upon finishing parole. But often lack of information, confusion and illegal election practices prevent people with felony convictions from registering to vote, even after they have again become eligible under their state's laws. This survey is a way to find out whether this is happening in your state, and, if it is, to develop a record that can be used to change things.

You can follow the procedures in this guide to determine whether your state election agencies are in compliance with state laws and federal constitutional and legislative voting rights protection for those convicted of felonies. The focus is on Local Election Agency policies and practices for removing and restoring the voting rights of those convicted of a felony. Your findings will provide specific information needed to address obstacles to re-enfranchising people in your state through public education, advocacy, and, if necessary, litigation.

II. Background

A major political and legal struggle was waged over equal voting rights during the last half of the 20th century. Most Americans likely think of this as a battle that has been won. Under pressure of federal legislation and litigation, many devices used to disfranchise African-Americans and Latinos – for example, poll taxes and literacy tests – were swept away. Still, a group of Americans remains excluded from political life today – those convicted of felonies.

In all but two states (Maine and Vermont), those imprisoned are unable to vote. In most states, those on probation and parole are also prevented from voting. Some states continue to disfranchise people convicted of felonies even after they have completed their sentences.

Nationally, 4.7 million people are ineligible to vote due to felony convictions.³ Over half a million of them are veterans of the armed forces.⁴ Compared with the general voting population, African-Americans and Latinos are disproportionately disfranchised.⁵ An estimated 1.4 million of those disfranchised are African-American men – this means that 13% of black men across the country are unable to vote.⁶ Felony disfranchisement laws significantly deplete the voting power of minority communities, even if states follow them to the letter. But the real impact of these policies is undoubtedly much greater, and that is the focus of this guide.

In most states it is likely that in addition to those disfranchised under law, many who have regained their voting rights, upon completing their sentences or leaving prison, are still prevented from voting. Misinformation and burdensome and illegal practices put in place by Local Election Agencies often block registration or re-registration by people previously convicted of felonies. Such practices are not necessarily intended to disfranchise eligible voters, but even thoughtlessly adopted barriers keep people from exercising their voting rights. Following the procedures in this guide will allow you to uncover such practices and help people returning from prison to rejoin their communities as fully participating citizens.

³“Felony Disenfranchisement Laws in the United States,” The Sentencing Project, May 2004.

⁴“Disfranchised Veterans in the United States,” The Sentencing Project, June 2003.

⁵“Diminished Voting Power in the Latino Community: The Impact of Felony Disfranchisement Laws in Ten Targeted States,” MALDEF, February 2004.

Who Are We?

This survey was first conducted by the Brennan Center for Justice at New York University School of Law. The Center has a nonpartisan agenda of scholarship, public education, and legal action that promotes inclusive and effective democracy. One of our goals within our Democracy Program is to re-enfranchise Americans who have been deprived of their right to vote because of felony convictions.

This Toolkit was prepared by the Brennan Center, with assistance from Dêmos: A Network of Ideas, as part of the *Right to Vote* campaign, a national coalition working to restore voting rights to people with felony convictions. The national partners of *Right to Vote* are: the American Civil Liberties Union (ACLU), the Brennan Center, Dêmos, Mexican American Legal Defense and Educational Fund (MALDEF), National Association for the Advancement of Colored People (NAACP), NAACP Legal Defense and Educational Fund (LDF), People for the American Way (PFAW), and The Sentencing Project. The state partners of *Right to Vote* include Florida Rights Restoration Coalition, Maryland Voting Rights Restoration Coalition, New York Unlock the Block Coalition, and Texas Unlock Your Vote Campaign.

How This Survey Can Help

This survey will assist in understanding how individuals with felony convictions have their voting rights restored in states that provide for automatic restoration of rights after the completion of a prison term, probation, or parole. It will also reveal obstacles to restoration that can be addressed. The first such survey began in New York during Fall 2002. In addition to the New York survey, the *Idaho Statesman* newspaper and Lawyers' Committee for Civil Rights in Minnesota conducted similar studies.

The New York survey revealed that more than half of New York's 62 Local Election Agencies, including all five boroughs in New York City, were refusing to register individuals with felony records until they provided various documents. In many cases, the documents that the Local Election Agencies were demanding did not exist. Other documents (demanded by the election agencies) are not available to some people with felony convictions or are only issued after a lengthy waiting period. Demanding such documents violated New York State law, which mandates automatic restoration of voting rights once a person has served his or her maximum sentence or has been discharged from parole and never deprives probationers of voting rights.

The Brennan Center and two other advocacy groups – the Community Service Society of New York and the Legal Action Center – brought the survey results to the State Board of Elections' attention, and officials from the Board agreed to work with state criminal justice agencies to remove the barriers. Since the State Board of Elections is “in the business of enfranchising people,” the Board's new elections policy instructs Local Election Agencies to register people with felony records just as they would any other eligible voter – by accepting a completed registration application with a signed voter affidavit. The Board's new policy states that, “everyone who presents themselves to register, completes the form and signs the affidavit, is presumed to be eligible and should be registered. A person [with] a felony

conviction is entitled to the same presumption of eligibility.” (The complete letter setting out this policy is on page 18 of this toolkit.) This is a tremendous step forward toward re-enfranchising people who have lost their voting rights because of felony convictions, and it could not have happened without the New York survey results.

Results of the studies in Minnesota and Idaho were similarly productive: The report of the Lawyers’ Committee for Civil Rights on Minnesota revealed “confusion among the local county agencies and the state agencies in regard to how the information about restoration of voting rights is being recorded and disseminated.” As a result of the report, a committee was formed in Hennepin County, Minnesota to determine whether voting rights for individuals with felony convictions are properly restored after individuals complete their sentences.

The *Idaho Statesman* surveyed all 44 local election offices in Idaho and found that almost a third did not know Idaho’s law on felony disfranchisement. As a result of the newspaper survey, the Secretary of State for Idaho reminded county clerks and their deputies, who are responsible for voter registration, of the Idaho law (“satisfactory completion of imprisonment, probation and parole” re-enfranchises an individual with a past felony conviction). The agency also distributed quick reference sheets to county elections officials reminding them of key elements of the state’s election law.

