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# **Testimony of Michael J. Ryan, Executive Director and Vincent M. Ignizio, Deputy Executive Director – The Board of Elections in the City of New York**

**Before the New York City Council Committee  
on Criminal Justice Jointly with the  
Committee on Governmental Operations,  
State & Federal Legislation**

**April 14, 2026**

Good afternoon, Chair Brooks-Powers, Chair Brewer, and members of the Committees, my name is Michael J. Ryan, and I serve as the Executive Director of the New York City Board of Elections (“Board” or “BOE”). Thank you for the opportunity to testify today regarding voting access for eligible incarcerated individuals in New York City jails.

I would like to emphasize the strong and longstanding partnership collectively forged between the Board and the Council. The Board greatly values, this partnership and looks forward to continued collaboration with the New York City Department of Correction (“DOC”) and various community partners.

The Board remains committed to ensuring that all eligible voters, including those in custody— have meaningful access to the voter franchise and are able to participate in the democratic process in full compliance with New York State Election Law. The Board shares the goals of expanding access to voting while maintaining the integrity, security, and lawful administration of elections.

Within the constitutional and statutory framework, it is the Board’s responsibility to administer elections in the City of New York. DOC plays a critical role in facilitating access and communication for individuals eligible to vote and temporarily in custody within its facilities.

Voting in New York State is an individual right based on one’s residence and voter registration, not their place of temporary confinement. As a result, individuals detained on Rikers Island remain registered in their home election districts and must vote accordingly.

This is not merely a convenient interpretation; it is a critical safeguard to the integrity of elections; both for the individual voter and the elections process generally. It ensures that individuals only cast votes only in elections and districts in which they are registered, based on the address provided by the voter as their residence. This information is provided under the legal umbrella of an affidavit containing, in part, the following language “[a]ffidavit: I swear or affirm that...the above information is true. I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years”. This affidavit is completed by the voter and affirmed with their signature.

The method for voting provided for eligible individuals in custody is absentee voting. The same method used by all other voters, who are unable to vote in person on election day or during early voting.

The Board works in close coordination with DOC to support these efforts. DOC facilitates access to absentee ballot applications and the collection of completed materials, while the Board is responsible for processing all applications, issuing ballots, and post-election ballot canvassing in accordance with State law. This partnership is essential to ensuring that eligible voters in custody have fair and meaningful access to the ballot.

The Board has engaged in ongoing collaboration with stakeholders, including the Legal Aid Society and the broader Voting in Jails Coalition, to improve awareness, coordination, and access to voting resources. These efforts have strengthened the program and reflect a shared commitment across agencies and partners.

To provide context on the current process, during the 2025 General Election:

- 621 ballots were issued to incarcerated voters citywide
- 335 ballots were received and counted
- 247 ballots were issued but not returned
- 23 ballots were returned as undeliverable
- 14 ballots were deemed invalid but curable
- 1 ballot was invalid and not curable
- 1 ballot was received past the legal deadline

For the 14 curable ballots, cure notices were issued in accordance with State law. While these ballots represent a relatively small percentage of those issued, the Board works diligently to ensure that access to the voter franchise is provided to all voters.

The cure process is administered directly by the Board using the contact information provided by the voter. and there are important legal and operational constraints that shape this work. The Board is required to operate **strictly** within New York State Election Law, which governs voter eligibility, ballot access, and election procedures. Certain proposals, including those related to polling locations, ballot curing processes, or absentee voting requirements, are limited by State law and would require legislative action at the State level. The Board is not permitted to depart from replace statutory authority or substitute its independent judgment for the law.

Elections do not occur in a vacuum. There are fifty-seven (57) additional counties outside the City of New York and the New York State Election Law, combined with rules and regulations promulgated by the New York State Board of Elections, provides the framework ensuring county to county consistency and preserves the overall integrity of the elections process. It is essential that such framework be

maintained, as each voter has an individual right to expect that the election process will not vary based upon the particular county in which an election occurs.

The Board has consistently maintained that the only legally permissible manner to provide access to the voter franchise for those in custody is the absentee ballot process. The Board has communicated this legal position to the Vote in NYC Jails Coalition and the Legal Aid Society of its legal position in various letters, most recently on April 16, 2024 (please see attached)

As the absentee ballot process remains the only legally permissible method to provide access to the voter franchise for those in custody, any evaluations or suggestions regarding operational considerations associated with related to administering traditional poll sites within a complex correctional setting are moot. (please see attached NYS Board of Elections *Canvassing Guidance for County Boards*)

Another challenge is that absentee ballot applications expire at the end of each calendar year under State law, requiring voters to reapply for subsequent elections. While the Board recognizes that this can create hurdles, particularly in a custodial setting, it does not have the authority to modify.

Despite these constraints, the Board remains committed to working collaboratively with DOC, the Council, and advocacy partners to strengthen the absentee voting process and improve access wherever feasible within the law. Continued coordination, clear communication, and a shared understanding of roles are essential to ensuring both access and integrity in our elections.

The Board appreciates the Council's attention to this issue and looks forward to continued partnership in support of eligible voters in custody and is grateful for the opportunity to testify.



# Canvassing Guidance for County Boards

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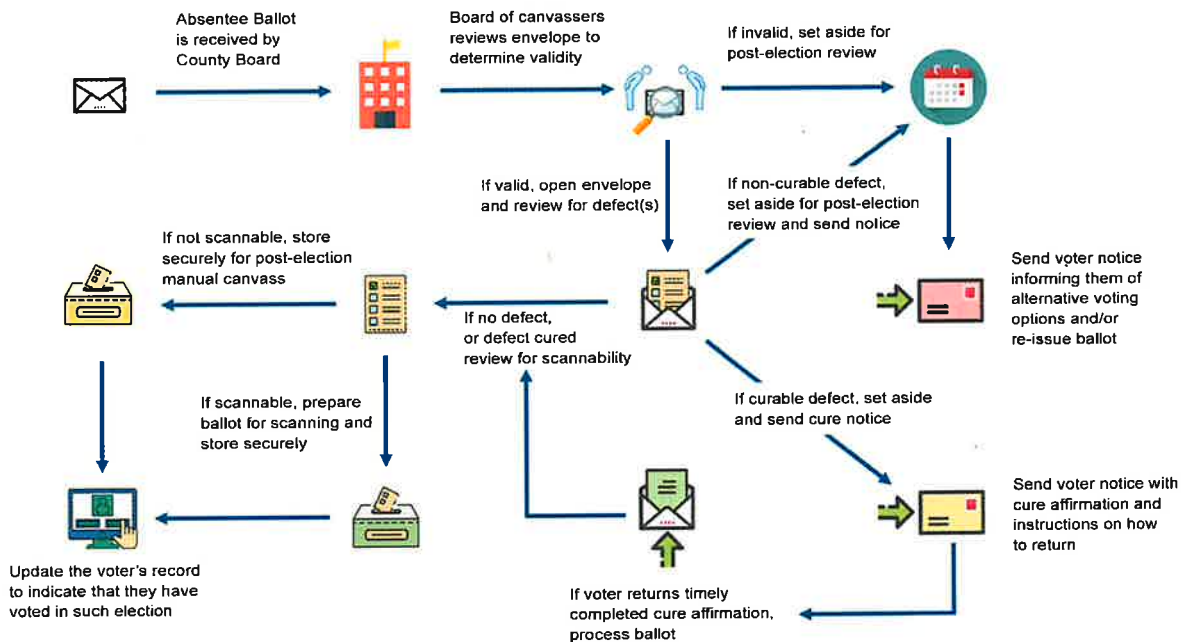
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## General Provisions

### Overview

The new law changes the way that absentee ballots are handled by County Boards of Elections upon their receipt. Whereas under previous law, absentee ballots were kept sealed and not canvassed until after Election Day, the new law now requires that absentees be reviewed and prepared for scanning prior to Election Day on a rolling basis. With regard to the scanning of absentee ballots itself, it should be made clear that this is not to be done on a rolling basis. Rather, it is only to take place at two times prior to Election Day – on the day before the first day of Early Voting and after the close of polls on the last day of Early Voting. At no point should any absentee ballots be manually canvassed prior to Election Day.

The diagram below provides a very basic overview of the process to be followed for handling ballots received prior to Election Day.



The information set forth below serves to provide a more detailed overview of the processes to be followed as a result of the recent changes in law. As always, should you have any questions about any of the material below, please do not hesitate to contact the State Board of Elections for more information.

### Prevention of Double Voting and Premature Release of Results

Similar to procedures previously established for Early Voting, the board of elections shall adopt procedures, consistent with regulations of the state board of elections, to prevent voters from voting more than once and to secure ballots and prevent public release of election results prior to election day. Such procedures shall be consistent with the regulations of the state board of elections and shall be filed

with the state board of elections at least ninety days before they shall be effective. Existing procedures for Early Voting may be expanded to include the early canvassing of absentee ballots to maintain consistency.

### **At the Poll Site**

If a voter's name appears in the poll book or computer generated registration list with a notation indicating that the board of elections has issued the voter an absentee, military or special ballot, such voter shall not be permitted to vote on a voting machine at an early voting site or on election day but may vote by affidavit ballot.

### **Watchers**

Nothing in this law prohibits a representative of a candidate, political party, or independent body entitled to have watchers present at the polls in any election district in the board's jurisdiction from observing the review of ballot envelopes. Such representatives can observe the opening process, but they cannot make any objections that would cause a ballot to be set aside, preventing opening of the absentee envelope. Whether to open the ballot envelope is a determination made solely by the board of canvassers. Pursuant to the new law, a candidate or objector can no longer go to court to challenge the board of canvassers' decision to open and count an absentee ballot. If the board of canvassers splits as to whether a ballot is valid, such ballot shall be prepared to be cast and canvassed. Also, since the ballots are prepared for later scanning without examining the face of the ballot, observers cannot inspect the face of the ballot to make any objections on the ballot itself. In this way, absentee and affidavit ballots are treated in a manner consistent with election day voters' ballots, which are placed into the scanner directly without any prior review. Additional changes made in this legislation relating to challenges are outlined in article 16, where a court cannot alter the canvass schedule unless a candidate demonstrates to the court clear and convincing evidence a change to the schedule is needed.

### **Processing Ballots**

#### **Central Board of Canvassers**

- Within 4 days of the receipt of the first absentee ballot (including military, special federal, special ballots, etc), board must designate central board of canvassers.
- Central board of canvassers shall consist of at least one set of poll clerks, and that each such set shall be divided equally between representatives of the two major political parties.
- If the central board of canvassers splits as to whether a ballot is valid, it shall immediately prepare such ballot to be cast and canvassed.
- If canvassing board finds that ministerial error by the board of elections or any of its employees caused a ballot envelope not to be valid on its face, it shall process the ballot for scanning as if it were valid.

## **How to process a ballot**

- Once you have determined that an individual is properly registered and has requested an absentee ballot, the envelope shall be opened, and the ballot(s) shall be taken out, unfolded, stacked face down and placed in a secure ballot box or envelope. The voters record shall then be updated with a notation that the voter has voted in the election. The ballots shall be held until the appropriate time to scan them.

## **Timeframe for the processing of a ballot**

- Prior to Election Day = within 4 days of receipt
- On or after Election Day = within 1 day of receipt

## **Organization of ballots for processing**

All ballots from a single election district shall be assigned to a single set of clerks.

## **Examination of ballot envelopes**

1. Identify ballots to be set aside for post-election review. Board of canvassers to indicate on the ballot envelope, in red ink, the specific reason for invalidity. In the case where there is a split between the canvassers as to whether or not a ballot meets the specific criteria set forth in the list below for invalidity, that ballot should be set aside for post-election review.
  - a. Voter not registered
  - b. No voter name on affirmation envelope (regardless of signature)
  - c. Not timely postmarked or received
    - i. Any absentee ballot delivered in person and received by the board on or before the close of polls on Election Day shall be considered to be timely.
    - ii. Any absentee ballot received by the board via mail, and not bearing a postmark, shall be considered timely if received on or before the day after Election Day.
  - d. Both outer and inner envelopes unsealed
    - i. The board shall notify the voter by mail, sent within three business days of such rejection, and by either electronic mail or telephone, if such information is available to the board in the voter's registration information, and notify the voter of other options for voting, and, if time permits, provide the voter with a

ii. new ballot. *(see State Board's Cure Procedures for more information)*

2. Voters who returned multiple ballots

a. If board issued a second ballot, any initial ballot should be set aside unopened to provide the voter time to return the second ballot.

b. Both timely?

i. One with later date of execution accepted and other(s) rejected

1. Unless earlier one already opened. Then set aside more recent one unopened.

ii. Can't determine? All ballots rejected

3. Compare signature on envelope against voter record (same name & address)

a. If the signatures are found to correspond, such central board of canvassers shall certify thereto, indicating as much on the envelope with the initials of inspectors from both parties.

b. If signatures do not match, follow guidance for curable defect.

4. If voter registered, requested a ballot and signature matches:

a. The ballot envelope shall be opened, the ballot(s) withdrawn from the envelope.

i. If Primary Election ballot, confirm voter is of proper party. In previewing the ballot, the board shall take all measures necessary to ensure the privacy of voters.

