

# New York Should Restore Voting Rights to Over 36,000 Citizens

New York denies the right to vote to 36,553 citizens because they are completing felony sentences in prisons and jails across the state.<sup>1</sup> New York prohibits more of its citizens from voting due to a felony conviction than 30 other states.<sup>2</sup> Half of disenfranchised New Yorkers are Black and 24% are Latinx.<sup>3</sup> To ameliorate this racial injustice and protect its democratic values, New York lawmakers should follow the lead of Maine, Vermont, Puerto Rico, and Washington, D.C. and extend voting rights to all citizens.

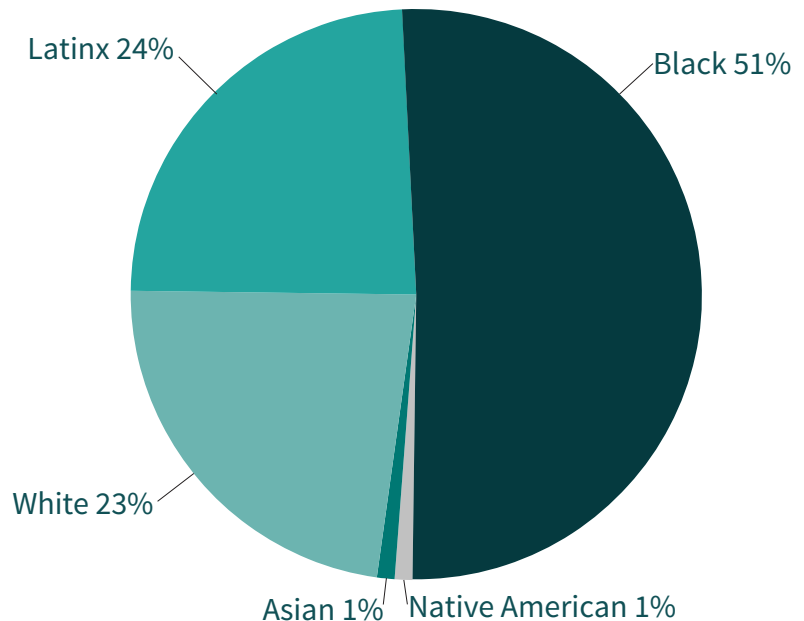
## Racial Injustice Causes Disparities in Disenfranchisement

Black and Latinx people are disproportionately disenfranchised in New York because they are overrepresented in the state's criminal legal system. While Black New Yorkers make up only 18% of its population, they represent nearly half of New York's jail and prison population.<sup>4</sup> Latinx New Yorkers are 20% of New York's population yet represent roughly a quarter of New York's incarcerated population.<sup>5</sup>

Bias and discrimination in the justice system lock Black and Latinx people out of the democratic process. Racial disparities in New York's criminal legal system go beyond differences in criminal offending and stem from bias in police arrests, courtroom proceedings, and prison discipline.<sup>6</sup> Despite the termination of New York City's broad stop-and-frisk program, bias persists in the city's policing system, and Black and Latinx people are disproportionately targeted under lower standards of suspicion.<sup>7</sup> In 2018, Black people in New York City were stopped, arrested, and given summonses at nearly six times the rate of white people.<sup>8</sup>

Racial bias is also rampant inside New York state's prisons. The Attorney General found growing disparity in how often guards discipline Black and Latinx people compared to their white counterparts.<sup>9</sup> Bias in prison discipline prevents incarcerated people from accessing jobs and educational programs that improve their chances for parole.<sup>10</sup> During first-time parole

## New York Prison Population by Race, 2022



New York State Corrections and Community Supervision, Division of Program Planning, Research and Evaluation. (2021). *Under custody report: Profile of under custody*. <https://doccs.ny.gov/system/files/documents/2022/04/under-custody-report-for-2021.pdf>

hearings between 2013 and 2016, less than one in six incarcerated Black people were released, as compared to one in every four incarcerated white people.<sup>11</sup> Every parole denial likely results in an additional two years in prison, increasing the amount of time that people are disenfranchised.

## **Promote Voting Rights for All New Yorkers**

Felony disenfranchisement has been a part of New York's constitution since 1821.<sup>12</sup> After the end of the Civil War, New York's voting qualifications became increasingly restrictive, and with the passage of the 14th and 15th amendments, New York changed the language in its laws to *require* disenfranchisement for people convicted of crimes.<sup>13</sup> New York's felony disenfranchisement laws are part of a racist past built to support white supremacy and undermine true democratic representation for all New Yorkers.

The right to vote in prison is recognized as an essential democratic practice both inside and out of the United States. In Maine and Vermont, people convicted of felonies never lose their right to vote. In both states, people in prisons can register (and remain registered) at their pre-incarceration address, and can request absentee ballots by mail.<sup>14</sup> Puerto Rico has allowed people in prison to vote since 1980.<sup>15</sup> In 2005, the European Court of Human rights determined that bans on voting in prison violated the European Convention on Human Rights; now nearly half of European countries allow incarcerated people to vote.<sup>16</sup>

## **Supporting Voting Rights Improves Public Safety**

Research shows that an opportunity to participate in democracy has the potential to reduce one's perceived status as an "outsider."<sup>17</sup> The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.<sup>18</sup> Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota's Christopher Uggen and New York University's Jeff Manza find that among people with a prior arrest, there are "consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-

reported criminal behavior."<sup>19</sup> Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.<sup>20</sup> Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including persons completing felony sentences in prisons and jails, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, New York can improve public safety while also promoting reintegrative prosocial behaviors.

