



Arnold & Porter



****PRESS RELEASE****

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**Community Success Initiative, Justice Served NC, Inc., NC NAACP
File Historic Rights Restoration Legal Challenge Seeking to Restore
More than 70,000 North Carolinians to the Rolls**

Raleigh, N.C. – Community Success Initiative, Justice Served NC, and the North Carolina Chapter of the NAACP filed suit in Wake County Superior Court today seeking to re-enfranchise approximately 70,000 North Carolinians previously convicted of felonies who have had their right to vote taken away under an unconstitutional probation or post-release disenfranchisement law.

Represented in this case by a collaborative legal team of Forward Justice, Arnold & Porter Kaye Scholer LLP, and Protect Democracy, the lawsuit, which names the state legislative leadership and the State Board of Elections as defendants, challenges a North Carolina statute that disenfranchises countless North Carolinians who have had involvement in the criminal justice system. As the plaintiffs explain in their lawsuit, North Carolina General Statute § 13-1 violates at least four guarantees of the North Carolina Constitution: the Free Elections Clause, the Equal Protection Clause, the Freedom of Speech and Freedom of Assembly Clauses, and the Ban on Property Qualifications Clause. The plaintiffs ask the court to enjoin, or prohibit, the statute’s restriction on North Carolinians currently under state supervision from registering and exercising their right to vote.

“This fight is deeply personal to me,” said **Community Success Initiative (CSI) Director Executive Director Dennis Gaddy**. “When North Carolina excluded from its democracy people with past convictions living in community—working and contributing to society—but still under probation and parole, North Carolina excluded me and the people I devote my life to serving through CSI. I grew up watching my mother registering our community to vote under the hardest of circumstances, and I understand that this right is sacred. For seven years, under the statute we challenge today, I lost that sacred right, even after I fully returned to society. We serve as lead plaintiff here today to end this unconstitutional policy and bring a sense of hope to those North Carolinians who are seeking to reintegrate into our communities and society against great odds.”

“The importance of the right to vote cannot be overstated,” explained **Diana Powell, Executive Director of Justice Served**, “quite simply, the vote is our voice in our own lives. It gives us a say over the direction of our elected officials and the policies that govern our daily experience. This right should not be conditioned on paying fees, restitution and fines, or other terms of probation and parole, while our neighbors and family members with past convictions are otherwise actively participating and contributing in our community,

trying to raise children and grandchildren, trying to live lives that are healthy, and safe. Every week, I work with people who are in this situation – they deserve and they need a say in their own life and this lawsuit is a necessary step in our work to ensure that reality.”

“It is time for a new day in North Carolina, where we say no more to this racist disenfranchisement policy that is not only unconstitutional in its origins and impact, but that dishonors our democratic commitment to ensuring that North Carolina elections reflect the will of the people,” said **Rev. Dr. Spearman President of the NC NAACP State Conference**. “The North Carolina NC NAACP is proud to stand with Community Success Initiative and Justice Served in this effort to ensure that this relic of racial discrimination in the past, that disproportionately disenfranchises African Americans in this state today, is removed from our books before another major election takes place in this state.”

Racial disparities at all stages of our criminal justice system mean that disenfranchisement under North Carolina General Statute § 13-1 disproportionately impacts African American communities. And the statute conditions a person’s right to vote on their ability to pay all of his or her court-related financial obligations, the functional equivalent of a poll tax. Plaintiffs allege that the statute places a restriction on the electorate’s ability to vote in North Carolina based on impermissible race and class-based classifications.

“The right to vote and the right to free and fair elections are fundamental rights under the North Carolina Constitution.” said **Daniel Jacobson, Arnold and Porter**, “These rights cannot be abridged absent a compelling reason, and there is no legitimate reason for preventing North Carolina citizens who have been released from incarceration and are members of their communities from voting.”

“The disenfranchisement of citizens with prior felony convictions has long been a moral stain on our democracy,” said **Farbod Faraji of Protect Democracy**. “It is long past time to put an end to this unjust practice, which has sought to mute the voices of tens of thousands of predominantly Black and Brown people who live right alongside us but have been relegated to second-class citizenship. This modern-day version of Jim Crow must end today.”

“The struggle over who has access to the right to vote has always been a fight over who is included in the ‘we’ of ‘we the people’,” explained **Daryl Atkinson, Co-Director of Forward Justice**. “Our Constitution requires that the state of North Carolina recognize that people living in our communities, regardless of past felony conviction, are a part of that ‘we’ and the votes and basic citizenship of more than 70,000 North Carolinians cannot be denied. As we seek an expedited review of our claims and full relief for those injured under this unconstitutional scheme, we are proud to represent these courageous plaintiffs, who in one voice are telling the state today that the time of illegal disenfranchisement based on conviction status is over in North Carolina.”

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About Community Success Initiative

Community Success Initiative (“CSI”) is a nonpartisan, nonprofit organization based in Raleigh, North Carolina that works with people who find themselves entangled in the criminal justice system and their

families as they transition back into family and community life. The fundamental mission of CSI is to create a support network for people entangled in the criminal justice system. To that end, CSI works to ensure that people with felony convictions can successfully reintegrate into civic life, including persons who are disenfranchised under N.C.G.S.A. § 13-1. CSI devotes resources to providing small group trainings and individual mentoring in general life skills, civic engagement, leadership, entrepreneurship, and financial literacy. During these trainings and mentorship sessions, CSI informs community members directly impacted by the criminal justice system about their voting rights, and assists them in registering to vote. CSI also convenes gatherings where citizens with felony convictions can network, share experiences, and exchange knowledge and resources.

About Justice Served N.C., INC

Justice Served N.C., Inc. (“Justice Served”) is nonpartisan, nonprofit organization based in Raleigh, North Carolina that works with individuals in North Carolina who are currently engaged in the criminal justice system. The fundamental mission of Justice Served is to ensure that these individuals are able to reintegrate into society. Justice Served devotes resources to educating returning citizens about their voting rights, and to registering returning citizens to vote in accordance with North Carolina law. Justice Served also provides community-based alternatives to incarceration and facilitates mentorship programs for people with involvement in the criminal court system geared at helping them transition into civic life.

About the N.C. NAACP

North Carolina State Conference of the NAACP (“North Carolina NAACP”) is a nonpartisan, nonprofit organization composed of over 100 branches and 20,000 individual members throughout the state of North Carolina. The North Carolina NAACP has members who are citizens but are unable to vote due to a prior felony conviction. These members are directly impacted by the unconstitutional provisions of N.C.G.S.A. § 13-1. The fundamental mission of the North Carolina NAACP is the advancement and improvement of the political, civil, educational, social, and economic status of minority groups; the elimination of racial prejudice; the publicizing of adverse effects of racial discrimination; and the initiation of lawful action to secure the elimination of racial bias. In furtherance of this mission, the North Carolina NAACP advocates to ensure that the interests of the African-American community are represented on the local, state, and national legislative bodies by representatives who share the community’s interests, values and beliefs and who will be accountable to the community. The North Carolina NAACP thus encourages and facilitates nonpartisan voter registration drives by its chapters to promote civic participation. www.naacpsc.org

About Forward Justice

Forward Justice is a nonpartisan law, policy and strategy center dedicated to advancing racial, social, and economic justice in the U.S. South. Our work catalyzes success for social movements and expands opportunities for people affected by injustice. www.ForwardJustice.org

About Protect Democracy

Protect Democracy is a nonpartisan, nonprofit with an urgent mission: to prevent our democracy from declining into a more authoritarian form of government. Read more about us:

<https://protectdemocracy.org/>