After you complete the survey of your state, it will be possible to use the information you gather to push for needed reforms there.

▶ *In New York, the results of the survey were used to achieve an important policy change. Armed with the survey findings documenting improper practices throughout the state and legal research about the state’s voter registration laws, the Brennan Center for Justice, together with Community Service Society of New York and Legal Action Center, wrote to the New York State Board of Elections explaining that these practices illegally denied the vote to eligible citizens and demanding that the practices stop. The advocates organized a series of meetings with the State Board’s attorneys, as well as officials from state criminal justice agencies, to discuss the problem and potential solutions. As a result of these discussions, the State Board issued a memorandum directing local boards to stop asking for documents proving eligibility.*

III. Procedure

Before getting started, contact the Brennan Center for Justice and ask for a *Right to Vote* attorney at 212-998-6730 (brennancenter@nyu.edu) to let us know that you plan to do a survey. Contacting us will ensure that surveys in a state are coordinated and don't duplicate effort. When you contact us, you will also get an overview of the whole process, and have an opportunity to ask any questions you might have.

You will need: (1) two to five people to make the calls during normal business hours and to do research; (2) a mailing address to receive material from Local Election Agencies (if available); (3) a phone (with long distance and message-taking capability); (4) a computer with word-processing software and, if possible, spreadsheet software and; (5) (ideally) a FAX machine.

Contact any local groups doing election related work, especially those in contact with the state election offices (i.e., those seeking reform in local election practices). These groups and the Brennan Center can help with your advocacy efforts when you finish your survey. If you have any difficulty finding these groups, we can assist.

Read each section below carefully, paying special attention to the instructions for data collection. You may want to review the resources cited in the *Resources on Felony Disfranchisement* section on page 14 as well.

Survey Overview

Here is an overview of the survey process. Each of these actions is further explained on the following pages.

1. ***Learn the Law.*** The law of felony disfranchisement is different from state to state. State and local election officials often do not know the law. You cannot help them enforce the law unless you know the law.
2. ***Get Contact Information for Each "Local Election Agency."*** A "Local Election Agency" is the agency that administers elections at the local level. It may be called a Board of Elections, a Board of Registrars, an Election Commission, or some other name, depending on the state. The locality covered by the Local Election Agency is often a county, but it may be a parish, a town, or other geographic region, depending on the state.
3. ***Assign Responsibility for Conducting the Survey.*** Put together a survey team of two to five people and assign specific Local Election Agencies to each team member. In large states, you may want to organize regional teams, with two to five team leaders who coordinate the survey.

4. ***Call Local Election Agencies and Ask about Registration Procedures for People with Felony Convictions.*** Use the Telephone Call Guidelines provided in this toolkit. Ask for lots of detail. Ask follow-up questions. Ask questions to clarify previous answers. Be polite but persistent.
5. ***Keep Careful Written Records of All Answers.*** Some Local Election Agency officials may not know the answers to your questions. Some Local Election Agency officials may give the wrong answers to your questions. Write down precisely what the official tells you.
6. ***Summarize the Answers*** in the spreadsheet provided in this toolkit.
7. ***Get Copies of Any Document Used by the Local Election Agency in Administering Registration Procedures for People with Felony Convictions.*** Ask for copies of any documents related to the process of removing people with felony convictions from the voter lists or restoring their voting rights, including any letters sent to people attempting to register or any memos or letters explaining the local agency's or state's policy.
8. ***Follow Up.*** Make any additional follow up calls necessary to get answers to all applicable survey questions.
9. ***Repeat the Process.*** After two weeks, do the survey again. Do not be surprised if you get different answers every time you call. Just write down the answers you get.
10. ***Call State Officials.*** Call the office of the chief election officer in your state and ask the questions in the survey. Call state voter hot lines and check websites. Record the information you get on the spreadsheets.
11. ***Analyze, Summarize, and Report Your Findings to the Brennan Center.*** The Brennan Center can assist with follow-up advocacy to create fair, consistent, and lawful voter registration procedures for people with felony convictions.

1. Learn the Law

In order to ask appropriate questions in your survey, you will need to know the relevant laws in your state. In particular, research election law as it pertains to individuals with felony convictions. It is critical that you know the law before you begin contacting the Local Election Agencies. Otherwise, you will not know whether what the Local Election Agencies are telling you is, in fact, what is supposed to be done as mandated by the relevant law of that state. Some states have websites that provide this information. In addition, www.righttovote.org provides basic information on the voting rights of people with felony convictions state by state. The Brennan Center can assist you, and local groups working on election issues may be helpful in this area.

It is particularly important to determine when, according to law, individuals who have lost their voting rights due to felony convictions regain the right to vote. Upon release from prison? After paying all fines and court costs? Automatically or after some additional application or procedure that restores voting rights? It is also important to distinguish between “parole” and “probation” when determining voting rights. On both parole and probation people reside in the general community and are subject to certain conditions and to supervision by the department of corrections. But parole and probation are different statuses. People are usually sentenced to probation *instead* of prison. People on parole served some time in prison and then were granted parole to finish serving their sentences in the community. In some states, for instance New York, people on probation never lose their voting rights, but people on parole are barred from voting. A sample election law description for the New York study appears below.

Sample Election Law Report — New York State

New York State Election Law §5-106(2) states “No person who has been convicted of a felony pursuant to the laws of this state shall have the right to register for or vote at any election unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole.” Subsequent sections extend the prohibition on voting to those serving time for federal offenses that would be state felonies¹ and felonies committed in other states that would be felonies in New York.² It is not actually the conviction that triggers removal from the voting rolls, it is the activation of a sentence of imprisonment. Thus if a person is free pending an appeal, he/she retains the right to vote.³ Additionally, anyone deemed incompetent in a criminal proceeding is barred from voting absent a later finding of competence.⁴

That is the extent of New York law governing the disfranchisement of people convicted of felonies. Other questions are apparently left to the counties to decide. What procedures does a person convicted of a felony need to follow in order to reregister to vote once he/she has been released from parole?

