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THE COUNCIL

COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION AND THE JUSTICE DIVISION

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COMMITTEE ON GOVERNMENTAL OPERATIONS

Hon. Fernando Cabrera, *Chair*

COMMITTEE ON CRIMINAL JUSTICE

Hon. Keith Powers, *Chair*

October 3, 2018

- Oversight Topic:** Voting Rights for Justice-Involved People
- Int. No. 367-2018:** By Council Members Salamanca and Miller
- Title:** A Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights
- Charter:** Amends section 1057-a, adds a new subdivision 10
- Int. No. 514-2018:** By Council Members Lancman and Miller

Title: A Local Law to amend the New York city charter, in relation to the department of correction informing released persons of their voting rights

Charter: Amends section 1057-a, adds a new subdivision 10

Int. No. 1115-2018: By Council Member Cabrera

Title: A Local Law to amend the New York city charter, in relation to agencies assisting eligible parolees with voter registration

Charter: Amends section 1054 of chapter 46

I. INTRODUCTION

On October 3, 2018, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera and the Committee on Criminal Justice, chaired by Council Member Keith Powers, will hold a first hearing on the following package of bills: Int. No. 367-2018, sponsored by Council Member Rafael Salamanca, Jr., in relation to the department of probation informing persons of their voting rights; Int. No. 514-2018, sponsored by Council Member Rory I. Lancman, in relation to the department of correction informing released persons of their voting rights; and Int. No. 1115-2018, sponsored by Council Member Fernando Cabrera, in relation to agencies assisting eligible parolees with voter registration. The committees expect to receive testimony from the Department of Corrections ('DOC'); the Department of Probation ('DOP'); the Campaign Finance Board ('CFB'); the Voter Assistance Advisory Committee ('VAAC'); the New York City Board of Election ('NYCBOE'); as well as various advocates and stakeholders related to the above topics.

II. BACKGROUND

Justice Involved Population and the Problem of Disenfranchisement

New York State’s disenfranchisement of the incarcerated population, and particularly of communities of color, dates back to the 1800s, when lawmakers enacted legislation to restrict voting for black men, including property requirements specific to black voters and a constitutional provision allowing laws to be passed excluding from voting those “who have been, or may be, convicted of infamous crimes.”¹ This came after a constitutional convention in 1827, where during a heated discussion regarding the suffrage of black men, Delegate Peter R. Livingston asked delegates to “look at that people, and ask your consciences if they are competent to vote. . . [s]urvey your prisons – your alms-houses – your bridewells and penitentiaries . . . [m]ore than one-third of the convicts and felons which those walls enclose, are of your sable population.”² Although Livingston’s efforts to explicitly deny black Americans the right to vote failed 63 to 59, the state constitutional provision allowing the legislature to enact criminal disenfranchisement laws was passed, and in 1872 became *required* as opposed to permissive in New York State’s constitution.³

The language of the New York state constitution remains the same today⁴ and has the same effect of disenfranchising voters of color, as the majority of those who have lost the right to vote are Black and Latino.⁵ As noted, Article II, § 3 of the New York State Constitution requires the state to enact criminal disenfranchisement laws, although the degree of disenfranchisement has

¹ Erika Wood and Liz Budnitz, Brennan Center for Justice, Jim Crow in New York, 8, 2009, available at https://www.brennancenter.org/sites/default/files/legacy/publications/JIMCROWNY_2010.pdf

² *Id.*

³ *Id.*

⁴ N.Y. Const. art. II, § 3 states that “The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.” This provision has been deemed valid and constitutional as recently as 2010 in Hayden v. Paterson, 594 F.3d 150, 156 (2d Cir. 2010).

⁵ NAACP Legal Defense and Education Fund and the Sentencing Project, Free the Vote: Unlocking Democracy in the Cells and on the Streets, 2016, 3 available at <https://www.sentencingproject.org/wp-content/uploads/2016/12/Free-the-Vote.pdf>.

been interpreted broadly.⁶ The current disenfranchisement statute, New York Election Law § 5–106, provides:

No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon that any such person shall not have the right of suffrage until it shall have been separately restored to him.⁷

Up until the 1970s, the statute required disenfranchisement of all individuals with felony convictions. In 1971 and 1973, however, the legislature broadened the requirements, and⁸ state law now grants voting rights to convicted individuals who have completed their sentence or parole, and to individuals who have been sentenced to probation.⁹ Additionally and as discussed herein, the governor has the authority to grant voting rights even to individuals who fall within those parameters.

