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Res. No. 653

Resolution urging the United States Congress to pass the Count Every Vote Act of 2005, introduced in the Senate by Senator Hillary Rodham Clinton (Sen. 450, 109th Cong., (Feb. 17, 2005)) and in the House by Representative Stephanie Tubbs Jones (H.R. 939, 109th Cong., (Feb. 17, 2005)) a comprehensive package of pro-democracy, pro-voter legislation that contains the Civic Participation Act of 2005, a measure to restore voting rights in federal elections to ex-offenders who have completed their sentences.

By Council Members Barron, Jackson, Mealy, Palma, Sanders Jr. and Vann

Whereas, On February 17, 2005 United States Senator Hillary Rodham Clinton introduced a bill on the floor of the United States Senate known as the Count Every Vote Act of 2005 and Representative Stephanie Tubbs Jones introduced a companion bill in the House of Representatives; and

Whereas, Both are intended to remedy many of the problems that remain in our federal election system, including concerns about the security of voting machines, the inability of voters to verify their vote, long lines at the polls, the erroneous purging of voters, voter suppression and intimidation, and unequal access to the voting process; and

Whereas, Contained within this sweeping electoral reform bill is the Civic Participation Act of 2005, an overdue measure to restore voting rights in federal elections to men and women who have been disenfranchised due to having been convicted of a felony; and

Whereas, Voting is one of the most basic acts of participation in a democracy; and

Whereas, The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude; and

Whereas, Basic constitutional principles of fairness and equal protection require an equal opportunity for every United States citizen to vote in federal elections; and

Whereas, The United States Supreme Court has repeatedly held that Congress has the ultimate supervisory authority over federal elections; and

Whereas, Congress has the duty to ensure that State laws that determine the qualifications for voting in federal elections are in accordance with the United States Constitution; and

Whereas, The variety of current election laws among the States results in discrepancies regarding which citizens may vote in federal elections; and

Whereas, Some States permanently disenfranchise some or all ex-offenders even if they have fully served their sentences and regardless of the nature or seriousness of the offense; and

Whereas, Even in States where ex-offenders may regain the right to vote, few have the financial and political resources to succeed in regaining this right, since this can entail an official pardon by the Governor or Board of Pardons; and

Whereas, According to the New York Times on July 11, 2004, an estimated 4.7 million individuals in the United States, roughly 1 in 44 adults, cannot vote as a result of a felony conviction; and

Whereas, As noted in a 2005 report by the Princeton University Policy Research Institute, in New York State approximately 130,000 otherwise qualified individuals are prevented from voting as a result of their status as ex-offenders; and

Whereas, Segregationists designed many of the felony disenfranchisement statutes in the United States to work in conjunction with other measures such as literacy tests, grandfather clauses, racially exclusionary primary elections, and poll taxes to exclude African-Americans from the polls; and

Whereas, Felony disenfranchisement laws continue to affect African-Americans and Latinos in vastly disproportionate numbers, regardless of the fact that many of the other measures crafted by segregationists have since been outlawed; and

Whereas, A 2003 report by DEMOS, a non-partisan public policy research and advocacy organization, noted that African-Americans across the United States are five times more likely than whites to become

disenfranchised because of their status as ex-offenders; and

Whereas, DEMOS also noted that Latinos face similarly disproportionate rates of felony disenfranchisement as African-Americans; and

Whereas, When compared to minorities in other states, African-Americans and Latinos in New York State suffer even greater disparities in their rates of felony disenfranchisement; and

Whereas, A 2004 study by The Sentencing Project found that approximately 676,000 American women are prevented from voting because they are ex-offenders; and

Whereas, Permanent disenfranchisement of ex-offenders who have fully served their sentences does not achieve any of the recognized goals of penal policy, namely incapacitation, deterrence, retribution, and/or rehabilitation; and

Whereas, Even if it were to serve a legitimate function, *permanent* disenfranchisement of individuals who have fully served their sentences is not a proportional form of punishment; and

Whereas, Extinguishing a prisoner's voting rights takes place outside the criminal justice sentencing process, with no consideration as to whether or not it is an appropriate punishment; and

Whereas, There exists no evidence that ex-offenders who are allowed to vote subvert elections in any way; and

Whereas, There is no evidence that ex-offenders are any more likely to commit electoral fraud than non-offenders; and

Whereas, Disenfranchisement encourages recidivism by making it more difficult for ex-offenders to reintegrate into society; and

Whereas, The purpose of the Civic Participation Act of 2005 is to restore fairness in the federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote; and

Whereas, The Civic Participation Act of 2005 remedies many of the problems arising out of felony disenfranchisement by simply establishing that individuals who are citizens of the United States may vote in

federal elections, even if they have been convicted of a felony, so long as they are no longer incarcerated, on parole, or on probation; and

Whereas, The effects of the Civic Participation Act of 2005, would be to expand the franchise, combat discrimination, reduce recidivism, and strengthen our democracy; and

Whereas, The Count Every Vote Act of 2005 is an omnibus bill designed to resolve many of the problems that continue to plague the federal electoral process, including felony disenfranchisement; now, therefore, be it

Resolved, That the Council of the city of New York urges the United States Congress to pass the Count Every Vote Act of 2005, introduced in the Senate by Senator Hillary Rodham Clinton and in the House by Representatives by Stephanie Tubbs Jones, a comprehensive package of pro-democracy, pro-voter legislation that contains the Civic Participation Act of 2005, a measure to restore voting rights in federal elections to ex-offenders who have completed their sentences.

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