1. If yes, place ballot(s) unfolded, stacked face down and deposited in a secure ballot box or envelope.

2. If not, ballot shall be rejected and shall be returned to the ballot envelope which shall be endorsed "not enrolled".

ii. Aside from confirmation of proper enrollment, no further review of the ballot or the votes contained therein, shall be made.

iii. If a ballot envelope shall contain more than one ballot for the same offices, all the ballots in such ballot envelope shall be rejected.

- iv. As each ballot envelope is opened, if one or more of the different kinds of ballots to be voted at the election are not found therein, the central board of canvassers, shall make a memorandum showing what ballot or ballots are missing.
  - 1. When the review of such ballots shall have been completed, the central board of canvassers shall ascertain the number of such ballots of each kind which have been deposited in the ballot box by deducting from the number of ballot envelopes opened with the number of missing ballots and shall make a return thereof.
  - 2. The number of voters' ballots deposited in the ballot box shall be added to the number of other ballots deposited in the ballot box, in order to determine the number of all ballots of each kind to be accounted for in the ballot box.
- v. If unscannable (like FWABs and those downloaded and printed by military, special fed and accessible absentee voters), then set aside for post-election manual canvass.
- b. Upon such processing of the ballot, the voter's record shall be updated with a notation that indicates that the voter has already voted in such election. This information should be included in all print and electronic poll books where possible, and voter history shall be recorded for inclusion in the information provided to the State to conduct its post-election statewide voter data match.

### **Additional Procedures for Scanners/Systems Used for Early Canvassing of Absentee Ballots**

- The Operations Unit of the State Board has prepared additional procedures specific to the various systems which can be used for the scanning of absentee ballots prior to Election Day. Similar to procedures provided to boards for the different configurations of precinct scanner systems which can be used during Early Voting, this guidance explains how scanners/systems used for the early canvassing of absentee ballots should be configured, operated and secured. Please contact Election Operations for more information on the particular system that your board expects to use for this purpose.

### **Ballot Defects and the Cure Process**

#### **Steps for determining curable defects**

1. At the time a ballot affirmation envelope is reviewed, the board of elections shall determine whether the ballot envelope has one of the following curable defects:

- a. is unsigned
  - b. has a signature that does not correspond to the registration signature
  - c. has no required witness to a mark
  - d. is returned without a ballot affirmation envelope in the return envelope
  - e. has a ballot affirmation envelope that is signed by the person that has provided assistance to the voter but is not signed or marked by the voter
  - f. contains the signature of someone other than the voter and not of the voter
2. Ballot envelopes are not invalid and do not require a cure if:
- a. a ballot envelope is undated or has the wrong date, provided it is postmarked on or prior to election day or is otherwise received timely by the board of elections
  - b. the voter signed or marked the ballot affirmation envelope at a place on the envelope other than the designated signature line
  - c. a voter used a combination of ink (of any color) or pencil to complete the ballot envelope
  - d. papers found in the ballot envelope with the ballot are materials from the board of elections, such as instructions or an application sent by the board of elections
  - e. an extrinsic mark or tear on the ballot envelope appears to be there as a result of the ordinary course of mailing or transmittal
  - f. the ballot envelope is partially unsealed but there is no ability to access the ballot
3. When the board of elections invalidates a ballot affirmation envelope, and the defect is not curable:
- a. the ballot envelope shall be set aside for the post-election review
  - b. the board shall notify the voter by mail, sent within three business days of such rejection, and by either electronic mail or telephone, if such information is available to the board in the voter's registration information, and notify the voter of other options for voting, and, if time permits, provide the voter with a new ballot.

4. If a ballot is returned by a voter with both outer and inner envelopes unsealed, the board shall notify the voter by mail, sent within three business days of such rejection, and by either electronic mail or telephone, if such information is available to the board in the voter's registration information, and notify the voter of other options for voting, and, if time permits, provide the voter with a new ballot.

#### **Notifying voter of curable defect**

1. If ballot envelope found to have curable defect, the board shall indicate the issue that must be cured on the ballot envelope in red ink.
  - a. Within one day of such determination, send to the voter's address indicated in the registration records and, if different, the mailing address indicated on the ballot application, a notice explaining the reason for such rejection and the procedure to cure the rejection. The board shall include a cure affirmation with the notice to the voter. The affirmation shall be in a form prescribed by the state board of elections.
    - i. The board shall also contact the voter by either electronic mail or telephone, if such information is available to the board in the voter's registration information, in order to notify the voter of the deficiency and the opportunity and the process to cure the deficiency.

#### **Voter process for curing defects**

1. The voter may cure any identified curable defects by filing a duly signed affirmation with the board no later than seven business days after the board's mailing of such curable rejection notice or the day before the election, whichever is later.
  - a. If the board determines that such affirmation addresses the curable defect, the rejected ballot shall be reinstated and prepared for canvassing.
  - b. If the board of elections is split as to the sufficiency of the cure affirmation, such envelope shall be prepared for canvassing.
  - c. If the ballot envelope contains one or more curable defects that have not been timely cured, the ballot envelope shall be set aside for the post-election review.

## **Scanning of Ballots Prior to Election Day**

### **General considerations for scanning ballots**

Although the processing of returned absentee ballots is a continual process, the scanning of processed ballots is not. The law requires that, prior to Election Day, scanning of ballots that have been examined and prepared occurs at two specific times. The times at and manner in which ballots shall be scanned are described below.

### **When to scan ballots**

1. The Day Before the First Day of Early Voting
  - a. The day before the first day of early voting, the central board of canvassers shall scan all valid ballots previously reviewed and prepared.
2. After the Close of the Polls on the Last Day of Early Voting
  - a. After the close of the polls on the last day of early voting, the central board of canvassers shall scan all valid ballots received and prepared pursuant to this section, and not previously scanned on the day before the first day of early voting

### **Manner in which to scan ballots**

1. The central board of canvassers shall scan all valid ballots previously reviewed and prepared as nearly as practicable in the following manner:
  - a. Such ballots may be separated into sections before being placed in the counting machine and scanned.
  - b. Upon completion of the scanning of such valid ballots, the scanners used for such purpose shall be secured, and no tabulation of the results shall occur until one hour before the close of the polls on election day.
  - c. All portable memory devices containing such scanning data shall be secured in the same manner as portable memory devices used during early voting or on election day.
  - d. Any ballots scanned during this period shall be secured in the same manner as voted ballots cast during early voting or on election day.
  - e. Any valid ballots that cannot be cast on a scanner shall be held inviolate and unexamined and shall be duly secured until after the close of polls on election day when

such ballots shall be examined and manually canvassed.

- f. Boards have the option of using the same or different scanners for the two instances of pre-Election Day scanning.
- g. In casting and canvassing such ballots, the board shall take all measures necessary to ensure the privacy of voters.

### **Tabulating Unofficial Results for Election Night**

The board of elections may begin to obtain tabulated results for all ballots previously scanned no earlier than one hour before the scheduled close of polls on election day.

No unofficial tabulations of election results shall be publicly announced or released in any manner until after the close of polls on election day at which time such tabulations shall be added into the election night vote totals provided to the State Board.

### **Audit of Scanners Used in Canvassing Early-Processed Absentees**

Within three days of any election, the board of elections or a bipartisan committee appointed by such board shall audit the scanners used for early-processed absentees by auditing the ballots from three percent of election districts that were tabulated by such scanners within the jurisdiction of such board by that time. This audit should be conducted in the same manner as the traditional post-election audit of scanners used to centrally count absentee ballots pursuant to §6210.18.

To the extent additional ballots are tabulated through scanners after the initial audit, three percent of election districts shall thereafter be audited as to the additional ballots tabulated. The certification of the canvass shall not await the completion of such additional audit; provided, however, if upon the completion of such additional audit the criteria are met for the results of the audit to replace the canvass then the board of canvassers shall forthwith reconvene and adjust the canvass as required.

### **New Data Match Timeline**

Pursuant to §6211.6, county boards are required to provide information to the State Board with regard to in-person voter history during the early voting period and on election day, absentee requests/returns and affidavit ballots. The State Board then aggregates this information, searches for potential matches between counties and provides information on those matches to the counties involved.

Although the deadlines for each type of information differ, the information overall was due to the State Board not later than 7 days after a primary election and 10 days after a general. During the 2021 election cycle, the Governor issued an Executive Order which reduced that timeframe to 48 hours after the election.

As a result of some of the changes contained in the new law, the State Board will be revising its regulations to call for this information to be provided not later than three days after an election, regardless of election type. The State Board will then strive to provide the processed information back to counties by the following day, in advance of the required timeframe for canvassing affidavit ballots.

## **Canvass of Affidavit Ballots**

Within four business days of the election, the board of elections shall review all affidavit ballots cast in the election.

1. If the central board of canvassers determines that a person was entitled to vote at such election it shall cast and canvass such affidavit ballot in the following manner:
  - (i) If the board of elections receives one or more timely absentee ballots from a voter who also cast an affidavit ballot at a poll site, the last such timely absentee ballot received shall be canvassed and the affidavit ballot shall be set aside unopened.
  - (ii) If a voter was issued an absentee ballot and votes in person via an affidavit ballot and the board does not receive such absentee ballot, the affidavit ballot shall be canvassed if the voter is otherwise qualified to vote in such election.
  - (iii) Affidavit ballots are valid when cast at a polling site permitted by law by qualified voters:
    - i. who moved within the state after registering
    - ii. who are in inactive status
    - iii. whose registration was incorrectly transferred to another address even though they did not move
    - iv. whose registration poll records were missing on the day of such election
    - v. who have not had their identity previously verified
    - vi. whose registration poll records did not show them to be enrolled in the party in which they are enrolled
    - vii. who are incorrectly identified as having already voted.
  - (iv) Affidavit ballots are valid to the extent that ministerial error by the board of elections or any of its employees caused such ballot envelope not to be valid on its face.

2. If the central board of canvassers determines that a person was entitled to vote at such election, the board shall cast and canvass such affidavit ballot if such board finds that the voter appeared at the correct polling place, regardless of the fact that the voter may have appeared in the incorrect election district and regardless of whether the voter's name was in the registration poll record.
3. If the central board of canvassers finds that a voter submitted a voter registration application through the electronic voter registration transmittal system pursuant to title eight of article five of this chapter and signed the affidavit ballot, the board shall cast and canvass such affidavit ballot if the voter is otherwise qualified to vote in such election.
4. If the central board of canvassers determines that a person was entitled to vote at such election, the board shall cast and canvass such affidavit ballot if such board finds that the voter substantially complied with the requirements of this chapter. For purposes of this paragraph, "substantially complied" shall mean the board can determine the voter's eligibility based on the statement of the affiant or records of the board.
5. If the central board of canvassers finds that the statewide voter registration list supplies sufficient information to identify a voter, failure by the voter to include on the affidavit ballot envelope the address where such voter was previously registered shall not be a fatal defect and the board shall cast and canvass such affidavit ballot.
6. If the central board of canvassers finds that the voter registered or pre-registered to vote for the first time pursuant to title nine of article five of this chapter at least twenty-five days before a primary, appeared at such primary election, and indicated on the affidavit ballot envelope the intent to enroll in such party, the affidavit ballot shall be cast and canvassed if the voter is otherwise qualified to vote in such election.
7. When the central board of canvassers determines that an affidavit ballot is invalid due to a missing signature on the affidavit ballot envelope, or because the signature on the affidavit ballot envelope does not correspond to the registration signature, such ballots shall be set aside and subject to the cure procedure as earlier described. The voter may cure any identified curable defects by filing a duly signed affirmation with the board no later than seven business days after the board's mailing of such curable rejection notice. Those affidavit ballots which have been set aside for this reason shall be canvassed upon receipt of a timely completed cure affirmation from the voter.
8. The board of elections shall enter information into its voter registration system to be transmitted to the statewide ballot tracking system to allow a voter who cast a ballot in an affidavit envelope to determine if the vote was counted.

## **Post-Election Review of Set Aside Ballots**

Within four business days of the election, the board of elections shall designate itself or such of its employees to act as a central board of canvassers and meet to review absentee, military and special ballots determined to be invalid upon their initial examination, ballot envelopes that were returned to the board as undeliverable, and ballot envelopes containing one or more curable defects that have not been timely cured.

At least five days prior to the time fixed for such meeting, the board shall send notice by first class mail to each candidate, political party, and independent body entitled to have had watchers present at the polls in any election district in the board's jurisdiction. Such notice shall state the time and place fixed by the board for such post-election review. Alternatively, this date can be included on the candidate notice sent by the board which contains the dates and times of other pre and post election activities they are entitled to participate in and/or observe.

Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of canvassers as the candidate, political party, or independent body was entitled to appoint at the election in any election district for which the central board of canvassers is designated to act.

Upon assembling at the time and place fixed for such meeting, each central board of canvassers shall then review the ballot as described above.

Each such candidate, political party, and independent body shall be entitled to object to the board of elections' determination that an absentee or affidavit ballot is invalid. Such ballots shall not be counted absent an order of the court. In no event may a court order a ballot that has been counted to be uncounted.

## **Canvassing of Ballots After Election Day**

As stated previously, the board of canvassers shall process absentee ballots received on or after Election Day within one day. Such board shall then canvass the following categories of ballots:

- all valid ballots received and prepared, and not previously scanned on the day before the first day of early voting or scanned after the close of the polls on the last day of early voting.
- all absentee ballots that were deemed valid but were unable to be scanned previously (Military, Overseas, Accessible, etc.).
- all absentee ballots that were determined to have a curable defect and for which a timely and complete cure affirmation was returned by the voter on or after election day.
- all affidavit ballots that were determined to have a curable defect and for which a timely and complete cure affirmation was returned by the voter.