Although New York law permits voting for probationers and for those who have completed their sentence, de-facto voter disenfranchisement still exists for this population in the form of widespread miseducation. A 2005 survey of election officials from the Brennan Center for Justice and Demos found that New York City (NYC) Board of Election (BOE) unlawfully disenfranchises eligible voters who are justice-involved.¹⁰ According to the 2005 survey findings, the NYC BOE

⁶ *Hayden v. Paterson*, 594 F.3d 150, 156 (2d Cir. 2010)

⁷ N.Y. Elec. Law § 5–106(2).

⁸ *Hayden v. Paterson*, 594 F.3d 150, 156 (2d Cir. 2010) *citing* Act of May 25, 1971, ch. 310, § 1, 1971 N.Y. Laws 952, 952–53; Act of June 11, 1973, ch. 679, § 1, 1973 N.Y. Laws 1287, 1287–88.

⁹ N.Y. Elec. Law § 5–106(2).

¹⁰ Demos and Brennan Center for Justice, *Board of Elections Continue Illegally To Disfranchise Voters with Felony Conviction* (2006), [https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20\(1\).pdf](https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20(1).pdf)

at its New York County and Queens County offices incorrectly stated that people on probation are not eligible to register to vote.¹¹ The 2005 survey also revealed that Kings, New York, and Queens Offices required individuals with a felony conviction to provide documentation to register, contrary to New York State Board of Election’s policy memorandum that explains persons with convictions do not need to produce documentation to register.¹² This is particularly concerning and especially harmful to New Yorkers, since a third of New Yorkers sentenced to probation live in New York City, along with 61% of those sentenced to parole and 51% of those sentenced to prison.¹³ Given the widespread nature of disenfranchisement through miseducation that has occurred in the past, additional efforts should be taken at the agency level to ensure that individuals understand and can exercise their voting rights. Accordingly, the efforts of agencies working with justice-involved populations to increase voter registration and voter education should be examined.

New York City Department of Correction (‘DOC’)

The DOC has custody and control of individuals accused of crimes who have been convicted and sentenced to one year or less of jail time.¹⁴ During Fiscal Year 2018, the DOC oversaw an average daily incarcerated population of approximately 8,900 individuals.¹⁵ Many of them are eligible to vote in elections under state law. Generally, incarcerated individuals who have been accused of crimes or have been convicted on a misdemeanor are still eligible to vote.¹⁶ Those serving time on felonies are not eligible to vote until post-incarceration and while on probation or

¹¹Demos and Brennan Center for Justice, *Board of Elections Continue Illegally To Disfranchise Voters with Felony Conviction* (2006), [https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20\(1\).pdf](https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20(1).pdf)

¹² *Id.*

¹³ *Id.*

¹⁴ NYC Department of Correction, *About the Department of Correction*, available at <https://www1.nyc.gov/site/doc/about/about-doc.page>

¹⁵ *Id.*

¹⁶ New York Civil Liberties Union, *Voting Rights of New Yorkers With Felony Convictions*, available at <https://www.nyclu.org/en/issues/voting-rights/voting-rights-new-yorkers-felony-convictions>

post-parole.¹⁷ During FY18, individuals accused of crimes represented nearly 70% of the incarcerated population in city jail and are likely eligible to vote.¹⁸ Those convicted and sentenced to jail time accounted for 12% of the population,¹⁹ and some of these remain eligible to vote.

