Hon. Andrew M. Cuomo

NYS Capital Building

Albany, NY 12224

Hon. Andrea Stewart Cousins

188 State Street Room 907

Legislative Office Building

Albany, NY 12247

Hon. Speaker Carl Heastie

New York State Assembly

Legislative Office Building, Room 932

Albany, NY 12248

May 28, 2019

Dear Governor Cuomo, Leader Stewart Cousins, and Speaker Heastie,

New York’s felony disenfranchisement law, like those in the South, was enacted to exclude newly emancipated Black voters from the political process to ensure that power remained concentrated in the hands of white men. [Senate Bill 1931](https://www.nysenate.gov/legislation/bills/2019/s1931)/[A. 4987](https://www.nysenate.gov/legislation/bills/2019/a4987), a proposal to restore the right to vote to people on parole, is a modest but essential step towards reversing this overtly racist law codified in the era of Jim Crow.

In 1874, the [New York](https://www.brennancenter.org/publication/jim-crow-new-york) legislature sought to evade the mandate of the Fifteenth Amendment, which gave Black men the right to vote. They opened up our state’s Constitution in order to require that anyone convicted of “infamous crimes” be disenfranchised. They left no question as to whom they expected to be convicted of said crimes. New York’s current law is nearly identical to the provision adopted over 140 years ago, and the disparate impact should come as no surprise given the history of the provision: nearly three-quarters of everyone on parole is Black or Latinx. Today more than 108,000 New Yorkers have lost the right to vote. Almost half of these disenfranchised citizens have completed their prison sentence and are tax paying citizens living and working in our communities..

New York is one of just three states that statutorily denies the right to vote to people on parole but allows people on probation to vote. Such a policy is out of step with 14 states and the District of Columbia that automatically restore voting rights to everyone living in the community. In July, [Colorado](https://www.coloradoindependent.com/2019/04/25/colorado-could-restore-voting-rights-to-9000-felons-this-year/) and [Nevada](https://www.rgj.com/story/news/politics/2019/05/23/nevada-moves-restore-ex-felon-voting-rights/1207840001/) will join them.

Fear mongering tactics are often deployed to make the case that even those who have completed their sentences ought to be shut out of our democracy. This flies in the face of the origins of the penal system, which sought to rehabilitate individuals so they could eventually rejoin society. In fact, law enforcement professionals are a part of the wide base of support for voting rights restoration. In a [letter](http://www.brennancenter.org/sites/default/files/legislation/APPA%20letter%20Maryland%20SB%20340%20%282%29.pdf) submitted to the Maryland Senate, Carl Wicklund, Executive Director of the American Probation and Parole Association, wrote that “there is no credible evidence showing that continuing to disenfranchise people who have rejoined the community serves any legitimate law enforcement purpose.” But perhaps most dangerously, these fear mongering attitudes whitewash the intent behind these laws which had nothing to do with punishment and everything to do with racial and social control.

We are confident these false arguments cannot win in our state.

This proposal, introduced by Senator Leroy Comrie and Assemblymember Daniel O’Donnell, seeks to codify Governor Cuomo’s [Executive Order 181](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_181.pdf) and make existing policy into law. The current system requires a case-by-case review from the Governor’s office, despite the fact that returning citizens have already been through an extensive review process by the Parole Board. This creates a burden on the Executive Branch and causes delays in re-enfranchisement, due to the laboriousness of the process. Bills S. 1931/A. 4987 will provide much needed infrastructure to the current system, including education and training for attorneys, correctional officers, parole officers, and judges. It will create a sustainable system, saving taxpayer dollars and ensuring that individuals are able to register in a timely manner.

Reenfranchisement for people on parole is also a powerful gesture to returning citizens, many of whom have spent decades in prison and paid the ultimate price for their actions. It sends a signal that they are being accepted back into society and have a voice that matters, which has everything to do with their chances of successfully reintegrating and contributing to their communities. As Nassau County District Attorney Madeline Singas [wrote in a letter](file:///C%3A%5CUsers%5Cajayaram%5CDownloads%5CSingas%20Letter%20of%20Support%20S1931%20%26%20A4987.pdf) of support, *“*bringing people into the political process makes them stakeholders in the community, which results in less recidivism and more public safety.” Research also demonstrates the relationship between re-enfranchisement and reducing recidivism: one study found “consistent differences between voters and non-voters in rates of subsequent arrests, incarceration, and self-reported criminal behavior.” A Florida government analysis further found that the recidivism rate of those whose voting rights were restored was roughly one-third that of those who remained unable to vote.

Just as we reject symbols of the Confederacy, we must reject the laws of Jim Crow. We urge you to act decisively this session to pass Senate Bill 1931/Assembly Bill 4987. Democracy and justice cannot wait.

Sincerely,

National Action Network

Parole Preparation Project

The Brennan Center for Justice

Dēmos

New York Civil Liberties Union

Let NY Vote

American Probation and Parole Association

VOCAL-NY

NAN Second Chance Committee

College and Community Fellowship

NAMI Huntington

Brooklyn Defender Services

Public Citizen

Democracy Initiative

The Legal Aid Society

Center for Popular Democracy

Community Service Society

Fair Elections Center

Brooklyn Voters Alliance

National LGBTQ Task Force

Make the Road NY

Lawyers’ Committee for Civil Rights Under Law

Chinese-American Planning Council

Indivisible Brooklyn

Lift Every Vote

NAACP Legal Defense & Educational Fund, Inc.

Medgar Evers College Center for Law & Social Justice

New York State Prisoner Justice Network

New York Campaign for Alternatives to Isolated Confinement

Challenging Incarceration Coalition

New York Democratic Lawyers Council

Releasing Aging People in Prison

Citizen Action NY

Bronx Defenders

Lesbian, Gay, Bisexual & Transgender Community Center

Common Cause/NY

Stand Up America

African American Ministers in Action

Citizens Union

Rockaway Youth Task Force

Friends of the Earth

**CC: Senator Leroy Comrie, Senator Zellnor Myrie, Assembly Member Daniel O’Donnell**