There are 62 counties in New York, each one with a County Board of Elections. The counties range in size from just over 5,000 registered voters (Hamilton County) to over 1,200,000 registered voters (Kings County).⁵ County Boards of Elections report to the State Board of Elections. The “Board was established in the Executive Department June 1, 1974 as a bipartisan agency vested with the responsibility for administration and enforcement of all laws relating to elections in New York State.” The Board is additionally charged with “the preservation of citizen confidence in the democratic process and enhancement in voter participation in elections.”⁶

The county boards seem to get their legal advice from the State Board. As it currently stands, all boards are bound by Election Law §5-106(2); the state leaves questions of how to apply the law to the counties. If the bi-partisan state board issued an opinion regarding the required process for re-registering people completing parole, the counties would likely follow without objection. Any variance in county procedures is likely to be the result of a lack of instruction from the State Board.

¹ New York Election Law § 5-106(3) (2002)

² New York Election Law § 5-106(4) (2002)

³ New York State Board of Elections 1982 opinion #4, 2/17/82, <http://www.elections.state.ny.us/download/law/opinions.pdf>

⁴ New York Election Law § 5-106(6) (2002)

⁵ <http://www.elections.state.ny.us/enrollment/enroll.htm> (reporting figures as of 6/27/2002)

⁶ <http://www.elections.state.ny.us/about/about.htm>

2. Get Contact Information

Collect all the contact information for the Local Election Agencies. Call your state's chief election officer – this is usually the Secretary of State or the Director of the state Board of Elections. Calling your chief election officer will ensure that you get the most accurate and complete information since websites may not be updated regularly. In addition, you can check your state's website or Local Election Agency for additional contact information.

▶ *In New York, the surveyors went to www.google.com and entered "New York County Board of Elections" in the search box. The first result was the New York State Board of Election. Upon entering that site, they found a tab entitled "County Boards." That link showed a map of all the counties and a list of all the contact information for each county board of election.*

3. Assign Responsibility for Conducting the Survey

Decide which team members will be responsible for which Local Election Agencies (your state may be divided by counties, parishes, or some other geographic unit). Although one person can conceivably handle all of the Local Election Agencies in your state, if you have a large number of counties, delegating some to each researcher will make the work go faster. The calls can take some time, and if you have to call back one or more times, the smaller your list, the easier it is to keep track of the people with whom you speak and the information you gather. On the other hand, if the work is divided into too large a group it may be hard to keep the results organized. We recommend dividing the calls among two to five people. In large states, you may want to organize regional teams, with two to five team leaders who coordinate the survey.

▶ *Two New York researchers were each responsible for half of New York's 62 counties.*

4. Call Local Election Agencies

After dividing the counties, begin the calls using the Telephone Call Guidelines (printed on pages 21-27). Throughout the process, simply identify yourselves as individuals doing a survey of your state's voter registration laws. While some election employees may be suspicious, answers to these questions should be public information. Remember, if individuals with felony convictions call, they should be able to find out how to regain their right to vote.

■ How Individuals with Felony Convictions Lose Their Voting Rights

Begin by asking questions about whether those convicted of felonies lose their voting rights and how the Local Election Agencies receive notification that someone has been convicted of a felony. In other words, when someone in the locality served by the Local Election Agency is convicted of a felony, how

does the election agency find out? Who sends them that information? The courts? The Department of Corrections? The County Sheriff?

▶ *In New York, the state court sends a list to the state board that in turn sends each county its list on a quarterly basis, and the county and other local courts send notification of the individuals convicted of felonies in that county/municipality in a manner specific to that county (i.e. each county has its own procedure).*

▶ *In Minnesota, since the State Court Administrator's office does not have an automated system, each county is told to print a monthly report that details the identity, date of sentencing, effective date of sentence of those convicted of felonies. Each county then mails the monthly report to the Secretary of State. After the Secretary of State receives the list of names from the State Court Administrator, he or she then determines whether each listed individual is registered to vote and prepares a list of those registrants for the County Auditor. The County Auditor then must change the status of those registrants in the statewide registration system.*

Then find out what the Local Election Agency (or appropriate office) does with that information.

▶ *In New York the researchers discovered that the boards of election generally would take a name from the list and input it in their computer system. If that name came up as a registered voter then the county board would input a code in that person's computer file indicating that he or she was placed on inactive status because of a felony conviction. In New York City, it is a Code 4.*

If the Local Election Agency employee refers you to any type of document or letter, ask for copies for your files. Additionally, try to find out what "list" the Local Election Agency receives notifying them of individuals convicted of felonies in that locality.

■ **Registration Requirements for Individuals with Felony Convictions**

The next set of questions should focus on how individuals with felony convictions would go about reregistering, or registering for the first time, to vote. Try to view this conversation from the perspective of someone previously convicted of a felony who needs to know EXACTLY what steps he or she needs to take in order to get back his or her voting rights.

In New York, quite often the person at a county board would say that a person convicted of a felony needed to bring in “a letter from the court.” Researchers asked many follow-up questions to determine what documents were being requested and whether the person working at the Board understood what the requirements of his office really were. The local board responses were all over the map: an individual with a felony conviction lost his right to vote forever; the parole officer must complete a form, the individual would have to come to the board in person, a judge needs to reinstate voting rights, the individual must sign an affidavit, produce a letter from the parole officer, or simply reregister, and many others.

You should ask what an individual with a felony conviction would need to do to register to vote. If the election agency requires that that person bring in some sort of proof that he or she has completed her sentence, ask what kind of proof is needed. If they tell you that there is a letter they need from the court or the parole officer, for example, ask: “What kind of letter?” “Signed by whom?” “How would someone get it?” You will want to press them on this. The more details you can get about what is required to reregister, the more helpful your data will be. Ask if you can have copies of any such documents.

In Minnesota, one county auditor’s staff member stated that once a person was convicted of a felony, it was his or her responsibility to come to the county auditor’s office and prove to them their civil rights have been restored before they will change their status in the statewide registration system.