Under local laws and mayoral directives, the DOC, among other agencies, is required to report on the number of voter registration forms it distributes to individuals in its custody and the number of completed forms it collected and submitted to the NYC BOE on a bi-annual basis.²⁰ For the period of January 1 through June 30, 2018, the DOC reported no numbers because its “voter registration initiatives ha[d] not begun as of yet.”²¹ According to the DOC, it is more practical to concentrate registration efforts closer to the election, because its population is transient.²² The department also cites its reliance on community groups, which have more resources during the later election season, and inmate interest, as reasons for focusing recruitment in the run-up to the election.²³ In its report, the DOC noted that it will begin an annual voter registration initiative on July 25th, 2018, in partnership with the Legal Aid Society and Vote NY.²⁴ These organizations will visit all facilities to educate and register eligible incarcerated individuals.²⁵ However, the DOC’s focus on annual voter registration drives is seemingly a missed opportunity to integrate voter registration into its intake processes. The NYC DOP and the

¹⁷ *Id.*

¹⁸ NYC Department of Correction, *NYC Department of Correction at a Glance*, available at https://www1.nyc.gov/assets/doc/downloads/press-release/DOC_At%20a%20Glance-entire_FY%202018_073118.pdf

¹⁹ *Id.*

²⁰ NYC Mayor’s Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

Department of Homeless Services ('DHS'), also serve transient populations, and they integrate voter registration into their intake process.²⁶

Besides its voter registration initiative, the DOC offers information to individuals in its custody about voter registration through its Inmate Handbook. According to the handbook, incarcerated individuals who are eligible to vote "must register to vote during the required time period that will be announced on posters in [the] housing area."²⁷ In addition, individuals can find registration forms "in the Connections Book, the programs area, the chaplains' office, counseling unit, grievance office, the law library, and the program wagon."²⁸ They can also access absentee ballot applications "in the programs area, the chaplains' office, counseling unit, grievance office and the law library" at all facilities prior to a primary and general election.²⁹ Moreover, "signs are posted in the above areas to let [them] know there is an election and the date when voter registration forms, absentee ballot application and voting ballot must be returned."³⁰ While these procedures seem comprehensive, it is unclear whether the DOC is complying with its own standards. It is also unclear whether the DOC helps incarcerated individuals file and mail absentee ballot applications.

The New York City Department of Probation ('DOP')

The DOP seeks to protect the community by working with criminal and juvenile justice systems to hold offenders accountable and serve as a catalyst for positive change. In its efforts to reduce recidivism and create a safer New York, the DOP is driven by several guiding practices, including implementing age and population appropriate assessments, engaging with clients and

²⁶ NYC Mayor's Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

²⁷ NYC Department of Correction, *Inmate Handbook*, available at https://www1.nyc.gov/assets/doc/downloads/pdf/inmate_hand_book_english.pdf

²⁸ *Id.*, p. 45.

²⁹ *Id.*

³⁰ *Id.*

the community, using data to guide decision-making, and professionally growing its staff.³¹ In accordance with these practices, the DOP has also begun making efforts to increase voter registration amongst the probation population. The DOP has reported that it distributes voter registration applications during intake process and during regular meetings with probation officers, and has voter registration materials within its waiting rooms.³² From January 2018 to June 2018, the DOP distributed 80 voter registration applications to individuals and has trained 15 members of front line staff to assist in the registration of new voters.³³ It also includes information regarding voting on its website, including a link to the CFB website, which has received 63 clicks during the period of January 2018 to June 2018.³⁴

Despite efforts on the part of the Department of Probation to increase voter registration and to educate the public voting rights for those with criminal convictions, widespread de-facto voter disenfranchisement still exists for probationers. A study conducted by the Brennan Center in 2006 reported that nearly 40% of local election boards incorrectly stated that individuals on probation were not eligible to vote.”³⁵ While the Department has taken efforts to increase voter participation by distributing voter registration forms, it has not sent or collected any applications to the Board of Elections between January to June 2018,³⁶ evincing a need for increased voter education.

The New York City Board of Election

³¹ NYC Probation, *About Probation*, available at <https://www1.nyc.gov/site/probation/about/about-department-of-probation.page>

³² NYC Mayor’s Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

³³ *Id.*

³⁴ *Id.*

³⁵ ERIKA WOOD & RACHEL BLOOM, BRENNAN CENTER FOR JUSTICE & A.C.L.U., *DE FACTO DISENFRANCHISEMENT* (2008) available at http://www.brennancenter.org/content/resource/de_facto_disenfranchisement.

