



## Legislation Text

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**File #:** Res 0870-2015, **Version:** \*

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### Res. No. 870

Resolution calling on the New York State Legislature to pass and the Governor to sign A.7634, which would amend both the New York State Election Law and the Correction Law, in relation to voting by convicted felons.

By Council Members Rodriguez, Wills, Kallos, Chin, Cumbo, Rose, Menchaca, Lander, Cohen, Van Bramer, Levin and Cornegy

Whereas, The New York State Election Law (“Election Law”) Section 5-106 bars individuals convicted of a state felony from voting or registering to vote, but restores voting rights upon release from parole or arrival of the maximum expiration date of their sentence; and

Whereas, The New York State Correction Law (“Correction Law”) Section 75 stipulates that “Upon the discharge from a correctional facility of any person whose maximum sentence of imprisonment has expired or upon a person's discharge from community supervision, the department shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting”; and

Whereas, A.7634, introduced by New York State Assembly Member Daniel J. O’Donnell and pending in the Assembly, seeks to promote community reintegration and civic engagement by restoring voting rights to parolees, rather than restricting them to waiting until a discharge from parole or an expiration of a sentence; and

Whereas, According to The Sentencing Project, as of 2010, only a minority of disenfranchised voters remain in prison, as 75% of the disenfranchised population reside within communities under probation, parole, or a completed sentence; and

Whereas, According to The Sentencing Project, the disenfranchisement rate for the United States has increased dramatically as the prison population has grown, with 1.17 million individuals disenfranchised in

1976, to 5.85 million disenfranchised in 2010; and Whereas, This dramatically increasing prison population is disproportionately made up of African-Americans-making up 1 million out of 2.3 million incarcerated, according to the NAACP-thus disproportionately disenfranchising many more African-Americans who have been convicted; and

Whereas, the New York State Department of Corrections and Community Supervision (“DOCCS”) reported that in 2013, 50% of inmates were African-American, and 24% of inmates were Hispanic; and

Whereas, According to the New York Civil Liberties Union, as of 2010, “an estimated 122,018 people with felony convictions are barred from voting in New York”, with 54% of the disenfranchised in prison or jail and 46% of the disenfranchised on parole; and

Whereas, According to a 2010 study conducted by The Sentencing Project, “over 40% of prisoners believe that incarceration causes someone to permanently lose his or her right to vote, and almost 60% of prisoners believe that being on probation makes them ineligible to vote”; and

Whereas, A.7634 would amend Election Law Section 5-106 by restoring voting rights to individuals who have been released to community supervision from incarceration; and

Whereas, A.7634 would amend Election Law Section 5-106 by extending Section 1 to apply to Federal felony convictions and convictions from other states; and

Whereas, A.7634 would amend Correction Law Section 75 by requiring the DOCCS to notify each individual on parole of his or her right to vote, along with the provision of registration forms; and

Whereas, Most individuals on parole may be barred from voting despite being in the community for many years after leaving incarceration, awaiting the end of their parole or sentence, and are unaware of their ability to vote even after they become eligible; and

Whereas; Voting is a universal right and should not be withheld from individuals who are on the path to reentering society as members of the community, and those who are able to vote post-incarceration should be made aware of their rights to civic participation; and

Whereas, Parole is utilized as a means to prevent recidivism and aid to reintegrate someone into society, and disenfranchisement after prison prevents them from exercising constitutional rights and displaying civic responsibility, thus hindering the reintegration process; and

Whereas, Individuals who have left prison and are being reintegrated into society should have their voting rights restored and be made aware of their restoration; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.7634, which would amend both the New York State Election Law and the Correction Law, in relation to voting by convicted felons.

WJH  
LS 5429  
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