In Idaho, some offices asserted that felons permanently lose their right to vote, while others said that it takes special permission or paperwork – from a judge or probation officer or lawyer – to regain voting rights (none of which is true).

In general, try to elicit the most precise information as possible; paying very close attention to the wording the Local Election Agencies use, as well as the names of documents.

While some New York local boards said that individuals convicted of a felony needed to bring in a “relief from civil disabilities” to show proof that they had completed their sentence, others called it a “release from civil disabilities.” There is no such thing as a “release from civil disabilities.” Some county boards confused parole with probation. This is a significant issue in New York because people on probation are eligible to vote while those currently on parole are not. These kinds of inconsistencies are part of what you want to uncover if they exist.

In Idaho’s Canyon County, an election worker said that the prosecuting attorney would be able to determine when rights are restored since sometimes the completion of a sentence isn’t enough. This is not the law.

5. Keep Careful Written Records

Be sure to write down the date and time of your call, the names of people you spoke with, and what they told you. Some answers may be wrong, contradictory, or not make sense. Write down exactly what the person tells you. Then, summarize your notes on the spreadsheets provided in this toolkit.



In Idaho, approximately a third of the local boards did not have the correct information.

6. Summarize the Answers

After you have completed a round of telephone calls, you should summarize the responses you received to your questions on the Findings Spreadsheet. *Even after summarizing your findings, be sure to keep your original notes from each individual call.* These may provide important backup information for checking the findings or for fleshing them out in more detail.

A sample spreadsheet summarizing some of the New York findings is provided on page 29. A basic understanding of Microsoft Excel or other spreadsheet will be helpful for this part of the project. (The New York project used Excel.) If you do not have Excel, or any other spreadsheet program, you can use Microsoft Word or another word processing program and create a chart using that program. If you are not able to use a word processing or spreadsheet program, this data can be recorded by hand. A blank copy of the spreadsheet on page 28 can be duplicated and filled in by hand.

The spreadsheet also will be available on the Brennan Center website at www.brennancenter.org in various formats (i.e., Microsoft Word, Microsoft Excel, and PDF) for easy download and manipulation.

■ Filling in the Spreadsheet

This is the master data sheet. Input all of your data here. You may also use this as a checklist. Don't hang up the phone until you have this information. The columns are as follows:

- **Local Election Agency** This is the name of the Local Election Agency (e.g., New York County Board of Elections).
- **Callers** The names of the callers who made the initial and follow-up calls.
- **First Round Contact Date** The date of the first round call.
- **Second Round Contact Date** The date of the second round call.
- **Contact Person** The name and/or title of the person you spoke with.
- **How are the Agencies Notified?** This field records how the Local Election Agencies are notified that someone has been convicted of a felony (Telephone Call Guidelines questions 3-5).

- ***What do the Agencies do?*** This field records the action the Local Election Agencies take once they are notified that someone has been convicted of a felony. They might code the names in their system, they might purge the names, etc. (Telephone Call Guidelines questions 6-11).
- ***What is the Process (First Round)?*** This field records what you are told the process is for regaining voting rights and registering, including what an individual with a felony conviction would need to do in order to register (or reregister) to vote. Be as specific as possible. (Telephone Call Guidelines questions 12-14) (This is for the responses during the first round calls.)
- ***What is the Process (Second Round)?*** This field records the answers you get during the second round calls, to the same questions as the previous field. (Telephone Call Guidelines questions 12-14.)
- ***What is the Process (State Level Answers)?*** This field is for the responses you get when you ask the state's chief elections officer (or a staff person in that office) about the process of voting and registration for people with felony convictions, and for information from the state voting hotline and/or state websites. (Telephone Call Guidelines questions 17, 18.)
- ***Materials Sent?*** This field records whether the Local Election Agency has any written materials on the subject (memos, letters, forms, etc.). If they agree to send something, indicate that here.
- ***Materials Received?*** This field records whether you received items from the Local Election Agency. When you receive something, enter a brief description and the date received and store the material in a safe place. It might be helpful to make an additional copy to ensure that you always have a backup.

If you find it helpful to add additional columns, please do so. The more information you record, the better.

7. Get Copies of Documents

Be sure to ask whether there are any written documents related to the answers the person is giving you. Are there statements of local or state election agency policies on these issues? Are there memos about the proper practice or about what the law requires? Are there letters the agency sends to people who try to register?

8. Follow Up

During the first round of the survey, you will call each Local Election Agency once and *follow up with as many phone calls as are needed* to get answers to all of the applicable questions in the Telephone

Call Guidelines printed on pages 21-27. If, when you are recording your answers, you find you do not understand what you have been told, call back to get clarification. Record the information provided.

9. Repeat the Process

Wait at least two weeks, then call back, and ask the questions in the guidelines again. Do not be surprised if the answers you receive are different from what you were told during round one. Again, ask as many questions and call back as necessary to understand what the person is saying. Then record the findings on the spreadsheet in the fields for “Second Round” information.

10. Call State Officials

Call the chief election officer in your state and ask him or her or a member of the staff what the process is in that state (follow the Telephone Call Guidelines). If your state has a voting hotline, call the number and record any information related to felony disenfranchisement. Do the same for any voting website, or other publicly disseminated information regarding felony disenfranchisement produced by the state or local governments. Record this information on the spreadsheet in the State Level answers column.

11. Analyze, Summarize, and Report Your Findings

Write a short simple report of what you found. Were most Local Election Agencies allowing people with felony convictions to register to vote? Were people confused about who was eligible? What were agencies asking people with felony convictions to do or provide in order to prove eligibility? Was there variation among agencies regarding requirements? Was there a difference between information provided by the chief election official or state website, and what you learned from calling each agency? Did the practices described by the Local Election Agencies line up with your understanding of your state’s laws?

Send your findings to: *Right to Vote* Attorney
Brennan Center for Justice at New York University School of Law
161 Avenue of the Americas, 12th Floor, New York, NY 10013
212-998-6730 (T) • 212-995-4550 (F) • BrennanCenter@nyu.edu

The Brennan Center can provide advice on how your findings can be used to eliminate barriers in registration and voting faced by people with past convictions in your state.