³⁶ NYC Mayor’s Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

The NYC BOE, by state law,³⁷ administers all elections within New York city limits. This includes the processing of candidates' petitions, registering voters by mail or on specified registration days, and managing the City's voter registration lists.³⁸ As a matter of statute, the City Council approves the NYC BOE's budget and enacts legislation related to the operation of elections in the city. While the NYCBOE, in its 2017 annual report, states that it "conducts registration drives at various community activities (street fairs, work fairs, community organization meetings, senior citizen community centers)"³⁹ and provides material that helps to explain the process of voting, there are no details provided concerning outreach to justice-involved individuals in conjunction with either the DOC or DOP.

The Voter Assistance Advisory Committee ('VAAC')

Under the New York City Charter, VAAC is an independent body that advises the Campaign Finance Board ('CFB') on civic engagement, with a particular focus on nonpartisan voter engagement and outreach.⁴⁰ According to the Committee's 2017-2018 Annual Report, VAAC recommendations are carried out by the CFB's "NYC Votes" initiative, which conducts voter registration and education, Get Out the Vote (GOTV) activities, and election reform advocacy. NYC Votes conducted the following voter registration activities throughout the City in 2017-2018:

³⁷ N.Y. Elec. Law § 3-200(1)

³⁸ The Council of the City of New York, *Report of the Finance Division on the Fiscal 2019 Preliminary Budget and the Fiscal 2018 Preliminary Mayor's Management Report*, March 19, 2018

³⁹ New York City Board of Elections, *Annual Report 2017*. Accessed at: <http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport17.pdf>

⁴⁰ New York City Campaign Finance Board and the Voter Assistance Advisory Committee, *Voter Assistance Annual Report 2017-2018*. Accessed at: <https://www.nyccfb.info/pdf/VAAC-2018.pdf>

- The NYC Votes Street Team, a volunteer corps of high school and college students trained to lead voter workshops and register new voters, held 31 community event in the five boroughs in 2017;⁴¹
- NYC Votes staff and Street Team members attended ten naturalization ceremonies to facilitate voter registration once individuals became U.S. Citizens;⁴²
- Through partnership with the non-profit organization WIN (Women in Need), NYC Votes held voter registration drives in 12 women’s shelters in Manhattan, Brooklyn and Queens. Additional outreach to homeless New Yorkers was accomplished through an NYC Votes ‘Day of Action’ on September 23, 2017, in partnership with DHS;⁴³
- NYC Votes additionally conducted trainings to equip individuals with the tools to host their own voter registration events (“Train the Trainer” workshops);⁴⁴
- Finally, NYC Votes worked with 23 partners, including DHS, the City University of New York, the Department of Health and Mental Hygiene, the Department of Parks and Recreation, and the Department of Youth and Community Development, to conduct a citywide voter registration drive on September 26, 2017, “National Voter Registration Day.”⁴⁵

The VAAC report does not specify NYC Votes voter outreach activities for justice-involved populations, although it does recommend that state law should provide a means to vote for individuals on parole: “While [Governor Cuomo’s Executive Order 181] would restore voting

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

rights to more than 35,000 [individuals on parole] across New York, this does not change the above-mentioned state laws barring parolees from voting.”⁴⁶

New York State Gubernatorial Executive Order 181

On April 18, 2018, Governor Cuomo signed Executive Order 181, titled “Restoring the Right to Vote for New Yorkers on Parole.” In his press statement, Cuomo stated the intention to reduce disenfranchisement in the state and to “restore justice and fairness to our democratic process”⁴⁷ by granting voting rights to individuals on parole. Under the New York State Election Law, no person with a felony conviction can register or vote in an election, without a pardon, special dispensation from the state Governor, or having served their entire parole sentence.⁴⁸ Citing the disproportionate racial impact the current law has on communities of color in New York State, E.O. 181 establishes a system whereby individuals on parole would be given consideration for a “conditional pardon that would restore their right to vote.”

