

**SUMMARY OF *HAYDEN v. PATAKI***  
**Civil Action No. 00-8586**

**Court and Judge**

- United States District Judge Lawrence M. McKenna
- United States District Court for the Southern District of New York

**Parties**

- Plaintiffs (3 subclasses):
  - Black and Latino persons who are currently incarcerated for a felony conviction.
  - Black and Latino persons who are currently on parole for a felony conviction.
  - Black and Latino voters from Black and Latino communities who are denied an equal opportunity to participate in the political process in New York State because of the disproportionate disfranchisement of Black and Latino persons who are incarcerated or on parole for a felony conviction.
- Defendants:
  - Governor George Pataki
  - Chairperson, New York State Board of Elections, Carol Berman

**Attorneys**

- The Legal Defense Fund
- Community Service Society of New York
- Center for Law & Social Justice, Medgar Evers College

**Principal Claims**

- 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.
- 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.
- 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

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strength of New York's minority communities.

*cont'd*

- New York State's disfranchisement statute violates various constitutional provisions because, among other things, it does not apply to all persons convicted of a felony and imposes severe restrictions on the right to vote.
- New York State's disfranchisement statute violates customary international law.

**Relevant Legal Authority**

- First, Fourteenth, and Fifteenth Amendments to the United States Constitution
- Section 2 of the Voting Rights Act of 1965
- Civil Rights Acts of 1957 and 1960
- New York State Statute §5-106(2)
- Art. II, § 2 of the New York State Constitution
- Customary international law

**Primary Relief Requested**

- Declare N.Y. Election Law § 5-106(2) unconstitutional.
- Declare N.Y. Election Law § 5-106(2) violative of Section 2 of the Voting Rights Act of 1965, the Civil Rights Acts of 1957 and 1960, and customary international law.
- Enjoin defendants from implementing and enforcing N.Y. Election Law § 5-106(2).
- Certify case as a class action law suit

**Case History**

- September 18, 2000: *Pro se* complaint filed by Joseph Hayden
- January 5, 2001: Chairperson of the New York State Board of Elections filed an answer to *pro se* complaint
- February 28, 2001: Governor filed an answer to *pro se* complaint

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- January 15, 2003: First Amended Complaint filed on behalf of plaintiff class