For the purposes of the candidate notice sent by the board which contains the dates and times of various pre and post election activities for which they are entitled to participate in and/or observe, the post-election canvassing activities may either be considered a continuation of canvassing which has taken place prior to Election Day, or may be considered a separate event with its own specific date and time. Either way, it should be made clear when any post election canvassing of absentee ballots is to begin.

### **Certification of Results**

Upon completing the casting and canvassing of any remaining valid ballots as hereinabove provided for any election district, the central board of canvassers shall thereupon, as nearly as practicable in the manner provided in this article for absentee, military and special ballots, verify the number of ballots so cast, tally the votes so cast, add such tally to the previous tally of all votes cast in such election district, and record the result.

The record of the vote counted by each scanner and manually for each candidate and for and against each ballot proposal, printed by election district, shall be preserved in the same manner and for the same period as the returns of canvass for the election.

The certification of the board of canvassers must be transmitted to the State Board no later than twenty-five days following a general or special election.

### **Conducting Post-Election Audits**

The process and timeline for conducting the 3% audit of the precinct scanners used during early voting and on Election Day, as described in §6210.18, remains unchanged. For scanners used to centrally count absentee ballots after Election Day, a separate audit of 3% of the election districts scanned on such equipment shall also be conducted.

As was stated previously, the certification of the canvass shall not await the completion of such additional audit; provided, however, if upon the completion of such additional audit the criteria are met for the results of the audit to replace the canvass then the board of canvassers shall forthwith reconvene and adjust the canvass as required.

## **Notice and Cure Process**

EL §9-209(3)

When a bipartisan staff team reviews an absentee/early mail ballot envelope and finds that the ballot envelope has one or more curable defects, the voter must be notified of the defect and given the opportunity to cure it so that the ballot can be canvassed.

Ballots should be reviewed as soon as practicable after receipt by the board. Ballots must be opened within four days before election day and within one day on or after election day, unless rejected or curable. If ballot is found to be deficient, notice must be sent within one day.

### **I. WHAT IS CURABLE**

The following defects of the ballot envelope DO require the notice and cure opportunity for the voter:

- the affirmation envelope is unsigned
- the affirmation envelope signature does not correspond to the registration signature and thus does not appear to verify the voter. (Please note that there are specific instructions regarding signature matching below.)
- the affirmation envelope does not have the required witness to a mark
- the ballot is returned without an affirmation envelope in the return envelope (in some instances the voter may not be discernable)
- the affirmation envelope is signed by the person that has provided assistance to the voter but is not signed or marked by the voter
- the voter has failed to sign the affirmation envelope and someone else has signed the affirmation. (spouse, caregiver, child, Power of Attorney, etc.)
- the ballot is returned by mail and received 2 to 7 days after the election without a postmark.

### **II. TELL THE VOTER**

When a curable problem is identified, the board must within one day:

- Fill out the notification form (see form provided)
- Send the form by mail to the voter to the registration address and the absentee address.
- Provide to the voter a domestic postage paid return envelope which may be used by the voter to return the cure affirmation in paper form by mail.
- Send the notice by email (if available) and attempt to reach by phone (if available), as provided in the regulation. If the voter provides email address on the phone, send notification form to the email address.

### **III. THE VOTER MAKES CURE**

- The cure affirmation must be returned to the board of elections as provided on the notice sent to the voter. (see below)

- Any voter can return a cure affirmation by email, in person, by mail, or by fax.

#### IV. DEADLINE FOR RETURN

- Any cure affirmation must be received by the Board of Elections, no later than seven **business** days after the notification is mailed, or by five p.m. on the seventh day following the election, whichever is later.
- Any cure affirmation received electronically as an email attachment or by upload prior to midnight of the last day to cure is timely.

#### V. NO CURE NEEDED

These things do not make the absentee envelope invalid.

- Undated or Wrongly Dated Voter Signature that is otherwise postmarked and received timely by the board.
- Misplacement of Signature or Mark. The signature or mark of the voter need only appear on the same envelope as the affirmation.
- Use of Ink or Pencil. A voter may use any combination of ink (of any color) or pencil to complete the ballot envelope.
- Extrinsic Materials Exception. If papers or materials the voter received from the board of elections are included with the ballot this alone shall not invalidate the ballot.
- Extrinsic marks or tears on the ballot envelope that appear to be made as the result of ordinary mailing and processing.

#### VI. THE UNCURABLES

Prior to Election Day—if it is determined that the defect on the envelope is not curable, the voter shall be notified by mail, and email/phone where available that their ballot has been rejected.

- Send rejection notice within one business day of making the rejection determination.
- Advise voter as to alternative ways for them to still vote as applicable (i.e. go to the polls, early voting, get a new absentee/early mail ballot).

After Election Day— if it is determined that the defect on the envelope is not curable, the voter shall be notified by mail and email (if available) that their ballot has been rejected.

- Exception: No rejection notice is required when the reason for not counting the absentee/early mail ballot is the voter voted in person on election day or during early voting by Affidavit.

#### INSTRUCTIONS TO STAFF PRIOR TO SIGNATURE COMPARISONS TO VERIFY THE SIGNATURE.

Prior to any staff person being assigned to do signature reviews they shall be required to read and

demonstrate their understanding of the guidance below.

When verifying signatures, the bipartisan team shall keep in mind that everyone writes differently, and no one signs his or her name exactly the same way each time.

Studies have shown that evaluators are more likely to declare genuine signatures to be non-genuine than they are to accept a non-genuine signature as genuine. We hope to prevent these errors. The bipartisan team shall presume that the documents were signed by the same person. If any differences observed can be reasonably explained, the signature should be accepted.

Some variation in signatures is to be expected. There are many factors that can lead to signature variance, including but not limited to age, disability, underlying health conditions, writing implement/surface and level of concentration.

That being said, when a bipartisan team makes a preliminary ruling that the signature on the absentee affirmation does not match the voter registration signature(s) on file, the decision shall be elevated to a manager for further review.

If the managerial team, after reviewing the affirmation signature and all signature exemplars that the board has on file, agrees that there is a signature mismatch, the cure procedures outline above shall be followed.

If the initial signature comparison is conducted by the commissioners of the board of elections, managerial review of their initial determination of a mismatch shall not be required and the cure procedures outlined above shall be followed.

Version History:

05/11/2021

06/08/2023

01/12/2024

09/06/2024

**County Board of Elections Letterhead**

**NOTICE TO CURE**

Name of Voter: \_\_\_\_\_

Election District of Voter: \_\_\_\_\_

Address of Voter: \_\_\_\_\_

The absentee ballot/early mail ballot received from you by the board of elections for the **November 5, 2024** election has been preliminarily found to be invalid because:

- Your ballot affirmation envelope is unsigned.
- The signature on your ballot affirmation envelope does not appear to match your signature on file.
- There is no witness to your mark on the ballot affirmation envelope.
- Your ballot was returned without being in a ballot affirmation envelope.
- Your ballot affirmation envelope was signed by the person that provided you with assistance but not signed by you the voter.
- You did not sign the ballot affirmation envelope and someone else has signed.
- The ballot affirmation envelope was unsealed but was received in a fully sealed outer envelope.
- Your ballot arrived by mail between 2 and 7 days after the election without a postmark.

If this defect is not cured by you, the absentee/early mail ballot will not be counted. By filing the cure affirmation below, you will provide the board of elections with the information needed to count your ballot.

**CURE AFFIRMATION OF VOTER:**

I submitted the ballot envelope with the defect described above, and I am the voter described on the envelope. If my return envelope lacked a postmark, I declare that I put the envelope into the custody of the United States Postal Service on or before **November 5, 2024**.

I declare that I am a citizen of the United States, that I am duly registered in the election district shown on the ballot envelope and stated above, that I am qualified to vote in such district; and that I have not voted in any other manner. I further declare that my application for my ballot filed with the board of elections was true and correct in all material aspects.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

X \_\_\_\_\_  
*Signature / Mark of Voter*

This Cure Affirmation must be **received by** the board of elections by: **Enter Date listed on Cure Calendar**.

You can return the completed and signed Cure Affirmation by any one of the following methods:

**Email:** You may email the form as an email attachment to **Enter Email** (must be received by midnight on the due date).

**Mail:** You may use the enclosed postage paid envelope to return the form (must arrive at Board of Elections by 5pm on due date).

**Personal Delivery:** The form may be returned in person to the Board of Elections at **Enter Board Address** (must be delivered by 5pm on due date)

**Fax:** You may fax the form to **Enter Fax Number** (must be received by midnight on the due date).

If you have any questions or concerns about this document, please call the **Enter Board Name** at **Enter Phone Number**.



**COPY**

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PRESIDENT  
FREDERIC M. UMANE  
SECRETARY

JOSE MIGUEL ARAUJO  
MICHAEL J. COPPOTELLI  
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COMMISSIONERS

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GEORGEA KONTZAMANIS  
OPERATIONS MANAGER

MICHAEL D. CORBETT  
ADMINISTRATIVE MANAGER

April 16, 2024

**United States Postal Service**  
**Priority Mail Express**  
**Tracking # 9471 2301 0935 5002 6352 09**

Vote in NYC Jails Coalition  
c/o Rigodis Appling, Esq.  
The Legal Aid Society  
199 Water Street  
New York, NY 10038

**Re: Your February 13<sup>th</sup> Letter and  
Testimony at March 26<sup>th</sup>  
Board Meeting**

Dear Ms. Appling:

Re the above matter, the Board is in receipt of your February 13<sup>th</sup> letter. Same was "clocked in" at the Board's Executive Offices on "2024 MAR 26 P 4:15". As the Board was conducting the Presidential Primary Election overlapping with the June Primary petition filing process, please excuse the delay in responding.

The issues and concerns raised in your letter have been previously raised and replies have been provided by the Board and The New York City Department of Correction. To ensure your receipt of a complete set of documents, attached please find copies of the following:

1. The Board's November 1, 2022 reply letter;
2. The Board's August 9, 2022 reply letter;
3. Legal Aid Society Letter dated April 1, 2021;
4. NYCDOC (DOC) Commissioner Brann's reply letter dated April 15, 2021; and
5. DOC Information distributed to inmates re voting while incarcerated

6. New York State Election (NYSEL) Law § 804 – Absentee voting; application for ballot (with text highlighted in yellow).

For your reference and as indicated in enumerated paragraph 5 above, a copy of NYSEL § 8-400 is attached. NYSEL § 8-400(1) provides that “[a] qualified voter may vote as an absentee under this chapter if,…”(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city…” and “(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence.”

Further, NYSEL § 8-400(2) states “[a] qualified voter desiring to vote at such election as an absentee voter for any reason specified in subdivision one hereof [including voting by absentee while incarcerated] **must make application for an absentee ballot on a form to be obtained as provided herein** (*emphasis added*) by letter as provided in paragraph (d) of this subdivision, or through the electronic absentee ballot application transmittal system pursuant to section 8-408 of this title.” As such, absentee voting is the legal mechanism permitting incarcerated eligible voters access to the voter franchise.

In addition, a detailed process is set forth in the New York City Charter (the Charter) §1057, mandating DOC to provide voter assistance. Please see the relevant provisions of the Charter below:

“§ 1057(9) and (10) (10):

9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible inmates. Such department shall offer, to all inmates who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable inmate, as well as a means to complete it. Such department shall provide assistance to any such inmate in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any inmate who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.”

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.

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. The department shall make verbal reference to the distributed written notice and voter registration form to such individuals upon distribution. Such notice shall only be required for those who are released from a department facility, from department custody within a courthouse, and from a department-operated area within a hospital or healthcare provider. Notice is not required for those who are released to the custody of another government agency or to the custody of a hospital or healthcare provider. Such written notice shall be developed in consultation with the voter assistance advisory committee.

\* Note there are two subdivisions numbered as 10.”

Primarily the responsibility of ensuring enfranchisement of prisoners/detainees in the custody of the DOC is with DOC; however, the Board fully cooperates with its absentee ballot program and to otherwise register those eligible to vote.

The Board reaffirms its commitment to assist DOC in meeting the needs of eligible voters in custody and to assist DOC in fulfilling its New York City Charter mandate. Further, the Board will assist DOC in its partnership(s) with community organizations or other groups supporting this important work.

I trust that the foregoing adequately addresses your concerns.

Very truly yours,



Michael J. Ryan  
Executive Director

MJR:sw  
Encls.

C: Board of Commissioners  
Vincent M. Ignizio, Deputy Executive Director  
Office of General Counsel

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WILMA BROWN PHILLIPS  
ADMINISTRATIVE MANAGER

November 1, 2022

**United States Postal Service  
Priority Mail Express  
Tracking # ER 034 969 200 US**

Vote in NYC Jails Coalition  
c/o Takeasha Newton  
The Legal Aid Society  
199 Water Street  
New York, NY 10038

**Re: Your November 1<sup>st</sup> Letter and  
Testimony at Board Meeting**

Dear Ms. Newton:

As was advised at the Board meeting earlier today, the Board replied to the Vote in NYC Jails Coalition June 7<sup>th</sup> correspondence via letter on August 9<sup>th</sup>. The Board is in receipt of the Coalition's follow-up letter hand-delivered at the meeting today.

