



Letter in Support of A.4448A and S.830B

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Via Email

Re: Support for A.4448A/S.830B to Restore Voting Rights to New Yorkers Who Have Completed Their Prison Sentences

We strongly urge you to support A.4448A/S.830B, a bill that would automatically restore voting rights for all New Yorkers with felony convictions upon their release from prison. This milestone legislation will re-enfranchise tens of thousands of New Yorkers, streamline the rights restoration process, and require state and local officials to provide formerly incarcerated individuals notice of their voting rights restoration upon release. Importantly, this bill will cement New York's commitment to rights restoration immediately upon release from incarceration, a policy which currently could be unilaterally reversed by a future Governor's office.

Campaign Legal Center is a nonpartisan, nonprofit organization working to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis and public education. Our Restore Your Vote Campaign helps restore voting rights to people with past convictions by providing direct rights restoration services, empowering community leaders to understand rights restoration laws, and breaking down the false notion that a felony conviction always means you cannot vote.

Felony disenfranchisement is a Jim Crow relic rooted in explicitly racially discriminatory motivations. New York required Black citizens to own between \$250 and \$300 worth of property in order to vote until 1874¹ despite having eliminated the property requirement for white voters in 1821.² When passage of the Fifteenth Amendment forced New York to eliminate property requirements for Black voters, the

¹ Though the passage of the 15th Amendment in 1870 effectively made the requirement illegal immediately, the state constitution was not amended to eliminate the requirement until 1874. Bennett Liebman, *The Quest for Black Voting Rights In New York State*, 11 Albany Govt. L. Rev. 386, 419 (2018).

² *Id.* at 387.

state legislature amended the constitution to strip away the voting rights of anyone convicted of an “infamous crime” in an attempt to continue to disempower Black voters.³ The racially discriminatory effects of New York’s felony disenfranchisement law persist today. Approximately 75 percent of New Yorkers who are not eligible to vote unless they receive a pardon from the Governor are Black and Latino.⁴

Currently, 19 states, D.C., and Puerto Rico allow everyone not currently incarcerated to vote. New York’s law, however, continues to disenfranchise individuals serving community supervision on parole. Executive Order 181, issued by Governor Cuomo on April 18, 2018, allows Governor Cuomo to individually decide whether he will restore each parolee’s voting rights. While the Governor has used this power graciously and expansively, issuing a partial executive pardon that restores individuals’ voting rights in most cases, restoration is not automatic and not guaranteed under the current system.

A.4448A/S.830B would permanently engrave Governor Cuomo’s policy of expanding voting rights to parolees into state law, a necessary step to prevent future governors from rescinding the current Executive Order with the stroke of a pen. Crucially, the bill would also make restoration of voting rights automatic, rather than dependent upon the Governor’s review. Thus, it would provide all returning citizens the opportunity to register to vote as soon as they are released. Under the current system, not every returning citizen is guaranteed rights restoration upon release. And even returning citizens who have their voting rights restored are often forced to wait several weeks to regain their right to vote. Moreover, since the parolee pardon process is technically conditional and individualized, returning citizens must sometimes take additional steps to verify their voting pardon prior to registering to vote. This process can be confusing and cumbersome. A.448A/S.830B will eliminate this step that can lead to de facto disenfranchisement.

A.4448A/S.830B will create a simple, bright line rule, alleviating de facto disenfranchisement and improving administrability for election officials. Confusion around voting rights after a felony conviction is rampant, compounded by the patchwork of varying laws across the states, misinformation, and a lack of access to legal information and services. The result is that many people with past convictions wrongly believe they cannot vote even if they are eligible. Stories of people prosecuted for unknowingly voting when they were ineligible exacerbate confusion and intimidate eligible voters. Based on our experience through the Restore Your Vote program, we can confirm that confusion and ambiguity persist in New York around voting rights for people serving alternative sentences and individuals on parole. Though helpfully New York has created a portal where parolees can check their rights restoration status, that site was down around the November elections, at the moment when it was in highest demand. Simplifying the law can drastically reduce de facto disenfranchisement, improving political participation even among citizens who were already eligible to vote, particularly when the change in the law is accompanied by a robust public education effort.

The New York legislature must pass A.4448A/S.830B into law to affirm its belief that people who make mistakes are still members of our society deserving of a voice. In the aftermath of widespread, inaccurate, and baseless claims of imaginary voter fraud following the November 2020 election, many states are passing laws to make it harder to vote. New York has the opportunity to buck this trend and reaffirm the right to vote for all citizens as the cornerstone of American democracy. We urge you to support and advance A.4448A/S.830B.

Respectfully submitted,

³ Erika Wood, *Jim Crow Haunts N.Y. Blacks*, Brennan Center for Justice (Mar. 12, 2010), <https://www.brennancenter.org/our-work/research-reports/jim-crow-haunts-ny-blacks>.

⁴ *Voting Rights Restoration Efforts in New York*, Brennan Center for Justice, (last updated Feb. 5, 2021), <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-new-york>.



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