## **New York Can Preserve its Democracy by Restoring the Right to Vote**

Excluding an entire population of people from exercising their right to vote undermines democracy. Incarcerated people in New York are counted in the U.S. census—in the districts in which they resided at the time of their arrest<sup>21</sup>—and tallied for the purpose of drawing political maps; but because they cannot vote, their needs and interests often go unaddressed. The importance of enfranchisement for people in prisons goes beyond participation in state and federal elections to different domains of everyday life. For example, parents should be able to vote in their child's school board elections, even while incarcerated.<sup>22</sup>

New York should join Maine, Vermont, Puerto Rico, and Washington, D.C. in ensuring all of their citizens can participate in our democratic process. New York should advance racial justice by re-enfranchising its entire voting age population.

## ENDNOTES

<sup>1</sup> Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project.

<sup>2</sup> Uggen et al. (2022), see note 1.

<sup>3</sup> Uggen et al. (2022), see note 1.

<sup>4</sup> New York State Department of Corrections and Community Supervision. (2022, April). *Profile of under custody population as of January 1, 2021*. <https://doccs.ny.gov/system/files/documents/2022/04/under-custody-report-for-2021.pdf>

<sup>5</sup> U.S. Census Bureau (2020). *Quick Facts: New York*. <https://www.census.gov/quickfacts/NY>; New York State Department of Corrections and Community Supervision (2022, April), see note 4.

<sup>6</sup> Ghandnoosh, N. (2015, February 3). *Black lives matter: Eliminating racial disparity in the criminal justice system*. The Sentencing Project.

<sup>7</sup> Zimaroth, P. (2020). *Eleventh report of the independent monitor*. <https://ccrjustice.org/sites/default/files/attach/2020/10/Floyd%20Monitor%2011th%20Status%20Report.pdf>

<sup>8</sup> Scrivener, L., Meizlish, A., Bond, E., & Chauhn, P. (2020). *Tracking enforcement trends in New York City: 2003-2018*. John Jay College of Criminal Justice. [https://datacollaborativeforjustice.org/wp-content/uploads/2020/09/2020\\_08\\_31\\_Enforcement.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2020/09/2020_08_31_Enforcement.pdf)

<sup>9</sup> State of New York Offices of the Inspector General. (2022). *Racial disparities in the administration of discipline in New York state prisons*. <https://ig.ny.gov/system/files/documents/2022/12/oig-doccs-racial-disparities-report-12.1.22.pdf>

<sup>10</sup> Schwirtz, M., Winerip, M., & Gebeloff, R. (2016, December 3). The scourge of racial bias in New York state's prisons. *The New York Times*. <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>

<sup>11</sup> Schwirtz et al. (2016), see note 10.

<sup>12</sup> Wood, E., Budnitz, L., & Malhotra, G. (2009). *Jim Crow in New York*. Brennan Center for Justice. [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_JIMCROWNY\\_2010.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_JIMCROWNY_2010.pdf)

<sup>13</sup> Wood et al. (2009), see note 12.

<sup>14</sup> White, A., & Nguyen, A. (2020). *Locking up the vote? Evidence from Maine and Vermont on voting from prison*. Massachusetts Institute of Technology. [https://arwhite.mit.edu/sites/default/files/images/VTprison\\_researchnote\\_RR\\_for-webmarch2020.pdf](https://arwhite.mit.edu/sites/default/files/images/VTprison_researchnote_RR_for-webmarch2020.pdf)

<sup>15</sup> AP News. (2013, July 18). Puerto Rico mulls denying inmates voting rights. <https://apnews.com/article/591c6f511f444517902afdd2d69ac6f8>

<sup>16</sup> Chung, J. (2021). *Voting rights in the era of mass incarceration: A primer*. The Sentencing Project.

<sup>17</sup> Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

<sup>18</sup> Uggen et al. (2022), see note 1.

<sup>19</sup> Uggen & Manza (2004), see note 17.

<sup>20</sup> Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/Z38Z66F>

<sup>21</sup> The New York State Senate. (2010, August 4). *Senate passes bill to end prison gerrymandering in New York*. <https://www.nysenate.gov/newsroom/press-releases/senate-passes-bill-end-prison-gerrymandering-new-york>

<sup>22</sup> Liebelson, D. (2019, September 6). In prison, and fighting to vote. *The Atlantic*. <https://www.theatlantic.com/politics/archive/2019/09/when-prisoners-demand-voting-rights/597190/>



**THE  
SENTENCING  
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM

This fact sheet was created by Emma Stammen, former TSP Research Fellow. Updated in 2023 by Research Fellow Whitney Threadcraft and Research Analyst Kristen M. Budd.

The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.