As was stated earlier, the assertion that the Board did not reply to the June 7<sup>th</sup> letter is in error. To ensure your receipt of a complete set of documents, attached please find copies of the following:

1. The Board's August 9<sup>th</sup> reply letter;
2. Legal Aid Society Letter dated April 1, 2021;
3. NYCDOC (DOC) Commissioner Brann's reply letter dated April 15, 2021; and
4. DOC Information distributed to inmates re voting while incarcerated
5. New York State Election (NYSEL) Law § 804 – Absentee voting; application for ballot (with text highlighted in yellow).

For your reference and as indicated in enumerated paragraph 5 above, a copy of NYSEL § 8-400 is attached. NYSEL § 8-400(1) provides that "[a] qualified voter may vote as an absentee under this chapter if,..."(a) absent from the county of his or her residence,

or, if a resident of the city of New York absent from said city..." and "(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence."

Further, NYSEL § 8-400(2) states "[a] qualified voter desiring to vote at such election as an absentee voter for any reason specified in subdivision one hereof [including voting by absentee while incarcerated] **must make application for an absentee ballot on a form to be obtained as provided herein** (*emphasis added*) by letter as provided in paragraph (d) of this subdivision, or through the electronic absentee ballot application transmittal system pursuant to section 8-408 of this title." As such, absentee voting is the legal mechanism permitting incarcerated eligible voters access to the voter franchise.

In addition, a detailed process is set forth in the New York City Charter (the Charter) §1057, mandating DOC to provide voter assistance. Please see the relevant provisions of the Charter below:

"§ 1057(9) and (10) (10):

9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible inmates. Such department shall offer, to all inmates who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable inmate, as well as a means to complete it. Such department shall provide assistance to any such inmate in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any inmate who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith."

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.

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. The department shall make verbal reference to the

distributed written notice and voter registration form to such individuals upon distribution. Such notice shall only be required for those who are released from a department facility, from department custody within a courthouse, and from a department-operated area within a hospital or healthcare provider. Notice is not required for those who are released to the custody of another government agency or to the custody of a hospital or healthcare provider. Such written notice shall be developed in consultation with the voter assistance advisory committee.

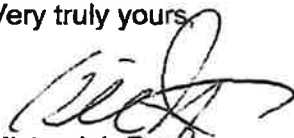
\* Note there are two subdivisions numbered as 10."

Primarily the responsibility of ensuring enfranchisement of prisoners/detainees in the custody of the DOC is with DOC; however, the Board fully cooperates with its absentee ballot program and to otherwise register those eligible to vote.

The Board reaffirms its commitment to assist DOC in meeting the needs of eligible voters in custody and to assist DOC in fulfilling its New York City Charter mandate. Further, the Board will assist DOC in its partnership(s) with community organizations or other groups supporting this important work.

I trust that the foregoing adequately addresses your concerns.

Very truly yours,



Michael J. Ryan  
Executive Director

MJR:sw  
Encls.

C: Board of Commissioners  
Vincent M. Ignizio, Deputy Executive Director  
Office of General Counsel

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GEORGEA KONTZAMANIS  
OPERATIONS MANAGER  
  
WILMA BROWN PHILLIPS  
ADMINISTRATIVE MANAGER

August 9, 2022

Vote in NYC Jails Coalition  
c/o Anthony Posacki, Esq.  
The Legal Aid Society  
199 Water Street  
New York, NY 10038

Re: Your June 7<sup>th</sup> Letter

Dear Mr. Posacki:

Please be advised that the Board is in receipt of your letter. As the Board has been exceptionally busy, please excuse the delay in responding.

A review of the Board's records has revealed that similar letter was sent on April 1, 2021 to then Mayor Bill deBlasio, *et al.*, from the Legal Aid Society *et al.* Apparently, it was determined that it was appropriate for NYC Department of Corrections (DOC) Commissioner Cynthia Brann to reply.

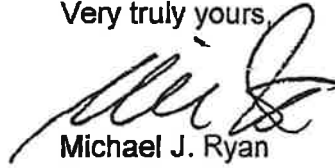
Accordingly, attached please find a copy of the following documents:

1. Legal Aid Society Letter dated April 1, 2021;
2. DOC Commissioner Brann's reply letter dated April 15, 2021; and
3. DOC Information distributed to inmates re voting while incarcerated

Commissioner Brann's letter details DOC efforts to ensure that individual rights to vote while incarcerated are protected. The Board works cooperatively with DOC to conduct its absentee ballot program, or to otherwise register those eligible to vote. The Board remains committed to assisting DOC in meeting the needs of eligible voters in custody. Further, the Board will assist DOC in its partnership(s) with community organizations or groups supporting this important work.

I trust that the foregoing adequately addresses your concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Ryan", written over the typed name.

Michael J. Ryan  
Executive Director

MJR:ks  
Encls.

C: Without Enclosures  
Board of Commissioners  
Vincent M. Ignizio, Deputy Executive Director  
Office of General Counsel

*Via Electronic Mail*

April 1, 2021

Mayor Bill de Blasio  
Deputy Mayor J. Phillip Thompson  
City Hall  
New York, NY 10007

Margaret Egan  
Executive Director  
Board of Correction  
1 Centre St.  
Room 2213  
New York, NY 10007

Cynthia Brann  
Commissioner  
Department of Correction  
5-20 Astoria Blvd  
East Elmhurst, NY 11370

Board of Elections in the City of New York  
Fredric Umane, President  
Miguelina Camilo, Secretary  
Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
32-42 Broadway, 7 Fl  
New York, NY 10004

Dear Mayor de Blasio, Deputy Mayor Thompson, Executive Director Margaret Egan, Commissioner Brann, and Commissioners and Executive Directors of the Board of Elections in the City of New York:

As criminal justice advocates working to eliminate barriers to voting and to end the systematic disenfranchisement of people who are incarcerated, we write to express our serious concerns with the existing policies and practices on access to voting in New York City jails as we approach critical elections, including the upcoming primary election on June 22, 2021. New York State's history of enforcing Jim Crow laws to prevent Black citizens from voting remains in effect for people in its jails, the overwhelming majority who are people of color.<sup>1</sup> Providing voting access and education to eligible voters who are in custody is a national priority of President Biden's administration as demonstrated in his recently passed executive order.<sup>2</sup> New

---

<sup>1</sup> See Erika Wood, *New York's Jim Crow laws, Back in The Day and What Remains Today*, The Brennan Center (March 1, 2010), <https://www.brennancenter.org/our-work/analysis-opinion/nys-jim-crow-laws-back-day-and-what-remains-today>

<sup>2</sup> President Biden has cited protecting the right to vote and ensuring that all eligible citizens can participate in voting as a top priority. See, e.g., *Fact Sheet: President Biden to Sign Executive Order to Promote Voting Access*, The

York City must also lead by ensuring that all eligible voters detained in its jails are not stripped of the sacred right to vote.

In order to enfranchise all New Yorkers, we are writing to request that you ensure that eligible voters in New York City jails have prompt and secure ballot access without being hindered, including by taking the following steps: (a) provide a report on what steps have been taken to implement the voting policy in New York City jails that was announced last year at the September Board of Corrections (BOC) meeting<sup>3</sup>; (b) provide early voting sites capable of offering in-person voting to the people detained at each New York City jail facility; and (c) that the BOC request from both DOC and BOE to report the number of eligible voters in DOC custody, the number of registration forms they received, the number of registration forms they considered to be valid, the number of absentee ballot applications they received and accepted as valid, and the number of absentee ballots received and accepted as valid.

We request that you implement appropriate accommodations for these voters to cast a ballot in a manner befitting the dignity of this fundamental right before the upcoming primary elections on June 22, 2021. More specifically, we request that you set up early voting sites in jail facilities,<sup>4</sup> work with outside volunteers to provide voter education and information, encourage civic participation and assist people with filling out voting-related forms, and ensure that absentee ballots are delivered to the BOE. We request that you implement this at all NYC jails.

As you are aware, the New York City Charter requires DOC to implement a program to assist individuals with voting. People in NYC jails must rely entirely on DOC staff to exercise their right to vote, and they have generally been limited to voting by absentee ballot. Currently, there is a temporal gap in the scheme of absentee ballot rules that disenfranchises some people in NYC jails. Currently, for the upcoming election, the last day to postmark an application for an absentee ballot is June 15th and the last day to postmark an absentee ballot is June 22nd. This means eligible voters admitted into DOC custody after June 15th and held through June 22nd won't be able to vote, if they have not otherwise cast a ballot.<sup>5</sup>

Last year, the DOC testified at the September BOC meeting that they were moving to a process of utilizing voter packets to meet their obligations under the NYC Charter.<sup>6</sup> To date, no

---

White House (March 7, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/07/fact-sheet-president-biden-to-sign-executive-order-to-promote-voting-access/>

<sup>3</sup> See Steven Kaiser, DOC Executive Director of Policy and Intergovernmental Affairs, Testimony from the BOC meeting on Sept., 14, 2020, *Public Meeting Minutes*, <https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2020/September/2020-09-14-Board-Meeting-Minutes.pdf>

<sup>4</sup> Cook County Jail in Chicago was able to provide voters with a polling site by working in collaboration with the Cook County Clerk's Office and the Chicago Board of Elections to facilitate access to voting. See, Shawn Mulcahy, *Voting Behind Bars: Cook County's Huge Jail Becomes A First-time Polling Precinct*, The Washington Post (March 3, 2020), [https://www.washingtonpost.com/politics/voting-behind-bars-cook-countys-huge-jail-becomes-a-first-time-polling-precinct/2020/03/05/5bf10fc0-581c-11ea-9000-f3cffe23036\\_story.html](https://www.washingtonpost.com/politics/voting-behind-bars-cook-countys-huge-jail-becomes-a-first-time-polling-precinct/2020/03/05/5bf10fc0-581c-11ea-9000-f3cffe23036_story.html), Kiran Misra, *How Cook County Jail Became the Country's First Jail-Based Polling Place*, Belt Magazine (Oct. 30, 2020), <https://beltmag.com/cook-county-jail-polling-election-2020/>

<sup>5</sup> The state legislature is advancing legislation to move the absentee ballot application deadline much earlier, i.e., requiring applications to be received, at least 15 days before an election, which may significantly exacerbate this disenfranchisement problem in the future. See S. 264, A5783.

<sup>6</sup> *Supra*, note 3.

information has been provided to the public about how many people were registered to vote, how many voter education presentations were conducted, how many people received an absentee ballot, and whether they were able to cast their votes. In our experience conducting voter registration at Rikers Island,<sup>7</sup> people were not being provided accurate information about their right to vote, there were no informational posters in common areas with high-traffic, and, more importantly, there was an incredible amount of confusion and misinformation surrounding access to voting that systematically deprived people of their right to vote. As a result, this is not a transparent process, and we request that DOC be held accountable with their obligations to meaningfully assist incarcerated citizens with access to voting.

We recently learned from our incarcerated clients that DOC was not meeting its obligations to facilitate access to voting in NYC jails.<sup>8</sup> The overwhelming majority of the clients we spoke with had not received voter registration information, they confirmed that there were no posters or signs with voter information, and that they had not received voter registration education. The failure to take these steps only increases the barriers to voting resulting in the systematic disenfranchisement of people in pretrial detention.

We would appreciate the opportunity to discuss how the City can work with key stakeholders to ensure that eligible persons on Rikers Island have full and fair access to the franchise. We would like to have this discussion with you by April 15, 2021. Please contact Anthony Posada at [aposada@legal-aid.org](mailto:aposada@legal-aid.org) and (917) 494-3687. We look forward to working with you to ensure that all voters are given an equal opportunity to cast a ballot.

Sincerely,

The Legal Aid Society

The Policing and Social Justice Project at Brooklyn College

Police Reform Organizing Project

New York County Defender Services

College and Community Fellowship

Black Attorneys of Legal Aid caucus (BALA)

Center for Community Alternatives

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<sup>7</sup> The Legal Aid Society, in collaboration with local civic engagement groups and their volunteers, and the Dept. Correction (DOC), assisted in registering more than 1500 people across NYC jails between 2016-2019. See <https://gothamist.com/news/rikers-voter-registration-drive-gains-momentum>

<sup>8</sup> The Legal Aid Society (LAS) conducted a brief survey of incarcerated clients relating to access to voting. Results on file with LAS.

