

**MEMORANDUM OF SUPPORT**  
**A.7634/S.2023**  
**April 29, 2016**

**Title:** An act to amend the election law and the correction law, in relation to voting by convicted felons.

**Statement of Support:**

The Brennan Center for Justice at New York University School of Law<sup>1</sup> is a nonpartisan law and policy institute that focuses on issues of democracy and justice. The Brennan Center works on a range of voting rights and election law issues, and has a particularly long record of supporting efforts to reform felony disenfranchisement laws at the state and federal levels. We have published a series of reports on voting rights restoration and provided support to legislative reform efforts throughout the country, including in New York. We write today in support of A.7634/S.2023, a bill sponsored by Assemblymember Daniel J. O’Donnell, which would restore voting rights to New Yorkers who are currently on parole.

Over 40,000 New Yorkers – working, paying taxes, and raising families in our communities – are blocked from voting because of a past criminal conviction.<sup>2</sup> Denying these citizens their voting rights serves no legitimate law enforcement purpose. The American Probation and Parole Association has stated that disenfranchisement laws work against the long term prospects of community reintegration.<sup>3</sup> Indeed, studies have linked voting and civic engagement with lower recidivism rates.<sup>4</sup>

Moreover, New York’s people of color and their communities bear the brunt of disenfranchisement. As of 2015, nearly three-quarters of those who have lost their right to vote under New York’s disenfranchisement laws are African American or Latino,<sup>5</sup> and New York’s

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<sup>1</sup> This statement has been prepared by a Center affiliated with New York University School of Law, but does not purport to present the school’s institutional views, if any.

<sup>2</sup> *State-by-State Data (New York)*, Sentencing Project, <http://sent.pr/1T8Q5Ax>.

<sup>3</sup> Carl Wicklund, *Op-Ed: Felon Voting Rights Makes Us All Safer*, LEXINGTON HERALD-LEADER, Mar. 6, 2014, available at <http://www.kentucky.com/2014/03/06/3123547/carl-wicklund-felon-voting-rights.html>.

<sup>4</sup> FLORIDA PAROLE COMMISSION, STATUS UPDATE: RESTORATION OF CIVIL RIGHTS (RCR) CASES GRANTED, 2009 AND 2010 7, 13 (2011), available at <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>; See also Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 COLUM. HUM. RTS. L. REV. 193 (2004), available at [http://sociology.as.nyu.edu/docs/IO/3858/Voting\\_and\\_Subsequent\\_Crime\\_and\\_Arrest.pdf](http://sociology.as.nyu.edu/docs/IO/3858/Voting_and_Subsequent_Crime_and_Arrest.pdf).

<sup>5</sup> NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, COMMUNITY SUPERVISION LEGISLATIVE REPORT 12 (2015), [http://www.doccs.ny.gov/Research/Reports/2015/2015\\_Legislative\\_Report.pdf](http://www.doccs.ny.gov/Research/Reports/2015/2015_Legislative_Report.pdf).

140-year-old law has roots in historical efforts to exclude African Americans from the political process.<sup>6</sup>

New York's current law has also created unnecessary confusion. Citizens and elections officials often misunderstand the difference between probation and parole. A 2008 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.<sup>7</sup> Mass dissemination of inaccurate and misleading information sows confusion and fear of criminal liability even among eligible would-be voters.

A.7634/S.2023 would go a long way in eliminating these burdens by simplifying New York's law. It would also provide notice to individuals when their right to vote is restored and provide them with a voter registration form at that time. Altogether, this bill will strengthen New York's democracy by ensuring that more citizens have a voice and a stake in their communities.

By passing A.7634/S.2023, New York has an opportunity to join a national bipartisan movement to help individuals re-integrate into society. 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.<sup>8</sup> Just this year, Maryland's legislature restored voting rights to more than 40,000 people,<sup>9</sup> and Virginia's governor restored voting rights to over 200,000.<sup>10</sup>

The Brennan Center for Justice strongly supports A.7634/S.2023.

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<sup>6</sup> ERIKA WOOD & LIZ BUDNITZ, BRENNAN CTR. FOR JUSTICE, JIM CROW IN NEW YORK 12-13 (2009), available at [https://www.brennancenter.org/sites/default/files/legacy/publications/JIMCROWNY\\_2010.pdf](https://www.brennancenter.org/sites/default/files/legacy/publications/JIMCROWNY_2010.pdf).

<sup>7</sup> ERIKA WOOD & RACHEL BLOOM, AM. CIVIL LIBERTIES UNION & BRENNAN CTR. FOR JUSTICE, DE FACTO DISENFRANCHISEMENT (2008), available at <https://www.brennancenter.org/publication/de-facto-disenfranchisement>

<sup>8</sup> 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. Myrna Pérez, Tomas Lopez & Vishal Agraharkar, *The Sustained Momentum and Growing Bipartisan Consensus for Voting Rights Restoration*, BRENNAN CTR. FOR JUSTICE, available at <http://www.brennancenter.org/analysis/sustained-momentum-and-growing-bipartisan-consensus-voting-rights-restoration>.

<sup>9</sup> Samantha Lachman, *Over 40,000 Ex-Offenders In Maryland Will Have Their Voting Rights Restored*, HUFFINGTON POST, Feb. 9, 2016, available at [http://www.huffingtonpost.com/entry/felon-voting-rights-maryland\\_us\\_56ba1925e4b08ffac122ac91](http://www.huffingtonpost.com/entry/felon-voting-rights-maryland_us_56ba1925e4b08ffac122ac91).

<sup>10</sup> Sheryl Gay Stolberg & Erik Eckholm, *Virginia Governor Restores Voting Rights to Felons*, N.Y. TIMES, Apr. 22, 2016, available at <http://www.nytimes.com/2016/04/23/us/governor-terry-mcauliffe-virginia-voting-rights-convicted-felons.html>.