



NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC .

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## HAYDEN V. PATAKI LITIGATION SUMMARY

<b>CASE NAME</b>	<i>Hayden v. Pataki</i>
<b>CASE NUMBER</b>	Civil Action No. 00-8586
<b>DATE FILED</b>	September 18, 2000
<b>COURT</b>	U.S. District Court for the Southern District of New York
<b>JUDGE</b>	Lawrence M. McKenna
<b>CURRENT STATUS</b>	On appeal in Second Circuit from dismissal on the pleadings; oral argument pending.
<b>PLAINTIFFS</b>	<ul style="list-style-type: none"><li>• Blacks and Latinos incarcerated in New York State on a felony conviction.</li><li>• Blacks and Latinos on parole in New York State on a felony conviction.</li><li>• Black and Latino voters from predominantly Black and Latino communities who are denied an equal opportunity to participate in the political process in New York State as a result of the State's felon disfranchisement laws.</li></ul>
<b>DEFENDANTS</b>	<ul style="list-style-type: none"><li>• George Pataki, Governor of the State of New York (sued in his official capacity).</li><li>• Carol Berman, Chairperson, New York State Board of Elections (sued in her official capacity).</li></ul>
<b>PLAINTIFFS' ATTORNEYS</b>	<p>Janai S. Nelson Ryan P. Haygood NAACP Legal Defense and Educational Fund, Inc. 99 Hudson Street, 16th Floor New York, NY 10013</p> <p>Juan Cartagena Risa Kaufman Community Service Society of New York 105 East 22nd Street New York, NY 10010</p> <p>Joan P. Gibbs Center for Law and Social Justice Medgar Evers College 1150 Carroll Street Brooklyn, NY 11225</p>
<b>DEFENDANTS' ATTORNEYS</b>	<p>Eliot Spitzer, Attorney General of New York Michelle Aronowitz, Deputy Solicitor General Gregory Klass, Assistant Solicitor General 120 Broadway, 24th Floor New York, NY 10271-0332</p>

## DEFENDANTS' ATTORNEYS (cont'd)

Patricia Murray  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2109

## SUMMARY OF LEGAL ARGUMENTS

New York State's disfranchisement statute was enacted pursuant to the New York State Constitution with the intent to disfranchise Blacks in violation of federal laws and the United States Constitution.

New York State's disfranchisement statute disproportionately denies the right to vote to Blacks and Latinos who are incarcerated or on parole for a felony conviction in violation of federal laws and the Voting Rights Act of 1965.

The disproportionate disfranchisement of Black and Latino persons in New York State who are incarcerated or on parole for a felony conviction functions to dilute the voting strength of New York's minority communities in violation of the Voting Rights Act of 1965.

New York State's disfranchisement statute violates the Equal Protection Clause of the 14th Amendment because, among other things, it does not apply to all persons convicted of a felony and imposes severe restrictions on the right to vote.

## LAW OR RULE CHALLENGED

N.Y. Constitution art. II, § 3; and N.Y. Election Law § 5-106(2) (which denies voting rights of persons incarcerated or on parole for a felony conviction).

## RELIEF REQUESTED

- Declare N.Y. Election Law § 5-106(2) unconstitutional.
- Declare that N.Y. Election Law § 5-106(2) violates Section 2 of the Voting Rights Act of 1965.
- Enjoin defendants from implementing and enforcing N.Y. Election Law § 5-106(2).
- Certify case as a class action.

## CASE HISTORY AND STATUS

- September 18, 2000: *Pro se* complaint filed by Joseph Hayden.
- January 15, 2003: First Amended Complaint filed, adding new claims and Plaintiffs.
- July 9, 2003: Defendants filed Motion for Judgment on the Pleadings.
- September 9, 2003: Plaintiffs filed Brief in Opposition to Judgment on the Pleadings.
- June 15, 2004: Defendants' Motion for Judgment on the Pleadings granted.
- September 27, 2004: Plaintiffs filed an opening brief on appeal to the Second Circuit.
- November 24, 2004: Defendants filed an opposition brief to Plaintiffs' appeal.
- December 8, 2004: Plaintiffs filed reply brief.

Source: Right to Vote Campaign (2004), updated by NAACP Legal Defense and Educational Fund.