IV. Resources on Felony Disfranchisement

■ Online Resources

Right to Vote Campaign

<http://www.righttovote.org>

Brennan Center for Justice

<http://www.brennancenter.org>

http://www.brennancenter.org/programs/dem_vr_fvr.html

http://www.brennancenter.org/programs/dem_vr_lit_johnson.html

Demos

<http://www.demos-usa.org>

<http://www.demos-usa.org/page15.cfm>

Human Rights Watch

<http://www.hrw.org>

<http://www.hrw.org/reports98/vote/>

The Sentencing Project

<http://www.sentencingproject.org>

http://www.sentencingproject.org/issues_03.cfm

http://www.sentencingproject.org/pubs_05.cfm

■ Leading Cases

If you are interested in reading relevant judicial rulings, seminal U.S. Supreme Court cases on felony disfranchisement are: *Richardson v. Ramirez*, 418 U.S. 24 (1974); and *Hunter v. Underwood*, 471 U.S. 222 (1985).

Recent opinions from federal courts present different views of legal issues underlying felony disfranchisement. They are *Johnson v. Bush*, 353 F.3d 1287 (11th Cir. 2003); *Farrakhan v. Washington*, 338 F.3d 1009 (9th Cir. 2003); *Farrakhan v. Washington*, 359 F.3d 1116 (9th Cir. 2004); and *Muntaqim v. Coombe*, 366 F.3d 102 (2nd Cir. 2004).

Summaries of these cases and others may be found on the Right to Vote Website:

http://www.righttovote.org/legal_decisions.asp.

■ Reports and News about Past State Surveys

New York

“Unshackling the Vote,” Cassi Feldman, *City Limits Weekly*, November 3, 2003 (See page 16).

“Deal Helps Ex-Felons Register for Voting,” Shirin Parsavand, *The Daily Gazette*, November 4, 2003 (See page 17).

New York State Board of Elections Memorandum to the New York State County Commissioners explicating New York State’s policy on the “Registration of Former Felons” sent in response to the New York State Survey, October 29, 2003 (See page 18).

Idaho

“Some Counties May Not Let Felons Vote; In Idaho, Rights Are Restored After Sentence Served,” by Wayne Hoffman, *Idaho Statesman*, August 25, 2003 (See page 19).

Minnesota

Minnesota Lawyers’ Committee for Civil Rights’ (LCCR) Report available at:

<http://www.lawyerscomm.org/publications/crimdis.pdf>

<http://www.lawyerscomm.org/>

“Hennepin County: Ex-felons’ Right to Vote Reinforced,” by David Hawley, *Saint Paul Pioneer Press*, September 29, 2003 (See page 20).

Unshackling the Vote

New York State's Board of Elections promises to help clear hurdles that block ex-felons from registering to vote.

BY CASSI FELDMAN

Glenn Martin served five years in prison and two-and-a-half on parole. He thought he'd paid his debt. But when he tried to register to vote, his past seemed to follow. The Bronx Board of Elections requested a "Certificate of Relief" proving his rehabilitation, a document Martin didn't have. "You make this transition, you pay taxes, you want your voice to be heard," he said. "It's very frustrating."

Fortunately for Martin and thousands of other ex-felons around the state, that process is now changing. On Wednesday, the New York State Board of Elections sent an internal memo encouraging local boards to stop requesting documents that were hard for former prisoners or parolees to come by. Instead, it states, they should use the Department of Corrections' online database to check an

applicant's status.

"Our democracy is founded on the idea that all votes are treated equally," said Erika Wood, staff attorney with the Legal Action Center, where Martin also works. Her agency pushed for this reform, along with the nonprofit Community Service Society and the Brennan Center for Justice.

Wood first learned of the problem in February, when several ex-felons brought in letters they had received from local elections boards when they tried to register. "Our records indicate that you were at one time a convicted felon. Therefore, at this time, it is not possible for us to process your application," reads one letter from the Bronx Board of Elections. When asked whether practices would change with the new memo, Thelma Toonkel, a supervisor in the board's Death and Felony depart-

ment, said she hadn't seen it.

Pat Murray, deputy counsel for the state elections board, said the memo may not have gone to each borough, but her agency will make sure the boards comply. "This is not as big a deal as the advocates are making it," she said. "When concerns are brought to us, we respond to them."

That comes as welcome news to Joseph "Jazz" Hayden. Currently on parole, he is the lead plaintiff in a federal class action lawsuit against the state board and the governor. He hopes to overturn the law that prohibits inmates and parolees from voting. "Being a prisoner puts you in the category of the least powerful people in this country. It's like slavery," he said. "This is an idea whose time has come."

November 4, 2003

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Deal helps ex-felons register for voting

BY SHIRIN PARSAVAND

Gazette Reporter

ALBANY – An agreement with the state Board of Elections will simplify the process of registering to vote for those with past felony convictions.

State law allows people with felony convictions to vote once they have served their sentence or have been discharged from parole. But three legal rights advocacy groups found half the state's 62 county boards of elections would not register those who had felony records until they provided various documents, some of which required a lengthy wait.

Saratoga and Schenectady counties' boards of election required a letter from the court where the person was convicted, and Fulton County

required a "release" from the court, said Erika Wood, an attorney with the Legal Action Center in New York City. The other groups involved in the agreement were the Community Service Society in New York City and Brennan Center for Justice at New York University School of Law.

The agreement was reached Oct. 29, too late for those trying to register to vote in today's election.

The new policy instructs county boards to register those with felony convictions as they would any other voter. Boards with questions about the eligibility of a person with a past felony conviction can consult the Department of Correctional Services'

Web site, to see when the person completed a sentence or was discharged from parole.

"The state government has the information it needs to determine voter eligibility. Under the new policy they will use it, rather than force individuals to chase down documents that may be impossible to collect," said Kele Williams, associate counsel for the Brennan Center.

The policy did not require any rule change, but simply informing the county boards, said Lee Daghlian, a spokesman for the state Board of Elections.