In practice, the Commissioner of the State Department of Corrections and Community Supervision will submit both a complete list of all individuals currently on parole at the time of the issued E.O., and a monthly record of individuals who have been released on parole in the past month, starting on May 1, 2018.⁴⁹ When asked about the then-recently issued E.O. at the Committee on Governmental Operations and Committee on Finance joint Executive Budget hearing on May 17, 2018, NYC BOE Executive Director Mike Ryan was unable to give any indication at that time of how the board would ensure that newly re-enfranchised New Yorkers

⁴⁶ *Id.*, pg. 37

⁴⁷ Office of N.Y. Governor Cuomo, *Governor Signs Executive Order to Restore Voting Rights to New Yorkers on Parole*, April 18, 2018 Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>

⁴⁸ N.Y. Elec. Law § 5–106(2).

⁴⁹ Office of N.Y. Governor Cuomo, *Executive Order 181: Restoring the Right to Vote for New Yorkers on Parole*. Accessed at: <https://www.governor.ny.gov/news/no-181-restoring-right-vote-new-yorkers-parole>

were made aware of their reinstated right to vote, help them register to vote or access their polling locations on election day.⁵⁰

The Committee remains concerned that many of the procedural steps that would ensure the highest voter turnout for re-enfranchised individuals on parole were not in place for the September 13th 2018 Primary Election, and will not be in place for the November 6, 2018 General Election. Based on the E.O. language, it does not appear that individuals receive notification of their partial pardon and subsequent re-enfranchisement. As a result, the onus remains on the individual to seek out information relating to their partial pardon, seek out a voter registration form, complete it, and submit it to the appropriate Board of Election. Once the Board of Elections receives the voter registration form, it is the Board’s responsibility to ensure that the registrant has in fact received an appropriate partial pardon based on information posted to the Department of Corrections’ “lookup” tool,⁵¹ which has been plagued with the delays in the past.⁵²

Examples, from the “lookup” tool of person with a conditional pardon (left) and without such a pardon (right):

Parolee information:

DIN:	[REDACTED]
Name:	[REDACTED]
Date of birth:	[REDACTED]
Race / ethnicity:	[REDACTED]
Release to parole supervision:	6/12/2017
Parole status:	Active
Voting pardon issued:	Yes

Parolee information:

DIN:	[REDACTED]
Name:	[REDACTED]
Date of birth:	[REDACTED]
Race / ethnicity:	[REDACTED]
Release to parole supervision:	9/12/2018
Parole status:	Active
Voting pardon issued:	No

⁵⁰ New York City Council, *NYC BOE Executive Director Mike Ryan Testimony at Executive Budget Hearing of the Committees on Governmental Operations and Finance*, May 12, 2017. Accessed at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=545487&GUID=8E53454F-EF77-45FE-9C4D-122AE754CD0B&Options=info&Search=>

⁵¹ <http://www.doccs.ny.gov/paroleelookup/lookup.aspx>

⁵² Whitford, Emma, *In New York, Most Parolees Can Now Vote—But Many County Websites Say They Can’t*, The Appeal, September 12, 2018. Accessed at: <https://theappeal.org/in-new-york-york-parolees-can-now-vote-but-many-county-websites-say-they-cant/>

If the process runs smoothly, there remain concerns about access to poll sites for certain individuals' on parole. Many poll sites are schools, which individuals on parole, depending on their conviction and supervision agreement, may be prohibited from entering. The same restrictions may exist if entering apartment buildings or the radius of specific individuals is a further specification under community supervision. No changes to the absentee ballot application were initiated following E.O.181, which currently does not allow for individuals on parole to opt to vote by absentee ballot due to their restrictions on accessing certain poll sites. In fact, on September 7, 2018, *State of Politics* reported that individuals on parole with a Level 3 sex offender conviction would be allowed to vote in school poll sites only after 7 p.m. with written permission from their parole officers, significantly restricting their access to cast their ballots.⁵³ The combined procedural difficulties related to the Governor's E.O. 181 were the subject of the New York State Senate's joint hearing of the Standing Committee on Crime Victims, Crime and Correction, and the Standing Committee on Elections, on Monday, October 1, 2018.⁵⁴

III. LEGISLATIVE ANALYSIS

Int. No. 367-2018

Int. No. 367-2018 (Salamanca) would require the Department of Probation, in addition to its existing responsibilities under the Agency Based Voter Registration law, to distribute a written notice on the voting rights of persons sentenced to parole during the intake process for such