Brooklyn Voters Alliance  
Drum Major Institute  
Citizen Action of New York  
New Hour for Women and Children  
Long Island Social Justice Action Network  
LatinoJustice PRLDEF  
Citizen Action of New York  
GOSO - Getting Out & Staying Out  
Let NY Vote  
Community Service Society of New York  
John Jay College Institute for Justice and Opportunity  
Brooklyn Community Bail Fund  
Youth Justice Network  
The Central Family Life Center  
5 Boro Defenders  
VOCAL-NY  
National Lawyers Guild - New York City Chapter  
New York Democratic Lawyers Council  
Gangstas Making Astronomical Community Changes Inc  
The Bronx Defenders  
Color of Change  
Freedom Agenda, Urban Justice Center  
Henry Street Settlement  
Stanley Isaacs Neighborhood Center  
Street Corner Resources  
The Sentencing Project  
Legal Action Center

New York Civil Liberties Union

NYC Jails Action Coalition

Jumaane Williams, NYC Public Advocate

Jessica González-Rojas, New York State Assembly Member, District 34

Catalina Cruz, New York State Assembly Member, District 39

Gustavo Rivera, New York State Senator, District 33

Julia Salazar, New York State Senator, District 18

Dan Quart, Candidate for Manhattan District Attorney

Tahanie Aboushi, Candidate for Manhattan District Attorney

Eliza Orlins, Public Defender and Candidate for Manhattan District Attorney

Alvin Bragg, Candidate for Manhattan District Attorney

Diana Florence, Candidate for Manhattan District Attorney

Tali Farhadian Weinstein, Candidate for Manhattan District Attorney

Shaun Donovan, NYC Mayoral Candidate

Scott Stringer, NYC Mayoral Candidate

Dianne Morales, NYC Mayoral Candidate

Maya Wiley, NYC Mayoral Candidate

Kathryn Garcia, NYC Mayoral Candidate

Tiffany Caban, NYC Council Candidate, District 22

Crystal Hudson, NYC Council Candidate, District 35



NEW YORK CITY DEPARTMENT OF CORRECTION  
Cynthia Brann, Commissioner

Office of the Commissioner  
75-20 Astoria Blvd., Suite 305  
East Elmhurst, NY 11370

718 • 546 • 0708  
Fax 718 • 278 • 6022

April 15, 2021

Legal Aid Society  
199 Water Street  
New York, NY 10038

RE: Voting in New York City Jails and Related Efforts by the New York City Department of Correction

Dear Legal Aid Society and Interested Parties,

The New York City Department of Correction (“Department”) works diligently and proactively to ensure all eligible individuals in custody have prompt and complete access to voter information, voter assistance, and all required Board of Election forms in order to vote in all city, state, and federal elections. The Department is additionally aware of the history of voter suppression in New York State and elsewhere in our country. While these historical injustices cannot be rewritten, the Department is committed to continuing every effort to correct the historical underrepresentation of incarcerated individuals in the civic process. We believe this commitment is exemplified in the Department’s civic engagement efforts over the past several years, and perhaps most prominently illustrated in the Department’s unerring work to ensure voting access while simultaneously faced with the challenges of the unprecedented COVID-19 pandemic.

Prior to primary and general elections that occurred during the COVID-19 pandemic, the Department prepared and distributed targeted voter packets that contained eligibility information for incarcerated individuals,<sup>1</sup> key election deadlines and dates, messaging to encourage participation, voter registration and absentee ballot request forms in both English and Spanish, as well as non-partisan registration and ballot request form instructions as prepared by NYC Votes. Individuals can further request voter registration and absentee ballot request forms in any language covered by the Board of Elections (“BOE”). The voter packet for the upcoming June primary election additionally includes information on ranked choice voting, including NYC Votes instructions for completing a ballot with ranked choice voting in both English and Spanish. While these packets were designed to provide all necessary information and resources to ensure individuals could determine their eligibility and vote in each election, the Department further supplements these packets by providing voter assistance in-person on housing units to ensure individuals have a clear understanding of their eligibility, the voting process, and the related BOE forms. Since 2018, the Department has trained 95 members of staff in a non-partisan voter assistance curriculum developed with a focus on engaging incarcerated individuals in the civic process. The training was specifically approved by the New York City Campaign Finance Board (“NYCCFB”). During the pandemic, the Department additionally continued its

<sup>1</sup> The eligibility information additionally includes reference and instructions for individuals to seek a pardon in accordance with NY State Executive Order No. 181, as well as a Certificate of Relief from Disabilities or a Certificate of Good Conduct for individuals on parole. The Department does not track citizenship status and is therefore unable to report the number of eligible voters in custody.

practice of in-person drop-offs, pick-ups, and the timely delivery of all election mail to the appropriate Board of Election ("BOE") office on behalf of people in custody at no charge to the individual.

In order to bolster the Department's in-unit voter assistance efforts during the COVID-19 pandemic, as well as to further supplement efforts that were previously conducted by volunteers, the Department partnered with the Correctional Health Service ("CHS") who leveraged their clinical encounters to provide additional voter assistance and engagement. The Department worked closely with CHS to ensure all voter forms received by CHS were hand-delivered to the appropriate BOE office in a timely fashion. Through these efforts, the Department directly hand-delivered 663 voter registration forms on behalf of individuals in custody to the respective BOE offices in the five New York City boroughs and surrounding counties since June 30, 2020.<sup>2</sup> The Department believes additional registration forms were submitted by individuals in custody through the Department's correspondence system.<sup>3</sup>

Prior to receiving the letter dated April 1, 2021, the Department had finalized its June primary election voter packet and formalized plans to distribute the voter packets to every person in custody on April 23, 2021, thereby ensuring information is provided over a month prior to the May 28, 2021 voter registration deadline for the June primary election. As part of a coordinated effort, the Department will then launch a two-week targeted voter registration engagement drive in partnership with CHS, and the Department will continue its practice of hand-delivering election mail up to each respective deadline. It is important to note that the Department additionally provides voter registration forms as well as an informational brochure approved by the Voter Assistance Advisory Committee ("VAAC") to all individuals discharged to the community.<sup>4</sup> Any individual who is discharged from custody prior to April 23, 2021 will therefore also be provided with voter information and a registration form so that they will be well-situated to vote in the community. The Department is additionally working to ensure the civic engagement information on the Department's website is maintained and up to date, and we are committed to continuing our engagement with the State to ensure inclusive and transparent voting laws.

The Department has committed substantial resources, staff, and effort to ensure all eligible individuals in the Department's custody have all necessary information, resources, and encouragement to fully exercise their civic rights while in custody and upon their return to the community. The Department endeavored to create this robust approach to civic engagement exactly because the Department understands the vital importance of full civic participation and maintaining strong community connections for both the individuals in Department custody and the democratic process at large. We look forward to continuing these efforts and welcome the partnership of any additional community organizations or groups seeking to commit their time and effort to further support this important work.

Sincerely,



Cynthia Brann

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<sup>2</sup> These successful efforts were most recently covered by USA Today.

<sup>3</sup> While the Department encourages individuals to take advantage of the election mail hand-delivery system, individuals may additionally choose to mail their forms to the BOE directly. Voter registration forms have pre-paid postage and the Department currently provides individuals three (3) free stamps per week, which could be utilized to mail completed absentee ballot request forms and ballots. Forms submitted through the correspondence system, however, cannot be tracked. Accordingly, the Department is unable to provide definitive data as to the number of registration forms submitted by the population.

<sup>4</sup> Prior to receiving the April 1, 2021 letter, the Department proactively updated its voter information brochure to include additional resources and information regarding ranked choice voting and submitted the revised brochure to the VAAC for review and approval.



## 2021 PRIMARY ELECTION - JUNE 22



The New York City Department of Correction encourages you to register to vote and to vote via absentee ballots in the June 22 Primary election if you are eligible. Please see the important information below and in the enclosed packet regarding upcoming deadlines and eligibility criteria. If you have any questions or require a form in a language other than English or Spanish, please submit a social services slip for assistance.

### To register to vote in New York City, you must:

1. Be a U.S. citizen,
2. Be a New York City resident for at least 30 days, and
3. Be at least 16 years old (you must be 18 on Election Day to vote)

### You must not:

1. Be adjudged mentally incompetent by a court, or
2. Claim the right to vote elsewhere (outside of New York City),
3. Be incarcerated for a felony conviction, or
4. Be on parole for a felony conviction, unless:
  - You have received a pardon through NY State Executive Order No. 181, "Restoring The Right To Vote For New Yorkers on Parole". (Parolees should check their parole officer to learn if they have received a "voting pardon" under this order), or
  - You have been issued a Certificate of Relief from Disabilities or a Certificate of Good Conduct while on parole

### Important Dates:

#### • **May 28, 2021 - Voter registration application postmark deadline**

If you are not already registered to vote in New York, please provide your completed voter registration forms to Programs Staff who will collect and hand-deliver your completed voter registration forms to the Board of Elections prior to the deadline. You can also choose to mail your completed voter registration forms by this date. The voter registration form is already marked with pre-paid postage. If you previously registered to vote in New York and there has not been a change to your information, you do not need to resubmit a voter registration form.

#### • **June 15, 2021 - Absentee ballot request application postmark deadline**

Please ensure you list your DOC facility address as the return address for your ballot. Programs Staff will collect and hand-deliver your completed absentee ballot request application to the Board of Elections prior to the deadline. You can also choose to mail your completed absentee ballot request application by this date. The Department encourages you to utilize one of the three free weekly stamps or pre-paid envelopes for this purpose.

#### • **June 22, 2021 - Absentee ballot postmark deadline**

Programs Staff will deliver absentee ballots to individuals who have requested them and once completed, they will collect and hand-deliver your completed absentee ballot to the Board of Elections prior to the deadline. You can also choose to mail your completed absentee ballot by this date. The Department encourages you to utilize one of the three free weekly stamps or pre-paid envelopes for this purpose.



## Ranked Choice Voting – How to Fill Out Your Ballot

- Rank up to five (5) candidates in order of preference.
  - Pick your first-choice candidates and completed fill in the oval next to their name under the 1st column.
  - If you have a second-choice candidate, fill in the oval next to their name under the 2nd column.
  - You can rank up to five (5) candidates. You can still choose to vote for only one candidate if you prefer. Ranking other candidates does not harm your first choice.

	1	2	3	4	5
CANDIDATE A			●		○
CANDIDATE B	●				
CANDIDATE C		●			
CANDIDATE D				●	
CANDIDATE E				●	

### You must not:

- Rank a candidate more than once. If you do, only your top ranking for them will count.
- Give multiple candidates the same ranking. If you choose more than one candidate as your first choice, your ballot will not be valid.
- If a candidate receives more than 50% of first-choice votes, they win the election.
- If no candidate earns more than 50% of first-choice votes, then counting will continue in rounds.
- Each round, the candidate with the fewest votes is eliminated. If your top-choice candidate is eliminated, your vote goes to the next highest ranked candidate on your ballot.
- This process continues until there are only two (2) candidates left.  
The candidate with the most votes wins.

	1	2	3	4	5
CANDIDATE A					○
CANDIDATE B	●	●	●	●	●
CANDIDATE C					
CANDIDATE D					
CANDIDATE E					

	1	2	3	4	5
CANDIDATE A			●		○
CANDIDATE B	●				
CANDIDATE C	●				
CANDIDATE D		●			
CANDIDATE E			●		

## Why are we using Ranked Choice Voting?

New Yorkers elected to use Ranked Choice Voting in a 2019 ballot measure. It passed with 73.5% support.

## What benefits has Ranked Choice Voting brought to other cities and states?

Ranked Choice Voting gives voters more say in who gets elected. Even if your first-choice candidate does not win, you are still able to affect the outcome by supporting your 2nd, 3rd, 4th, or even 5th choice. Because candidates will need broad support (even from voters who may not rank them first), campaigns are more likely to focus on appealing to voters like you and less on attacking each other.

Ranked Choice Voting also leads to more diverse candidates winning office. Cities that have implemented Ranked Choice Voting have elected more women and more women of color, making their elected officials more representative of their communities.

## Who else uses Ranked Choice Voting?

Seventeen U.S. cities including San Francisco, Santa Fe, and Minneapolis use Ranked Choice Voting, in addition to the State of Maine. It is also used by the Academy Awards!

## **Elección primaria 2021: 22 de junio**

El Departamento de Corrección de la Ciudad de Nueva York le recomienda registrarse para votar y votar por medio de boletas de voto en ausencia en la elección primaria del 22 de junio, si es elegible. Consulte la información importante de abajo y el paquete adjunto relacionado con las próximas fechas límites y los criterios de elegibilidad.

Si tiene alguna pregunta o necesita un formulario en un idioma que no sea inglés o español, envíe una boleta de servicios sociales para obtener ayuda.

Para registrarse para votar en la Ciudad de Nueva York, debe:

1. Ser ciudadano de EE. UU.
2. Ser residente de la Ciudad de Nueva York durante al menos 30 días; y
3. Ser mayor de 16 años (debe tener 18 años el día de la elección para votar)

No debe:

1. Ser declarado incompetente mentalmente por un tribunal, o
2. Reclamar el derecho a votar en otra parte (fuera de la Ciudad de Nueva York),
3. Estar encarcelado por una condena debido a un delito grave\* o
4. Estar en libertad condicional por un delito grave; a menos que:
  - a. Haya recibido el perdón a través de la Orden ejecutiva del estado de NY n.º 181, "Restaurar el derecho a votar para los neoyorquinos en libertad condicional". (Las personas bajo libertad condicional deben verificar con su oficial de libertad condicional para saber si recibieron un "perdón para votar" bajo esta orden) o
  - b. Se le emitió un Certificado de liberación de incapacidades o un Certificado de buena conducta mientras estaba en libertad condicional

## **Fechas importantes:**

- **28 de mayo de 2021: fecha límite que debe tener el sello de correo en la solicitud de votante**  
Si todavía no se ha registrado para votar en Nueva York, envíe sus formularios de registro de votante completos al personal del programa que recopilará y entregará personalmente sus formularios de registro de votante a la Junta Electoral antes de la fecha límite. También puede elegir enviar por correo sus formularios de registro de votante completos antes de esta fecha. El formulario de registro de votante ya está marcado con porte pagado. Si ya se registró antes para votar en Nueva York y no ha habido cambios en su información, no tiene que volver a enviar un formulario de registro de votantes.
- **15 de junio de 2021; fecha límite que debe tener el sello del correo en la solicitud de boleta de voto en ausencia**  
Asegúrese de mencionar la dirección de su centro de DOC como la dirección para devolver su boleta. El personal de programa recopilará y entregará personalmente su solicitud de boleta de voto en ausencia completa a la Junta Electoral antes de la fecha límite. También puede elegir enviar por correo su solicitud de boleta de voto en ausencia completa antes de esta fecha.