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TO: County Commissioners
 FROM: State Board of Elections
 RE: Registration of Former Felons
 DATE: October 29, 2003

There have been two meetings between SBOE staff, advocates for ex-felons and criminal justice state agencies, to discuss both barriers to ex-felons registering to vote, and ways to remove those barriers.

As you know, everyone who presents themselves to register, completes the form and signs the affidavit, is presumed to be eligible and should be registered. [Election Law §§5-102 & 5-210]. A person previously canceled for a felony conviction is entitled to the same presumption of eligibility.

Whenever the board has reason to question a person's eligibility, Election Law §5-210(10) authorizes them to seek additional information to resolve any question before making a determination.

When the person whose eligibility is being questioned is an ex-felon, many of you are asking for documentation that they cannot provide. Certificates of Relief from Disabilities, although real, are very rare. The issuance is discretionary, and Department of Correctional Services rules and regulations serve to deny such issuance in the vast majority of instances. Additionally, the Division of Parole admits to at least a 60 day delay in the issuance of release letters once a person has completed their parole supervision.

Given these realities, it is clear that county boards cannot ask for these or similar items as proof of eligibility in those rare instances when a question arises. Doing so has the effect of disenfranchising people, and we are in the business of enfranchising people.

There is a website, maintained by the Department of Correctional Services, which is updated monthly. It is possible to access current information on persons who have served time in state facilities, including release dates from prison and/or parole supervision.

The website is www.docs.state.ny.us. At the page, you would click on 'Inmate Lookup', enter the person's first and last name, and submit the request. The results page will list name, sex birth date, status, facility and department identification number, or DIN. Click on the DIN for the person whose information you are verifying.

This brings up a "Commitment History" page, and if you click on the DIN one more time, you get the "Inmate Information Page". Scroll to end, and you will find maximum release dates. Check those dates against the current date, and you will be able to determine whether the individual before you is indeed eligible to register. Samples of each page in this process are attached. If you have problems, or questions using this system, please call:

In NYC: Office of Downstate Parole Services, 212-239-5727; Marshall Rosado or Andrea Evans;
 Upstate: Office of Upstate Parole Services, 518-473-3272; Karl Guule.

This seems like a lot, but is a fairly quick, and reasonably reliable system. It is also the only alternative currently available to us.

Again, this alternative is to be used only in those rare occasions when there is a question about a person's eligibility to register and vote. The question must be something more than just the fact of the previous cancellation, as all persons who complete the form and sign the affidavit are presumed eligible to register and vote.

As always, if there are questions, do not hesitate to call us.

Some counties may not let felons vote

BY WAYNE HOFFMAN

As city elections fast approach, county officials could be depriving untold numbers of felons from the ballot box by saying they can't vote in Idaho.

The fact is, people convicted of a felony in Idaho can vote once they've completed their sentence, unless they've committed treason. Yet it is generally assumed that felons are excluded from the voting booth.

But when The Idaho Statesman surveyed all 44 county election offices, almost a third got it wrong. Some said felons permanently lose the right to vote. Others said it takes special permission or paperwork – from a judge or probation officer or lawyer – to restore a person's voting rights, none of which is true.

Some county officials didn't know the answer and referred questions elsewhere.

Secretary of State Ben Ysursa, the state's chief elections official, was disappointed.

"I've talked about this for 15 years and we're going to continue," Ysursa said Thursday.

Elections workers get continuous training from the secretary of state's office. By law, Ysursa is supposed to attend election law conferences three times a year, and, by law, county clerks or a designated deputy clerk are supposed to attend at least one of those.

At workshops last month, Ysursa reminded county clerks and their deputies, who are responsible for voter registration, of the law. The agency also distributed quick reference sheets to county elections officials reminding them of key elements of the state's election law. Felony convictions are addressed in point No. 2.

"It's frustrating at times," Ysursa said. "Lord knows we hit it every time."

Ysursa said he'll hammer it again at training sessions again next month. Municipal elections take place state-

wide Nov. 4.

Still, this week, county elections clerks in Adams, Bonner, Butte, Jefferson, Madison and Oneida counties said felony convictions result in irreparable loss of voting rights.

Election workers Bannock, Canyon, Caribou, Fremont, Jerome, Lewis, Nez Perce and Owyhee counties referred calls elsewhere, saying county prosecutors, sheriffs and judges could say when a person's rights were restored. Some said it would require special paperwork from an attorney or corrections official, or perhaps an order from a judge to be able to vote again.

The state constitution guarantees former felons the right to vote once their citizenship has been restored. State law says that happens once prison, probation or parole are complete for felonies committed in Idaho. That same law blocks felons who have committed certain violent crimes, such as kidnapping and rape, from owning a firearm.

As many as 2,600 felons were discharged from the Department of Correction's supervision between July 1, 2002 and June 30, 2003. By doing so, their voting rights were restored if their crimes were committed in Idaho.

Less clear is what happens to felons who move here from other states or who have a federal felony conviction. Generally, if a person has had their civil rights restored by another state, they can vote here, Ysursa said. A felony conviction does not affect a person's ability to vote in Idaho, according to the U.S. Department of Justice.

The Sentencing Project, a group that advocates alternative sentences and criminal justice reforms, says Idaho is one of 33 states that block parolees from voting and is one of 29 states that extend that restriction to probationers. Six states bar voting rights to anyone who has a felony conviction, according to the group.

Such restrictions are commonly called "civil death laws."

In the state's second largest county, Canyon County, an election worker said the prosecuting attorney would be able to determine when rights are restored, because sometimes even completing a sentence isn't enough.

Canyon County Clerk Noel Hales said that's because the clerk was making a distinction that a conviction for treason is the single crime for which voting rights can't be restored.

"We have never denied anyone the right to vote," Hales said.

Oneida County Clerk Shirlee Blaisdell acknowledged that she didn't understand the law and gave out bad information, both during the Idaho Statesman's survey and when asked before about felonies and voting rights.

"Thank you for pointing it out," Blaisdell told The Idaho Statesman.

