



RESTORATION OF THE RIGHT TO VOTE FOR NEW YORKERS ON PAROLE

New York allows individuals on probation from local correctional facilities to register and vote, but the process for those on parole for New York State felony convictions is different. Effective April 18, 2018, individuals being released from incarceration onto parole supervision and individuals who are currently under parole supervision will be given consideration for a voting restoration pardon by the Governor's Office.

It Is **JUST** and **RIGHT** To Enfranchise Parolee Voters

- Despite prisons being called “correctional facilities,” they do a dismal job in turning lives around.
- According to the U.S. Department of Justice, nationwide about **two-thirds of released state prisoners were re-arrested within 3 years** and three-quarters within 5.¹
- Too often, prison is a revolving door. And it's a revolving door that impacts certain communities worse than others.
- According to the Cuomo Administration, **nearly half of NY inmate population is African American**, nearly one quarter is Hispanic, and nearly one quarter is white.²
- The currently high recidivism rate helps no one. Studies indicate that community ties, jobs & **restoration of civil rights are associated with reduced recidivism.**³
- Other NY policies are geared toward the successful integration into society of persons who have been convicted of crimes, for example in employment and licensure.⁴
- 14 states recognize that it is fair and just to restore this important societal right: D.C., Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island and Utah.⁵ Maine and Vermont allow prisoners to vote while incarcerated.⁶

Know Your Rights!

Below are frequently asked questions about Governor Cuomo's granting of pardons to restore the voting rights of individuals under community supervision. The below information is available at www.ny.gov/services/apply-clemency.

Q: Who is ELIGIBLE to be reviewed for a voting restoration pardon issued by Governor Cuomo?

A: Candidates who meet the following criteria:

- Convicted of a New York State felony
- At least 18 years of age
- Under community supervision by the New York State Department of Corrections and Community Supervision following release from a New York State prison
- Current residents of New York State

Q: What FACTORS ARE CONSIDERED when reviewing each candidate?

A: The review process will examine each individual, considering a variety of factors, including if the person is living successfully in the community by maintaining required contact with his or her parole officer and remaining “at liberty” at the time of the review.

Q: Does a person HAVE TO APPLY for a voting restoration pardon?

A: **No**, there is no need to apply. The Department of Corrections and Community Supervision (DOCCS) submits a list of all individuals currently under community supervision to the Governor's office, and will send a monthly list of individuals released to community supervision during the prior month. Each eligible individual on the list, as defined in question 1, will be considered for a voting restoration pardon.

Q: If a person does not receive a voting restoration pardon, is there an OPPORTUNITY FOR ANOTHER REVIEW based on changed circumstances?

A: **Yes**, individuals who were not recommended for a pardon will have their cases reviewed periodically, and may be recommended for a pardon at a later date. This will happen automatically and there is no need to

request reconsideration. Unfortunately, “periodically” does not seem to be defined and while reconsideration requests are automatic, it does not seem that a person can request reconsideration at will.

Q: What RIGHTS DOES THE voting restoration PARDON RESTORE?

A: The pardon restores the right to vote in elections held in New York State. It neither restores other rights nor removes other exclusions or disabilities. Additionally, it is neither a remission of guilt nor forgiveness for an offense.

Q: What ELECTIONS ARE COVERED by the voting restoration pardon?

A: The pardon restores the right to vote in any election held in New York State for any issue or office – local, state, or federal – that the election covers.

Q: Is an individual who receives a voting restoration pardon AUTOMATICALLY ABLE TO VOTE?

A: The right to vote is automatically restored when the pardon is issued, **but the person must register to vote or re-register to vote if they were previously registered.** Like any other individual in a New York State election, the person cannot vote if he or she is not registered by the deadline. Registration to vote can be completed online through the [Department of Motor Vehicles website](#), or through a paper form submitted in person or by mail to an individual’s county board of elections. Pardon recipients will be provided paper registration forms from their parole officers, along with the location of the registration office.

Q: How will an individual under community supervision BE NOTIFIED that he or she has received a pardon restoring his or her right to vote?

A: Once granted, parole officers will hand deliver voting restoration pardons to individuals under their supervision, along with a voter registration form and the location of the voter registration office. A person can also look up his or her name using the [Parolee Lookup](#) feature of the DOCCS website, and see if they have been granted a conditional voting pardon, which will be noted on the lookup. More on the “conditional” nature of the voting pardon below.

Q: How will the BOARD OF ELECTIONS in each New York State jurisdiction KNOW if an individual under community supervision has received a voting restoration pardon?

A: The Boards of Election are currently notified when someone has had their right to vote taken away through a sentence of incarceration for a felony. When an individual who has lost their right to vote in this way later seeks to register to vote, the Board will look up that person in the Parolee Lookup feature of the DOCCS website to see if he or she has received the voting restoration pardon.

Q: Can the voting restoration pardon be REVOKED?

A: Yes, the pardon is conditional, and can be revoked if the person is re-incarcerated in New York State prison as a result of the finding of a violation of community supervision (a parole violation) or as a result of a conviction for a new felony.

Q: Will the BOARD OF ELECTIONS BE NOTIFIED of individuals who have had their voting restoration pardon REVOKED?

A: Yes, they will be notified. Also, the pardon indication will be removed from that individual’s displayed record in the Parolee Lookup of the DOCCS website.

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, “3 In 4 Former Prisoners In 30 States Arrested Within 5 Years Of Release,” April 22, 2014, see: <http://www.bjs.gov/content/pub/press/rprts05p0510pr.cfm>.

² New York State Department of Corrections and Community Supervision, “Under Custody Report: Profile of Inmate Population Under Custody on January 1, 2013,” see: http://www.doccs.ny.gov/Research/Reports/2013/UnderCustody_Report_2013.pdf.

³ The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism, Hamilton-Smith & Vogel, Berkeley La Raza Law Journal, Vol.22, Article 3 (2012), see: <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1252&context=blrj>.

⁴ See, e.g., New York State Department of Labor information on criminal history and employment. Accessed at <https://www.labor.ny.gov/careerservices/ace/employers.shtm>.

⁵ Voting Rights for Ex-Offenders by State, Nonprofit Vote. Accessed at <https://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/>.

⁶ *Id.*