

Testimony of

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Good morning, and thank you, distinguished members of the Senate Elections Committee, for holding this hearing and for the opportunity to testify today. My name is Glenn E. Martin, and I am the Vice President of Development and Public Affairs at The Fortune Society, a powerful criminal justice advocacy center and alternative to incarceration and reentry service provider that works with over 3500 people annually who are involved in the criminal justice system.

In addition to working to remove other barriers to reintegration, including restrictions around education, housing and employment, The Fortune Society has focused much of its attention and scarce resources on the issue of removing counterproductive practical and statutory obstacles to voting facing those with felony convictions.

Nowhere is New York's shortcoming in the struggle for advancing civil rights more apparent than in how we cling to archaic felon voter disenfranchisement laws, which disproportionately bar low-income black and Hispanic voters from full participation in our democracy. Additionally, clients have reported to us that election officials have repeatedly failed to comply with *existing* felony disenfranchisement laws, leading to the de facto disenfranchisement of thousands more eligible minority voters. This issue disproportionately affects people of color in NYS, as evidenced by the fact that our state prison system is approximately 50% African American and 34% Hispanic, while our general state population is only 15.9% African American and 15.1% Hispanic. The majority of Fortune's clients live in seven communities that account for the majority of the city's correctional admissions: Bedford-Stuyvesant, Brownsville, Crown Heights, East Harlem, East New York, South Bronx, and South Jamaica. These communities, which have predominantly African-American (50.2%) and/or Latino (39.9%) populations, have come to be defined by low social capital and high crime.

Many of Fortune's clients lost their right to visit the polls when they were convicted of a felony and served time in prison, but they automatically regain the right once they have served the maximum prison sentence or have been discharged from parole. Unfortunately, many of our clients continue to stay away from the polls because they are confused by the law and mistakenly believe they have lost their right to vote permanently. In fact, internal questionnaires reveal that 43% of Fortune clients think they can never vote if convicted of a felony, 72% believe they can not vote if on probation, and 81% said that no one had ever provided them with information regarding their voting rights. According to surveys conducted by the Brennan Center in 2003 and 2005, approximately half of New York's county election boards illegally

prevent probationers from voting or improperly ask for special documentation from formerly incarcerated people before allowing them to register,. Even after advocates in this area have collaborated, using their scarce resources to train all county boards, print and distribute materials and fliers, provide model scripts for telephone hotlines and websites, and provide accurate information to post on websites and phone lines, these officials continue to misinform eligible voters.

Fortune staff members, over half of whom are formerly incarcerated, are always reminding our clients of the importance of engaging in volunteer efforts and activities that will help them to form connections with their communities. The State can send no stronger message to formerly incarcerated people about their value in society than to bar them from the most fundamental right in a democracy: the right to vote. In 2003, when I registered to vote within weeks of being discharged from parole and was told by the Bronx Board of Elections – in direct violation of NYS Election Law – that I needed a certificate of relief and a letter from my former parole officer, I remember feeling as though there was an inherent hypocrisy in a system that asked me to remain at liberty, seek and maintain employment, pay taxes, etc., only to deny me the opportunity to be engaged in the political process.

By automatically restoring voting rights to people who have been released from prison or parole and are living in the community, NYS policymakers can enhance New York's democratic system, ease the administrative burden that currently leads to confusion and misinformation, promote broad public safety and successful reentry, and establish a fair voting process that includes all citizens who have served their prison time. Senate Bill #1266 addresses this issue by providing clear and systematic notice to individuals of their voting rights as they complete their maximum prison sentences or are discharged from parole. It will also require criminal justice agencies to provide assistance with voter registration and voting by absentee ballot, and will assure that corrections and elections agencies share the data necessary to verify voter eligibility. The Senate should pass Bill #1266 as a *first* step in the right direction.

Thank you for your time and support in the matter of this proposal. I welcome any further questions you may have.