⁵³ Whalen, Ryan, Sex Offender Parolees Can't Vote Until After 7 P.M. on Election Day. New York State of Politics. Accessed at: <http://www.nystateofpolitics.com/2018/09/sex-offender-parolees-cant-vote-until-after-7-p-m-on-election-day/>

⁵⁴ New York State Senate, *Public Hearings: to examine the state's current parole policies and Governor Cuomo's Executive Order allowing conditional pardons that enable parolees to vote*. October 1, 2018. Accessed at: <https://www.nysenate.gov/calendar/public-hearings/october-01-2018/public-hearings-examine-states-current-parole-policies-and>

persons. The written notice would be developed in consultation with the Voter Assistance Advisory Committee. The law would take effect 120 days after becoming law.

Int. No. 514-2018

Int. 514-2018 (Lancman) would require the DOC to distribute written notice regarding the voting rights of formerly incarcerated persons in the state of New York upon release, along with voter registration forms. Additionally, it would also require the Campaign Finance Board, with assistance from the Voter Assistance Advisory Committee, to include incarcerated and formerly incarcerated persons in activities they undertake aimed at encouraging and facilitating voter registration. Under this bill, written notice must include information regarding the date of voter eligibility. If passed, Int. No. 514 would help inform justice-involved populations who have been disenfranchised due to widespread miseducation regarding voter eligibility.

Int. No. 1115-2018

Int. No. 1115-2018 (Cabrera) would first require the Voter Assistance Advisory Committee to develop and distribute guidance, on the voting rights of formerly incarcerated persons, for agencies covered by the Agency Based Voter Registration law. Second, it would require such covered agencies, upon request by a formerly incarcerated person interested in filling out a voter registration form, to check publicly available information to inform such applicant if a restoration of their right to vote, and thus their ability to register, has been granted. The law would take effect six months after it becomes law.

By Council Member Salamanca

..Title

A Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights

..Body

Be it enacted by the Council as follows:

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

10. The department of probation shall, in addition to the other requirements of this section for participating agencies, distribute during the intake process, to any person sentenced to probation, a written notice on the voting rights of persons sentenced to probation in the state of New York. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 2. This local law takes effect 120 days after becoming law.

BJR/JJD
LS 9061/Int. 1464-2017
LS 736
1/3/2018

Int. No. 514

By Council Member Lancman

..Title

A Local Law to amend the New York city charter, in relation to the department of correction informing released persons of their voting rights

..Body

Be it enacted by the Council as follows:

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

10. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of formerly incarcerated persons in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 2. Paragraph 5 of subdivision b of section 1054 of the New York city charter is amended to read as follows:

5. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible or may become eligible to vote, including eligible voters who are limited in English proficiency and incarcerated or formerly incarcerated persons who are or may become eligible to vote;

§ 3. This local law takes effect 120 days after becoming law.

BJR
LS 158
LS 4684 / Int. 1357-2016
12/4/17 5:17PM

Int. No. 1115

By Council Member Cabrera

..Title

A Local Law to amend the New York city charter, in relation to agencies assisting eligible parolees with voter registration

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision b of section 1054 of chapter 46 of the New York city charter is amended to read as follows:

3. consistent with all state and local laws, coordinate the activities of all city agencies in general and specialized efforts to increase registration and voting including, but not limited to, the distribution of forms for citizens who use or come in contact with the services of city agencies and institutions; mailings by city agencies to reach citizens; cooperative efforts with non-partisan voter registration groups, community boards, agencies of city, state, and federal governments, and entities doing business in the city; the development and distribution of guidance for agencies designated as participating agencies pursuant to section 1057-a on the voting rights of formerly incarcerated persons; publicity and other efforts to educate youth about the importance of voting and to encourage eligible youth to register to vote; and other outreach programs;

§ 2. The opening paragraph of section 1057-a of the New York city charter, as amended by local law number 52 for the year 2003, local law 63 for the year 2014 and local law 139 for the year 2016, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission,

the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer affairs, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. As part of such assistance, such agencies shall also, upon request by an applicant currently on parole and when practically feasible, check publicly available information to inform such applicant if a

restoration of their right to vote has been granted. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 3. This local law takes effect six months after it becomes law.

BJR
LS 7931
8/28/18 2:10PM