Jo Ann Bowman of the Oregon-based Western Prison Project said the bad advice that keeps Idahoans from voting is being given out as well in her state.

"No one knew where they heard it or why they thought it was so," said Bowman, who is the coordinator for a program that lets offenders know their rights. "We've been able to help with the education component, but it's really an uphill battle."

Bowman says ex-convicts have shown a high interest in voting, and that's a good way to get them invested in their communities.

What the state constitution says:

Article VI, Section 3: Section 3. Disqualification of certain persons. No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense.

What the statute says:

Idaho Code 18-310 (2) says: "Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason" or for people who commit certain crimes, the right to own or possess a firearm is not restored.

Final discharge means "satisfactory completion of imprisonment, probation and parole as the case may be."

To offer story ideas or comments, contact reporter Wayne Hoffman at whoffmanidahostatesman.com or 377-6416.

Hennepin County:

Ex-felons' right to vote reinforced

BY DAVID HAWLEY
Pioneer Press

Concern about voting fairness isn't confined to a recall election in California. In Hennepin County, a committee has been formed to determine if the voting rights of felons are properly restored after they finish their sentences.

"This is not about changing the law for felons – it's about the procedures under current law," said Hennepin County Commissioner Peter McLaughlin.

McLaughlin and Commissioner Gail Dorfman are co-authors of a resolution passed by the county board last month that established the "Hennepin County Criminal Disenfranchisement Practices Work Group." A report from the group is expected on Wednesday.

The group's goal is to determine if county corrections officials are adequately informing former convicts when their voting rights have been restored. The group also is being asked to determine if local voter-registration officials understand the law.

With the exception of Maine and Vermont, all states, including Minnesota, do not allow people incarcerated for felonies to vote.

In some states, felons are disenfranchised for life, while other states restore voting rights after a felon is released from prison or from parole.

In Minnesota, most civil rights, including voting rights, are restored

after an individual has finished all aspects of a criminal sentence, including supervised release and community service. At that point, the person is said to be "discharged."

McLaughlin said he was prompted to propose the county's study after reading the report "Criminal Disenfranchisement in Minnesota," which was published last year by the Minnesota Lawyers' Committee for Civil Rights.

That study, which was funded by the Minneapolis Foundation, concluded that there is no consistent procedure for notifying felons when their civil rights have been restored.

The report said notification becomes complicated as felons move from state to local correctional programs and because they often are out in their communities when their sentences are officially discharged.

"This problem has the potential to prevent a large number of persons whose civil rights have been restored from being notified that they can vote again and from having their status changed in the statewide registration system," the report said.

In 2000, 46,181 Minnesotans were disenfranchised because of felony convictions, the report said, citing statistical figures in a study done by the University of Minnesota's Department of Sociology.

That university report also noted

a significant rate of felony disenfranchisement among Minnesota's African-Americans – totaling about 9.4 percent of the black voting-age population in 2000.

"The large racial disparities in disenfranchisement clearly dilute the voting strength of African-Americans, with approximately 9 percent of African-Americans and 15 percent of African-American males unable to vote because of felony conviction," the university report said.

In Ramsey County, questions about restored voting rights are "rare to nonexistent," said Robert Hanson, director of the adult courts division for the Ramsey County Community Corrections Department.

Hanson said individuals under county supervision are informed about the restoration of their civil rights when they are discharged. But he said many have "moved on" or are under other jurisdictions by the time the discharge is finalized.

Felons who have been discharged sometimes call with questions about their legal civil rights. "But they rarely ask about voting rights," Hanson said.

"They usually want to know if they can legally possess a gun," Hanson said, adding that under most circumstances, the answer is no.

V. Telephone Call Guidelines

- These questions are basic guidelines to follow. Not every question applies in every state. Ask the question only if you believe it is applicable to your state.
- Your knowledge of your state's laws should inform the questions you ask. This list is by no means an exhaustive list of questions. Other questions, not listed here, may be important.
- Review the sample questions below prior to beginning your calls. Think about other questions you need to ask, and write them down, before you call.
- As you begin making calls you will likely continue to add and subtract questions once you get a better feel for the entire process and the types of responses you are getting.
- Try to elicit the most precise information possible. Pay very close attention to the wording the Local Election Agency uses, the names of documents, and any laws they mention.

Date(s) _____

Local Election Agency _____

Name of Interviewer _____

QUESTION	
1	<p>Hello, my name is _____, I am looking for some information on voter registration. <i>(If you are asked what this is for, state that this is part of a statewide survey on voter registration practices).</i></p>
2	<p>If you are convicted of a felony can you register to vote? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(a) Can you vote while on probation or parole? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) What about those convicted of misdemeanors? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(c) Those convicted of federal felonies? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(d) Those convicted of felonies in other states? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
3	<p>How does the agency know when to revoke an individual's right to vote (due to a felony conviction)?</p> <p>Who notifies the agency? (What office/department/branch of government?) (e.g., Court, Department of Corrections, County Sheriff, etc.)</p> <p>_____</p> <p>_____</p> <p>_____</p>

QUESTION

4

Is the agency notified of these convicted individuals by a list?

Yes No *[If no, skip to question 8]*

If so, what information is on this list (get descriptive characteristics of the list) (e.g., it includes name, address, social security number, etc.)?

5

How does the agency receive the list? From whom?

(a) Is the list broken down into the type of sentence or is it all mixed together? (i.e., are conviction, incarceration, parole, probation, completion of sentence indistinguishable)

(b) If the list only has incarcerated individuals and the state also disfranchises those on parole and/or probation, how does the agency get the names of these individuals?

6

What does the agency do with the list once it is received?

(a) Are names purged from a list? Yes No

(i) If so, from where are the names purged?

(ii) Does the agency maintain a file of names that have been purged?