El Departamento le recomienda usar uno de los tres sellos semanales gratis o los sobres prepagados para este propósito.

- **22 de junio de 2021: fecha límite que debe tener el sello del correo en la boleta de voto en ausencia**

El personal de los programas entregará las boletas de voto en ausencia a las personas que las pidieron y una vez las completen, ellos las recolectarán y entregarán personalmente su boleta de voto en ausencia a la Junta Electoral antes de la fecha límite. También puede elegir enviar por correo su boleta de voto en ausencia completa antes de esta fecha. El Departamento le recomienda usar uno de los tres sellos semanales gratis o los sobres prepagados para este propósito.

### Votación preferencial: cómo completar su boleta

	1	2	3	4	5
CANDIDATE A			●		●
CANDIDATE B	●				
CANDIDATE C		●			
CANDIDATE D				●	
CANDIDATE E				●	

- Clasifique hasta **cinco (5)** candidatos en orden de preferencia.
  - Elija sus candidatos de primera opción y rellene completamente el ovalo junto a su nombre bajo la 1<sup>era</sup> columna.
  - Si tiene una segunda opción de candidato, rellene el ovalo junto a su nombre bajo la 2<sup>da</sup> columna.
  - Puede clasificar hasta cinco (5) candidatos. Todavía puede elegir votar solo por un candidato si lo prefiere. Clasificar otros candidatos no perjudica su primera opción.
- **No debe:**
  - Clasificar a un candidato más de una vez. Si lo hace, solo su primera clasificación contará.
  - Dar a varios candidatos la misma clasificación. Si elige más de un candidato como su primera opción, su boleta no será válida.

	1	2	3	4	5
CANDIDATE A					●
CANDIDATE B	●	●	●	●	●
CANDIDATE C					
CANDIDATE D					
CANDIDATE E					

	1	2	3	4	5
CANDIDATE A				●	●
CANDIDATE B	●				
CANDIDATE C	●				
CANDIDATE D		●			
CANDIDATE E			●		

### **Votación preferencial: cómo se contará su boleta**

- Si un candidato recibe más de 50 % de votos de primera opción, él ganará la elección.
- Si ningún candidato obtiene más de 50 % de votos de primera opción, entonces se seguirá contando en rondas.
- En cada ronda, el candidato con menos votos será eliminado. Si su candidato de primera opción es eliminado, su voto pasa al candidato con la siguiente clasificación más alta en su boleta.
- Este proceso continúa hasta que queden dos (2) candidatos. El candidato con la mayoría de los votos ganará.

#### **¿Por qué estamos usando la votación preferencial?**

Los neoyorquinos eligieron usar la votación preferencial en una iniciativa de ley en la boleta electoral del 2019. Se aprobó con respaldo del 73.5 %.

#### **¿Qué beneficios tiene la votación preferencial traída a otras ciudades y estados?**

La votación preferencial da a los votantes mayor opinión sobre quién es elegido. Incluso si su candidato de primera opción no gana, usted todavía puede tener un impacto en el resultado apoyando a su 2<sup>da</sup>, 3<sup>era</sup>, 4<sup>ta</sup> o incluso 5<sup>ta</sup> opción. Debido a que los candidatos necesitarán un soporte más amplio (incluso de los votantes que no los clasifiquen como primera opción), es más probable que las campañas se enfoquen en atraer a los votantes como usted y menos en atacarse unos a otros.

La votación preferencial también da lugar a candidatos más diversos en los puestos públicos. Las ciudades que han implementado la votación preferencial han elegido más mujeres y más mujeres de color, haciendo que sus representantes elegidos sean más representativos de sus comunidades.

#### **¿Quién más usa la votación preferencial?**

Diecisiete ciudades de EE. UU., incluyendo a San Francisco, Santa Fe y Minneapolis usan la votación preferencial, además del estado de Maine. ¡También se usan en los Premios de la Academia!

**¡SU VOTO  
IMPORTA!**



# New York State Voter Registration Form

## Register to vote

With this form, you register to vote in elections in New York State. You can also use this form to:

- change the name or address on your voter registration
- become a member of a political party
- change your party membership
- pre-register to vote if you are 16 or 17 years of age

## To register you must:

- be a U.S. citizen
- be 18 years old (you may pre-register at 16 or 17 but cannot vote until you are 18)
- not be in prison or on parole for a felony conviction (unless you're pardoned or restored rights of citizenship)
- not claim the right to vote elsewhere
- not found to be incompetent by a court

## Send or deliver this form

Fill out the form below and send it to your county's address on the back of this form, or take this form to the office of your County Board of Elections.

Mail or deliver this form at least 25 days before the election you want to vote in. Your county will notify you that you are registered to vote.

## Questions?

Call your County Board of Elections listed on the back of this form or 1-800-FOR-VOTE (TDD/TTY Dial 711)

Find answers or tools on our website [www.elections.ny.gov](http://www.elections.ny.gov)

## Verifying your identity

We'll try to check your identity before Election Day, through the DMV number (driver's license number or non-driver ID number), or the last four digits of your social security number, which you'll fill in below.

If you do not have a DMV or social security number, you may use a valid photo ID, a current utility bill, bank statement, paycheck, government check or some other government document that shows your name and address. You may include a copy of one of those types of ID with this form—be sure to tape the sides of the form closed.

If we are unable to verify your identity before Election Day, you will be asked for ID when you vote for the first time.

Información en español, si lo necesita, llame al 1-800-367-6683

中文資訊: 若您有困難, 請中文資料服務熱線: 1-800-367-6683

한국어 신청자 지원 서비스: 1-800-367-6683

संकेतित जानकारी के लिए, कृपया 1-800-367-6683 पर कॉल करें

**!** It is a crime to procure a false registration or to furnish false information to the Board of Elections. Please print in blue or black ink.

**1** Are you a citizen of the U.S.?  Yes  No  
If you answer No, you cannot register to vote.

A) Will you be 18 years of age or older on or before election day?  Yes  No

## Qualifications

**2** B) Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote, and that until you will be eighteen years of age at the time of such election your registration will be marked "pending" and you will be unable to cast a ballot in any election.  Yes  No

If you answer No to both of the prior questions, you cannot register to vote.

**3** Your name: Last name \_\_\_\_\_ Suffix \_\_\_\_\_  
First name \_\_\_\_\_ Middle Initial \_\_\_\_\_

**4** Birth date \_\_\_\_\_ **5** Gender \_\_\_\_\_  
**6** Phone \_\_\_\_\_ **7** Email \_\_\_\_\_

**8** The address where you live: Address (not P.O. box) \_\_\_\_\_  
Apt. Number \_\_\_\_\_ Zip code \_\_\_\_\_  
City/Town/Village \_\_\_\_\_  
New York State County \_\_\_\_\_

**9** The address where you receive mail: Address or P.O. box \_\_\_\_\_  
P.O. Box \_\_\_\_\_ Zip code \_\_\_\_\_  
City/Town/Village \_\_\_\_\_  
Skip if same as above

**10** Voting history: Have you voted before?  Yes  No **11** What year? \_\_\_\_\_

**12** Voting information that has changed: Your name was \_\_\_\_\_  
Your address was \_\_\_\_\_  
Your previous state or New York State County was \_\_\_\_\_

**13** Identification: You must make 1 selection. For questions, please refer to Verifying your identity above.  
 New York State DMV number \_\_\_\_\_  
 Last four digits of your Social Security number: x x x - x x - \_\_\_\_\_  
 I do not have a New York State driver's license or a Social Security number

**14** Political party: You must make 1 selection. Political party enrollment is optional but that, in order to vote in a primary election of a political party, a voter must enroll in that political party, unless state party rules allow otherwise.  
**I wish to enroll in a political party**  
 Democratic party  
 Republican party  
 Conservative party  
 Working Families party  
 Green party  
 Libertarian party  
 Independence party  
 SAM party  
 Other \_\_\_\_\_  
**I do not want to enroll in any political party and wish to be an independent voter**  
 No party

**15** Optional questions:  I need to apply for an Absentee ballot.  
 I would like to be an Election Day worker

**!** **16** Affidavit: I swear or affirm that:  
• I am a citizen of the United States.  
• I will have lived in the county, city or village for at least 30 days before the election.  
• I meet all requirements to register to vote in New York State.  
• This is my signature or mark in the box below.  
• The above information is true. I understand that if it is not true, I can be convicted and fined up to \$5,000 and/or jailed for up to four years.  
Sign \_\_\_\_\_  
Date \_\_\_\_\_



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL PERMIT NO. 4339 NEW YORK NY

POSTAGE WILL BE PAID BY ADDRESSEE

BOARD OF ELECTIONS  
32 BROADWAY 7 FL  
NEW YORK NY 10275-0067



**Borough Offices**  
**Manhattan**  
200 Varck Street, 10 Fl  
New York, NY 10014  
Tel: 1.212.886.2100  
**Bronx**  
1780 Grand Concourse, 5 Fl  
Bronx, NY 10457  
Tel: 1.718.299.9017

**Queens**  
118-35 Queens Boulevard, 11th Fl  
Forest Hills, NY 11375  
Tel: 1.718.730.5730

**Staten Island**  
1 Edgewater Plaza, 4 Fl  
Staten Island, NY 10305  
Tel: 1.718.876.0079

**Brooklyn**  
345 Adams Street, 4 Fl  
Brooklyn, NY 11201  
Tel: 1.718.797.8800

**General Office**  
32 Broadway, 7 Fl  
New York, NY 10004-1609  
Tel: 1.212.487.5300 / 1.212.487.5400  
Phone Bank: 1.866.VOTE.NYC  
E-mail: [electioninfo@boe.nyc.nyc.us](mailto:electioninfo@boe.nyc.nyc.us)  
Web Page: [www.vote.nyc.nyc.us](http://www.vote.nyc.nyc.us)

*Board of Elections Borough Offices*



**(Optional) Register to donate your organs and tissues**

If you would like to be on the NYS Donate Life Registry, you may enroll in the NYS Donate Life Registry online at [www.donatelife.ny.gov](http://www.donatelife.ny.gov) or complete the form below.

You will receive a confirmation email or letter, which will also provide you an opportunity to limit your donation.



Last name \_\_\_\_\_  
First name \_\_\_\_\_  
Middle Initial | Suffix \_\_\_\_\_  
Address \_\_\_\_\_  
Apt. Number \_\_\_\_\_ Zip code \_\_\_\_\_  
City \_\_\_\_\_  
Birth date \_\_\_\_\_ Gender  M  F  
Eye color \_\_\_\_\_ Height \_\_\_\_\_ Ft. \_\_\_\_\_ In.  
Email \_\_\_\_\_ DMV or ID NYC # \_\_\_\_\_

By signing below,  
you certify that you are:

- 16 years of age or older;
- consenting to donate all of your organs and tissues for transplantation, research, or both;
- authorizing the Board of Elections to provide your name and identifying information to NYS Donate Life Registry for enrollment;
- and authorizing the Registry to give access to this information to federally regulated organ procurement organizations and NYS-licensed tissue and eye banks and others approved by the NYS Commissioner of Health upon your death.

\_\_\_\_\_ Sign \_\_\_\_\_ Date



# GUIDE TO THE NEW YORK STATE VOTER REGISTRATION FORM

2 You may register to vote at age 17 as long as you will be 18 by the end of the year.

8 Write the address where you live in Box 8. To receive mail at a different address, write it in Box 9.

9 If you are homeless:  
• write a location where you can be found, such as "Bench in Central Park on 86th Street", in Box 8.  
• write an address where you can receive mail, such as a shelter or P.O. Box in Box 9.

12 If you are updating your voter registration, fill in your previous name, address, or county/state to help the BOE find your existing registration.

14 You must choose one of the parties listed, write in the name of a party, or choose not to enroll in any party. You must enroll in one of the listed parties to vote in that party's primary elections, unless state rules allow otherwise.  
You may change your party once a year by completing a new registration form and submitting it no less than 25 days before the general election. This will go into effect 7 days after the election.

15 If you are unable to vote at your poll site on Election Day, check the box to receive an absentee ballot application. You may request an absentee ballot from the BOE after registering to vote whether or not you check this box.

**1 Qualifications**

1 Are you a citizen of the U.S.?  Yes  No  
If you are not a citizen, you cannot register to vote.

2 Were you 18 years of age or older on or before Election Day?  Yes  No  
If you answer No, you can not register to vote or less you will be 18 by the end of the year.

