TO: County Commissioners
FROM: State Board of Elections
RE: Registration of Former Felons

DATE: March 25, 2006

This memo was originally circulated in October, 2003. At that time, complaints were brought to this Board’s attention regarding the difficulty many former felons were having when they attempted to register to vote. Meetings were held between SBOE staff, advocates for former felons and criminal justice state agencies, to discuss both the barriers and ways to remove those barriers.

Once again, it has been brought to the attention this Board, that former felons are facing obstacles to registering to vote that are not provided for in the statute. And once again, we are circulating this memorandum on what the law requires, and ways for you to answer questions without creating barriers that result in the disenfranchisement of eligible voters.

As you know, everyone who presents themselves to register, completes the form and signs the affidavit, is presumed to be eligible and should be registered. [Election Law §§5-102 & 5-210].

A person previously canceled for a felony conviction is entitled to this same presumption of eligibility. Only persons sentenced to prison terms upon conviction of felonies lose their right to vote in this state. If a person received a sentence of probation or a penalty other than a sentence of imprisonment, they do not lose their right to vote; Election Law §5-106.

Whenever the board has reason to question a person’s eligibility, Election Law §5-210(10) authorizes them to seek additional information to resolve any question before making a determination.

When the person whose eligibility is being questioned is a former felon, many of you are asking for documentation that they cannot provide.

Although other statutes provide for the issuance of Certificates of Relief from Disabilities, issuance of the Certificate is discretionary with the Department of Correctional Services, [DOCS]. The rules and regulations governing these Certificates are so severe, that they are rarely issued. DOCS admits that Certificates of Relief from Disabilities are not issued in the vast majority of instances, even though the
individual would qualify.

The Division of Parole admits to at least a 60 day delay in the issuance of release letters once a person has completed their parole supervision. Under our statute, an individual is eligible to register to vote immediately upon completion of parole supervision. They should not be denied that right because of an administrative backlog which prevents their access to this additional documentation.

Given these realities, it is clear that county boards cannot ask for these or similar items as proof of eligibility in those rare instances when a question arises. However, there are sources for answers to the occasional question about a person’s eligibility.

There is a website, maintained by the Department of Correctional Services, which is updated monthly. It is possible to access current information on persons who have served time in state facilities, including release dates from prison and/or parole supervision.

The website is [www.docs.state.ny.us](http://www.docs.state.ny.us). At the home page, you would click on ‘Inmate Lookup’, enter the person’s first and last name, and submit the request. The results page will list name, sex birth date, status, facility and department identification number, or DIN. Click on the DIN for the person whose information you are verifying.

This brings up a “Commitment History” page, and if you click on the DIN one more time, you get the “Inmate Information Page”. Scroll to end, and you will find maximum release dates. Check those dates against the current date, and you will be able to determine whether the individual before you is indeed eligible to register. Samples of each page in this process are attached.

If you have problems, or questions using this system, the Division of Parole has agreed to be the ‘Help Desk’. Please call:

Gerri Farley at 518-473-5421 or Karl Juul at 518-786-2165. Ms. Farley is the person identified by NYC office as their contact. Mr. Juul continues to be the upstate contact.

This system has proven to be reliable and effective, but it is to be used only on those rare occasions when there is a question about a person’s eligibility to register and vote.

As always, if there are questions, do not hesitate to call us.