QUESTION

<p>6 (con't)</p>	<p>(b) Do the names remain on the voter list with some kind of code identifying them as suspended for felony conviction?</p> <hr/> <hr/> <hr/> <p>(i) If they check the names on the court list against the registered voter list, are there any criteria other than name used to match the individual convicted of a felony and the registered voter? (e.g., address, social security number, birthday etc.)</p> <p>(ii) If so, is there ever a time that this additional identifying information is not available or simply insufficient? If so, what happens?</p> <hr/> <hr/> <hr/> <hr/>
<p>7</p>	<p>Keeping in mind whether this state distinguishes between the type of sentence, especially prison or probation, in reference to voting rights, find out which names are removed from the rolls (all or some), especially if the list does not identify the type of sentence.</p> <hr/> <hr/> <hr/> <hr/>
<p>8</p>	<p>Is the individual notified that his voting rights have been revoked?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>[If no, skip to question 9]</i></p> <p>(a) If so, how?</p> <hr/> <hr/> <hr/> <hr/>

QUESTION

8

(con't)

(b) If by a letter, get a description [Ask for a copy of this, and any other letter or document regarding felony disfranchisement for your files].

(i) Are voting rights revoked before the letter is sent? Yes No
Or is the letter sent, and after a certain amount of time the rights are revoked (e.g., unless the individual contests the factual basis of the letter)?

Yes No

(ii) If a letter comes back "Return to sender," what happens next?

(iii) Is a response to the letter requested and/or required? Yes No

9

What does the agency do with the names of those that are not registered to vote?

(a) If they maintain this information, do they periodically reference the file when they receive new registrants? Yes No

(b) Is this and the main "conviction" list shared with neighboring counties/Local Election Agencies/the rest of the state? Yes No

10

Are there any documents that discuss this process?

(e.g., list retrieval, notification of removal of rights, purging of names from voter rolls, maintenance of a list of those convicted)? Yes No [*If no, skip to question 11*]

Ask for copies.

- *If they agree and you are doubtful of the efficiency of the office, ask them to FAX the material to you right away (if possible). Follow up if you do not receive the promised document.*

QUESTION

11

Does the agency remove the names of other people disqualified from voting for other purposes, for example, because they have moved?

Yes No *[If no, skip to question 12]*

If so, is the removal procedure the same as for felony convictions? Yes No

12

Does an individual ever regain the right to vote? Yes No
[If no, skip to question 13]

(a) If yes, what is this based on? [Time served? No longer on parole and/or probation? Some other process? A Pardon? Never?]

(b) Must all fines, restitution and other fees assessed be paid?

Yes No

13

Does the Local Election Agency receive or create a list of names of those who have served their sentences and are now eligible to vote (similar to the distribution of the "conviction" list)?

Yes No *[If no, skip to question 14]*

13

(cont)

- (a) If so, is this list maintained in the office? Yes No
- (b) Is it shared with neighboring counties/Local Election Agencies/rest of the state?
 Yes No

How does an individual begin to vote again? [Try to imagine that you are the person who committed the felony and you want to find out how to regain your rights. Try to get very specific information. Press the agency employee on these questions especially; these are critical.]

- (a) Simply reregister? Yes No
 - Any special procedures? Yes No
 - If the individual was never registered to vote prior to his/her felony conviction, does he have to do anything special? Yes No

- (b) Need documentation to prove that sentence was completed? Yes No
(Use your knowledge of the state's requirements to tailor your questions here)

- If yes:
 - (1) Ask for copies of the documents. Are there any samples? Yes No
(Do they know where you can find a copy?) Yes No
 - (2) What are the names of these documents? (Get specific details)

- (3) Who needs to sign them? Parole Officer? Probation Officer? Judge? Prosecutor?

14

QUESTION

<p>14 (cont)</p>	<p>(c) Anything else required to regain voting rights? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <hr/> <hr/>
<p>15</p>	<p>Thank you so much for your time. Ask for the name and/or position of the person you spoke with.</p> <hr/> <hr/> <hr/>
<p>16</p>	<p>Wait at least two weeks, and then call the Local Election Agency back and ask the questions in these guidelines again.</p>
<p>17</p>	<p>While you are waiting to call the agency back, if your state has a voting hotline, call the number and record any information related to felony disenfranchisement. <i>[If your state does not have a hotline, skip to question 18]</i></p>
<p>18</p>	<p>After you have made both rounds of calls, call the chief election officer in your state and ask him or her (or a staff member in the office) what the process is in your state (run through the guideline questions).</p>

Additional Notes

Findings

Local Election Agency	Callers (First and Second Rounds)	First Round Contact Date(s)	Second Round Contact Date(s)	Contact Person (First and Second Rounds)	How are the Agencies Notified?	What do the Agencies do?	What is the Process? (First Round)	What is the Process (Second Round)	What is the Process (State Level Answers)	Materials Sent?	Materials Received?

Sample of New York State Findings

Local Election Agency	Callers (First and Second Rounds)	First Round Contact Date(s)	Second Round Contact Date(s)	Contact Person (First and Second Rounds)	How are the Agencies notified?	What do the Agencies do?	What is the Process? (First Round)	What is the Process (Second Round)	Materials Sent?	Materials Received?
New York County	First: Jane Doe Second: Jane Doe	29-Oct-02	5-Feb-03	First: Adam Smith Second: Adam Smith	Courts send notification	Take off rolls	Bring letter from Court or probation officer stating that his/her time was served; Make copy at Board of Elections and then reregister	Board of Elections has a form you can take to Parole Officer to sign and send in with rest of forms; Alternatively a letter on Department of Corrections letterhead is fine. Thinks the process is the same for people on probation and parole.	No written materials, but checked website	N/A
Niagara County	First: Bob Rogers Second: Bob Rogers	30-Oct-02	5-Feb-03	First: Mabel Morton Second: Mabel Morton	Courts send notification	Take off rolls	Bring in Release Papers; Copy made at board office; Reregister	Need a letter from the parole officer saying that all obligations have been fulfilled. You can mail in the letter, along with a registration form. "I think" it's okay to send in a copy of the letter. "Don't believe so" whether there is a difference for people finishing parole and those on probation.	Yes	Yes: Letter notifying voter that he/she is no longer eligible to vote due to a felony conviction; Letter notifying registrant that his/her form cannot be processed "due to previous court documentation" Received: 10/30/2002

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