3 Your name: Last name, First name, Suffix, Middle Initial

4 Date of Birth, 5 Sex, 6 Phone, 7 Email

8 The address where you live: Address (not P.O. box), Apt. Number, City/Town/Village, New York State County

9 The address where you receive mail: Address or P.O. box, P.O. Box, Zip code, City/Town/Village

12 Voting History: Have you voted before?  Yes  No. 11 What year? \_\_\_\_\_

12 Voting information that has changed: Your name was \_\_\_\_\_, Your address was \_\_\_\_\_, Your previous district in New York State County was \_\_\_\_\_

13 I wish to enroll in a political party:  None (New York State ID# number),  Last four digits of your Social Security number,  I do not wish to enroll in a political party

14 I wish to enroll in a political party:  Democratic Party,  Republican Party,  Conservative Party,  Working Families Party,  Green Party,  Independent Party,  Other \_\_\_\_\_

15 I do not wish to enroll in a political party:  No party

Optional questions: 15  I would like to receive an Absentee Ballot,  I would like to be an Election Day worker

**16 Affidavit: I swear or affirm that**  
 1. I am a citizen of the United States.  
 2. I am 18 years of age or older on or before Election Day.  
 3. I am a resident of New York State on the day of the election.  
 4. I am not a convicted felon.  
 5. I am not a convicted felon.  
 6. I am not a convicted felon.  
 7. I am not a convicted felon.  
 8. I am not a convicted felon.  
 9. I am not a convicted felon.  
 10. I am not a convicted felon.

1 You must be a citizen to register to vote.

3 Your name must match the name on your ID.  
6 Writing your phone number and/or email allows the BOE to contact you if there are any problems with your registration form. It is not required.  
7

10 If you are updating your voter registration, this information will help the BOE locate your voting record. It is not required.  
11

13 Provide either a New York State ID number or the last 4 digits of your social security number.  
If you don't have either, check the third box. The first time you vote, you will need to present identification at the poll site: (1) a photo ID or (2) a proof of address, such as an electric or gas bill that shows your name and address.

16 Please read the terms of the affidavit carefully before you sign and date to validate your form.  
Someone can assist you with filling out the rest of the form, but you must sign it yourself.

**WRITE LEGIBLY IN BLUE OR BLACK INK!**



# Formulario de registro de votantes del estado de Nueva York

## Regístrate para votar

- Completa este formulario de registro de votantes en el idioma que prefieras en el estado de Nueva York. También puedes hacerlo en español en línea.
- Si tienes un nombre o una dirección que no aparece en el padrón, debes avisar a la Junta Electoral.
- Si tienes un nombre o una dirección que no aparece en el padrón, debes avisar a la Junta Electoral.
- Si tienes un nombre o una dirección que no aparece en el padrón, debes avisar a la Junta Electoral.

Para registrarse, debe cumplir con los siguientes requisitos:

- Ser ciudadano de los EE. UU.
- Tener al menos 18 años el día de las elecciones o antes.
- Haber vivido en el estado de Nueva York durante al menos 30 días antes de las elecciones.
- No haber estado en el extranjero durante más de 6 meses antes de las elecciones.
- No haber estado en el extranjero durante más de 6 meses antes de las elecciones.
- No haber estado en el extranjero durante más de 6 meses antes de las elecciones.

## Envíe este formulario por correo o entreguelo en la Oficina de la Junta

Complete el formulario de abajo y envíelo a la dirección de su condado que figura al dorso, o entréguelo en la oficina de la Junta Electoral de su condado.

Envíe este formulario por correo o entréguelo, como mínimo, 25 días antes de las elecciones a las que quiere votar. Su condado le notificará que está registrado para votar.

## ¿Tiene alguna pregunta?

Comuníquese con la Junta Electoral de su condado que figura al dorso de este formulario o llame al 1-800-367-8663 (para TDD/TTY, marque 711).

Consulte las respuestas y las herramientas disponibles en nuestro sitio web [www.elections.ny.gov](http://www.elections.ny.gov).

## Verificación de identidad

Intentaremos verificar su identidad antes del día de las elecciones mediante el número del DMV (número de la licencia de conducir) o número de identificación de no conductor(a), o las últimas cuatro dígitos de su número de Seguridad Social, que usted indicará abajo.

Si no tiene número del DMV o de Seguridad Social, puede usar una identificación válida con foto, una factura actual de servicios públicos, un estado de cuenta bancario, un cheque de su sueldo, un cheque de gobierno o cualquier documento del gobierno que muestre su nombre y dirección. Con este formulario, puede incluir una copia de estos tipos de identificación. Asegúrese de doblar el formulario y de sellarlo a cada lado con cinta adhesiva.

Si no podemos verificar su identidad antes del día de las elecciones, se le pedirá una identificación cuando vote por primera vez.

Información en español: Si le interesa obtener este formulario en español, llame al 1-800-367-8663.

中文資訊: 若需索取此中文資料表格, 請電: 1-800-367-8663.

한국어: 한국이 말해줄 분화지번호 1-800-367-8663 으로 전화 하십시오.

সিউ জাৰ্ণী: সিউ জাৰ্ণী কল কৰাৰ বাবে যোগাযোগ কৰাৰ বাবে ১-৮০০-৩৬৭-৮৬৬৩ কল কৰা.

**Es delito proporcionar un registro falso o dar información falsa a la Junta Electoral.** Escriba en letra de molde con tinta azul o negra.

**1** ¿Es usted ciudadano de los EE. UU.?  Sí  No  
Si su respuesta es **No**, no puede registrarse para votar.

A) ¿Tendrá 18 años o más el día de las elecciones o antes?  Sí  No

**2** **B)** ¿Tiene al menos 18 años y comprende que debe tener 18 años el día de las elecciones o antes para votar, y que hasta que tenga 18 años al momento de dichas elecciones su registro se marcará como "pendiente" y no podrá emitir un voto en ninguna elección?  Sí  No  
Si su respuesta es **No** a las dos preguntas anteriores, no puede registrarse para votar.

**Su nombre**  
**3** Apellido  Sufijo   
Primer nombre  Inicial del segundo nombre

**Más información**  
Los puntos 5, 6 y 7 son opcionales.  
**4** Fecha de nacimiento  **5** Sexo   
**6** Teléfono  **7** Correo electrónico

**La dirección donde vive**  
**8** Dirección (no proporcione un apartado postal)  
N.º de apto.  Código postal   
Ciudad/Pueblo/Aldea   
Condado del estado de Nueva York

**La dirección donde recibe su correspondencia**  
Si no es la indicada arriba.  
**9** Dirección o apartado postal   
Apartado postal  Código postal   
Ciudad/Pueblo/Aldea

**Antecedentes de votación**  
**10** ¿Ha votado antes?  Sí  No **11** ¿En qué año?

**Información electoral que ha cambiado**  
Si es que hubo algún cambio o si nunca antes votó.  
**12** Su nombre era   
Su dirección era   
Su estado o condado dentro del estado de Nueva York anterior era

**Identificación**  
Debe seleccionar una opción.  
Si tiene preguntas, consulte Verificación de identidad más arriba.  
**13**  Número del DMV del estado de Nueva York   
 Últimos cuatro dígitos de su número de Seguridad Social x x x - x x -   
 No tengo licencia de conducir del estado de Nueva York ni número de Seguridad Social.

**Partido político**  
Debe seleccionar una opción.  
La inscripción en un partido político es opcional, pero, para votar en la elección primaria de un partido político, el votante debe afiliarse a ese partido político, a menos que las reglas estatales del partido permitan lo contrario.  
**14** **Deseo afiliarme a un partido político**  
 Partido Demócrata  
 Partido Republicano  
 Partido Conservador  
 Partido de Familias Trabajadoras  
 Partido Verde  
 Partido Libertario  
 Partido de la Independencia  
 Partido SAM  
 Otro   
**16** **No quiero afiliarme a ningún partido político y deseo ser un votante independiente**  
 Ningún partido

**Preguntas opcionales**  
**15**  Necesito solicitar una Boleta para votantes sustituta.  
 Quisiera ir a votar en una mesa electoral el día de las elecciones.  
**Declaración jurada:** Juro o declaro que:  
• Soy ciudadano de los Estados Unidos,  
• Nací, estuve en el condado, en la ciudad o en el distrito jurado, al menos 30 días antes de las elecciones.  
• Cumplí con todos los requisitos para registrarme para votar en el estado de Nueva York.  
• La firma o la marca en el espacio de abajo es de mi propia y libre voluntad.  
• La información anterior es verdadera. Entiendo que, de no serlo, me pueden condenar y multar con hasta \$5,000 o encarcelar por hasta cuatro años.  
Firma   
Fecha



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL PERMIT NO. 4339 NEW YORK NY

POSTAGE WILL BE PAID BY ADDRESSEE

BOARD OF ELECTIONS  
32 BROADWAY 7 FL  
NEW YORK NY 10275-0067



**Oficinas del Condado**  
Manhattan  
200 Varck Street, 10 Fl  
Nueva York, NY 10014  
Phone: 1.212.886.2100  
Bronx  
1780 Grand Concourse, 5 Fl  
Bronx, NY 10457  
Phone: 1.718.259.9317

**Brooklyn**  
345 Adams Street, 4 Fl  
Brooklyn, NY 11201  
Phone: 1.718.797.8800  
**Queens**  
118-35 Queens Boulevard, 11th Fl  
Forest Hills, NY 11375  
Phone: 1.718.730.6730  
**Staten Island**  
1 Edgewater Plaza, 4 Fl  
Staten Island, NY 10305  
Phone: 1.718.876.0079

**Oficina General**  
32 Broadway, 7 Fl  
Nueva York, NY 10004-1609  
Phone: 1.212.487.5300 / 1.212.487.5400  
Centro de llamadas: 1.866.VOTE.NYC  
Correo electrónico: [electioninfo@boe.nyc.ny.us](mailto:electioninfo@boe.nyc.ny.us)  
Sitio web: [www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)

*Oficinas de Condado de la Junta Electoral*



**(Opcional) Regístrese para donar sus órganos y tejidos**

Si desea ser donante de órganos y tejidos después de su muerte, puede inscribirse en el Registro *Donate Life*™ de NYS por Internet en [www.donatelife.ny.gov](http://www.donatelife.ny.gov), o bien, completar el siguiente formulario.

Recibirá un correo electrónico o una carta de confirmación, la cual le permitirá la posibilidad de limitar su donativo.



Formulario de inscripción para donar órganos y tejidos. Campos: Apellido(s), Nombre, Inicial del segundo nombre, Sufijo, Dirección, Código postal, Número apto., Ciudad, Fecha de nacimiento, Color de ojos, Correo electrónico, Sexo (M/F), Estatura, Pies, Pulgadas, N° DMV e ID NYC.

Por el hecho de firmar al pie, usted confirma:

- ser mayor de 18 años;
- que acepte donar todos sus órganos y tejidos para trasplante, investigación o ambos;
- autoriza a la Junta Electoral a facilitar su nombre y datos identificativos al Registro *Donate Life*™ de NYS para su inscripción;
- y autoriza asimismo al Registro a permitir, después de su fallecimiento, el acceso a estos datos a las organizaciones de búsqueda de órganos reguladas Ciudad Federalmente, a los bancos de tejidos y ojos bajo licencia de NYS y a otros organismos aprobados por la Comisión de Salud del NYS.

Campos para Firma y Fecha.



# GUÍA PARA EL FORMULARIO DE REGISTRO DE VOTANTE DEL ESTADO DE NUEVA YORK

**2** Puede registrarse para votar a la edad de 17 años, siempre y cuando su cumpleaños número 18 sea ese mismo año.

**8** Escriba la dirección en la que vive en la casilla 8. Para recibir la correspondencia en una dirección distinta, escribala en la casilla 9.  
**9** Si no tiene hogar:

- escriba una ubicación en donde pueda encontrárselo, como por ejemplo "la banca en Central Park en 86th Street", en la casilla 8.
- escriba una dirección en donde pueda recibir correspondencia, como por ejemplo un refugio o apartado de correos (PO Box) en la casilla 9.

**12** Si está actualizando su registro de votante, llene su información previa (nombre, dirección o condado/estado) para ayudar a BOE a ubicar su registro existente.

**14** Debe elegir uno de los partidos listados, escriba el nombre del partido, o si no inscribirse en ningún partido. Debe inscribirse en uno de los partidos listados para votar en las elecciones primarias del partido, a menos que las normas estatales permitan hacerlo de otro modo.  
Puede cambiar de partido una vez al año completando un nuevo formulario de registro y presentándolo 25 días antes de la elección general. Entrará en vigencia 7 días después de la elección.

**15** Si no puede votar en su lugar de votación el día de la elección, señale la casilla para recibir una solicitud de voto en ausencia. Puede solicitar un voto en ausencia de BOE después de registrarse para votar, así haya marcado o no esta casilla.

**1** ¿Cuál es para votar?

1. ¿Es usted ciudadano de los EE.UU.?  Sí  No  
Si responde No, no puede registrar para votar.

2. ¿Fue antes o nunca o más allá de la edad de 17 años o antes de su fecha de nacimiento?  Sí  No  
Si responde No, no puede registrar para votar a menos que vaya a tener 18 años a fin de año.

3. Su nombre

4. Fecha de nacimiento

5. Sexo  M  F

6. Información del condado y condado

7. Nombre

8. Dirección en la que vive

9. Apt. Número

10. Ciudad/Pueblo/Comunidad

11. Condado

12. Dirección de correo (PO Box)

13. Dirección de correo (PO Box)

14. Condado

15. Información sobre la votación que ha cambiado

16. Su nombre era

17. Su dirección era

18. ¿Su dirección o número de condado dentro del Estado de Nueva York cambiaron?

19. Identificación

20. ¿Tiene un número de identificación de Nueva York?

21. Últimos cuatro dígitos de su número de seguro social

22. ¿Tiene un número de licencia de conducir de Nueva York?

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200. ¿Tiene un número de licencia de conducir de Nueva York?

**1** Usted debe ser un ciudadano para registrarse a votar.

**3** Su nombre debe ser igual al nombre que aparece en su ID.  
**6** Escriba su número de teléfono y/o correo electrónico le permite a BOE ponerse en contacto con usted si hay problemas con su formulario de registro. No es necesario.  
**7**

**10** Si está actualizando su registro de votante, esta información le ayudará a BOE a ubicar su registro de votación. No es necesario.  
**11**

**13** Proporcione un número de ID del estado de Nueva York, o los últimos 4 dígitos de su número de seguro social.  
Si no tiene ninguno, señale la tercera casilla. La primera vez que vote, tendrá que presentar dos formas de identificación en el lugar de votación: (1) una ID con fotografía y (2) una prueba de dirección, como por ejemplo una factura de la electricidad y del gas, que muestre su nombre y dirección.

**16** Por favor, lea con cuidado los términos del affidavit antes de firmar, y escriba la fecha para validar su formulario.  
Alguien le puede ayudar completando el resto del formulario, pero debe firmarlo por sí mismo.

**¡ESCRIBA DE MANERA LEGIBLE EN TINTA AZUL O NEGRA!**

# New York State Absentee Ballot Application

Please print clearly. See detailed instructions.

This application must either be personally delivered to your county board of elections not later than the day before the election, or postmarked by a governmental postal service not later than 7th day before election day. The ballot itself must either be personally delivered to the board of elections no later than the close of polls on election day, or postmarked by a governmental postal service not later than the day before the election and received no later than the 7th day after the election.

BOARD USE ONLY:

Town/City/Ward/Dist: \_\_\_\_\_

Registration No: \_\_\_\_\_

Party: \_\_\_\_\_

voted in office

1. I am requesting, in good faith, an absentee ballot due to (check one reason):
- |   |  |
|---|--|
| <input type="checkbox"/> absence from county or New York City on election day   | <input type="checkbox"/> patient or inmate in a Veterans' Administration Hospital  |
| <input type="checkbox"/> temporary illness or physical disability   | <input type="checkbox"/> detention in jail/prison, awaiting trial, awaiting action by a grand jury, or in prison for a conviction of a crime or offense which was not a felony |
| <input type="checkbox"/> permanent illness or physical disability   |  |
| <input type="checkbox"/> duties related to primary care of one or more individuals who are ill or physically disabled |  |

2. absentee ballot(s) requested for the following election(s) :
- Primary Election only       General Election only       Special Election only
- Any election held between these dates: absence begins: \_\_\_/\_\_\_/\_\_\_ absence ends: \_\_\_/\_\_\_/\_\_\_

3. last name or surname \_\_\_\_\_ first name \_\_\_\_\_ middle initial \_\_\_\_\_ suffix \_\_\_\_\_

4. date of birth: \_\_\_/\_\_\_/\_\_\_ county where you live \_\_\_\_\_ phone number (optional) \_\_\_\_\_

5. address where you live (residence) street \_\_\_\_\_ apt \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

**NY**

6. Delivery of Primary Election Ballot (check one)       Deliver to me in person at the board of elections
- I authorize (give name): \_\_\_\_\_ to pick up my ballot at the board of elections.
- Mail ballot to me at: (mailing address) \_\_\_\_\_
- street no. \_\_\_\_\_ street name \_\_\_\_\_ apt. \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

7. Delivery of General (or Special) Election Ballot (check one)       Deliver to me in person at the board of elections
- I authorize (give name): \_\_\_\_\_ to pick up my ballot at the board of elections.
- Mail ballot to me at: (mailing address) \_\_\_\_\_
- street no. \_\_\_\_\_ street name \_\_\_\_\_ apt. \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

## Applicant Must Sign Below

8. I certify that I am a qualified and a registered (and for primary, enrolled) voter; and that the information in this application is true and correct and that this application will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.
- Sign Here:   X   Date: \_\_\_/\_\_\_/\_\_\_

If applicant is unable to sign because of illness, physical disability or inability to read, the following statement must be executed: By my mark, duly witnessed hereunder, I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability or because I am unable to read. I have made, or have the assistance in making, my mark in lieu of my signature. (No power of attorney or preprinted name stamps allowed. See detailed instructions.)

Date: \_\_\_/\_\_\_/\_\_\_ Name of Voter: \_\_\_\_\_ Mark: \_\_\_\_\_

I, the undersigned, hereby certify that the above named voter affixed his or her mark to this application in my presence and I know him or her to be the person who affixed his or her mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

\_\_\_\_\_  
(address of witness to mark)

\_\_\_\_\_  
(signature of witness to mark)

Based on the help

© 2000 County of Albany, New York

**Instructions:****Who may apply for an absentee ballot?**

Each person must apply for themselves. It is a felony to make a false statement in an application for an absentee ballot, to attempt to cast an illegal ballot, or to help anyone to cast an illegal ballot.

**Information for military and overseas voters:**

If you are applying for an absentee ballot because you or your family are in the military or because you currently reside overseas, do not use this application. You are entitled to special provisions if you apply using the Federal Postcard Application. For more information about military/overseas voting, contact your local board of elections or refer to the Military and Federal Voting sections at: <http://www.elections.ny.gov/Voting.html>

**Where and when to return your application:**

If the address of your county board of elections is not provided on this form, contact information for your local election office can be found on the New York State Board of Elections' website, under "County Boards of Election" directory" at: <http://www.elections.ny.gov/CountyBoards.html>

**Options available to you if you have an illness or disability:**

If you check the box indicating your illness or disability is permanent, once your application is approved you will automatically receive a ballot for each election in which you are eligible to vote, without having to apply again. You may sign the absentee ballot application yourself, or you may make your mark and have your mark witnessed in the spaces provided on the bottom of the application. Please note that a power of attorney or printed name stamp is not allowed for any voting purpose.

**When your ballot will be sent:**

Your absentee ballot materials will be sent to you at least 32 days before federal, state, county, city or town elections in which you are eligible to vote. If you applied after this date, your ballot will be sent immediately after your completed and signed application is received and processed by your local board of elections. If you provide dates in section 2, identifying the time frame within which you will be absent from your county or from the City of New York, you will be sent a ballot for any primary, general, special election or presidential primary election which might occur during the time frame you have specified. If you prefer, you may designate someone to pick up your ballot for you, by completing the required information in section 6 and/or section 7, as appropriate. Contact your local county board of elections if you have not received your ballot.

**BOROUGH OFFICES OF THE BOARD OF ELECTIONS**

Manhattan, 200 Varick Street, New York, N.Y. 10014 (212) 886-2100  
Bronx, 1780 Grand Concourse, Bronx, N.Y. 10457 (718) 960-0730  
Brooklyn, 345 Adams Street, Brooklyn, N.Y. 11201 (718) 797-8800  
Queens, 118-35 Queens Boulevard 11<sup>th</sup> Fl., Forest Hills, N.Y. 11375 (718) 730-6730  
Staten Island, One Edgewater Plaza, Staten Island, N.Y. 10305 (718) 876-0079

# Aplicación para Papeleta de Voto Ausente del Estado de Nueva York

Por favor escriba claramente. Vea las instrucciones detalladas.

**Esta aplicación debe ser entregada personalmente a la junta de elecciones de su condado no más tarde del día antes de la elección, o matasellado por un servicio postal gubernamental no más tarde del 7º día antes del día de la elección. La papeleta debe ser entregada personalmente a la junta de elecciones no más tarde del cierre de los centros de votación en el día de la elección o por un servicio postal gubernamental no más tarde del día antes de la elección y recibida no más tarde del 7º día después de la elección.**

**BOARD USE ONLY:**

Town/City/Ward/Dist: \_\_\_\_\_

Registration No. \_\_\_\_\_

Party: \_\_\_\_\_

Voted in office

**1.** Estoy solicitando, en buena fe, una papeleta de voto ausente debido a (marque una razón):

ausencia del condado o de la ciudad de Nueva York en el día de la elección

enfermedad o incapacidad física temporal

enfermedad o incapacidad física permanente

obligaciones relacionadas con el cuidado de un individuo o más que están enfermos o físicamente incapacitados

ser paciente de o internado en un hospital para veteranos

ser detenido en la cárcel, esperando juicio, esperando acción por un gran jurado, o estar en cárcel por una convicción de un crimen o un delito que no es delito mayor.

**2.** Solicito papeleta(s) de voto ausente para las siguientes elecciones:

Elección Primaria solamente

Elección General solamente

Elección Especial solamente

Cualquier elección entre las fechas: ausencia comienza \_\_\_/\_\_\_/\_\_\_ ausencia termina \_\_\_/\_\_\_/\_\_\_

**3.** Apellido: \_\_\_\_\_ Primer Nombre: \_\_\_\_\_ Inicial de Segundo Nombre: \_\_\_\_\_ Sufrjo: \_\_\_\_\_

**4.** Fecha de Nacimiento: \_\_\_/\_\_\_/\_\_\_ Condado donde reside: \_\_\_\_\_ Numero de teléfono (opcional): \_\_\_\_\_

**5.** Dirección donde vive (residencia) calle \_\_\_\_\_ apt. \_\_\_\_\_ ciudad \_\_\_\_\_ estado **NY** código postal \_\_\_\_\_

**6.** Entrega de papeleta para la Elección Primaria (marque uno)

Yo autorizo a (nombre) \_\_\_\_\_ a recoger mi papeleta en la junta de elecciones

Envíe mi papeleta a la siguiente dirección: \_\_\_\_\_

Entregar a mi en persona en la junta de elecciones

No. de calle \_\_\_\_\_ Nombre de calle \_\_\_\_\_ apt. \_\_\_\_\_ ciudad \_\_\_\_\_ Estado \_\_\_\_\_ Código Postal \_\_\_\_\_

**7.** Entrega de papeleta para la Elección General o Especial (marque uno)

Yo autorizo a (nombre) \_\_\_\_\_ a recoger mi papeleta en la junta de elecciones

Envíe mi papeleta a la siguiente dirección: \_\_\_\_\_

Entregar a mi en persona en la junta de elecciones

no. de calle \_\_\_\_\_ nombre de calle \_\_\_\_\_ apt. \_\_\_\_\_ ciudad \_\_\_\_\_ estado \_\_\_\_\_ código Postal \_\_\_\_\_

**Solicitante Debe Firmar Abajo**

**8.** Yo certifico que soy un votante calificado e inscrito (y para la primaria, aístado) y que la información en esta aplicación es verdadera y correcta y que esta aplicación será aceptada para todo propósito como el equivalente de una declaración jurada y que si contiene declaración falsa, me hará sujeto a las mismas penalidades como si fuera debidamente jurado.

Firme Aquí: \_\_\_\_\_ Fecha: \_\_\_/\_\_\_/\_\_\_

Si el solicitante no puede firmar por enfermedad, incapacidad física o inhabilidad a leer, el siguiente testamento debe ser ejecutado: Por mi marca, bajo testigo, yo por este medio declaro que no puedo firmar mi aplicación para una papeleta de voto ausente sin asistencia porque no puedo escribir debido a mi enfermedad, o incapacidad física o porque no puedo leer. He hecho o he tenido asistencia en hacer mi marca en lugar de mi firma. (No se permite poder de abogado o sello impreso con su nombre. Vea las instrucciones detalladas.)

Fecha \_\_\_/\_\_\_/\_\_\_ Nombre del Votante: \_\_\_\_\_ Marca: \_\_\_\_\_

Yo, el firmante abajo, por este medio certifico que el votante, cuyo nombre aparece arriba, hizo su marca en esta aplicación en mi presencia y se que ella es la persona que puso su marca a dicha aplicación y entiendo que esta declaración será aceptado para todo propósito como el equivalente de una declaración jurada y que si contiene declaración falsa, me hará sujeto a las mismas penalidades como si fuera debidamente jurado.

\_\_\_\_\_  
(firma de testigo a marca)

\_\_\_\_\_  
(dirección de testigo a marca)

**Instrucciones:**

**¿Quien puede aplicar por una papeleta de voto ausente?**

Cada persona debe aplicar por sí mismo. Es un delito mayor hacer declaración falsa en una aplicación para papeleta de voto ausente, intentar emitir una papeleta ilegal, o asistir a una persona en emitir una papeleta ilegal.

**Información para votantes militares y en el extranjero:**

Si usted esta aplicando para una papeleta de voto ausente porque usted o su familia esta en el ejército o porque reside actualmente en el extranjero, no use esta aplicación. Usted tiene derecho a provisiones especiales si usted usa la Tarjeta Federal de Solicitud. Para más información sobre votación militar o en el extranjero, póngase en contacto con la Junta de Elecciones de su localidad o refiérase a las secciones de Votación Militar y Federal en: <http://www.elections.ny.gov/Voting.html>

**Donde y cuando devolver su aplicación:**

Si la dirección de la junta de elecciones de su condado no está en este formulario, la información de contacto para la oficina electoral se puede obtener en el sitio Web de la Junta de Elecciones del Estado de Nueva York bajo "County Boards of Elections directory" en: <http://www.elections.ny.gov/CountyBoards.html>

**Las opciones disponibles si usted tiene alguna enfermedad o incapacidad:**

Si usted marca la casilla indicando que su enfermedad o incapacidad es permanente, una vez que su aplicación es aprobada, usted recibirá automáticamente una papeleta para cada elección en la cual usted es elegible para votar, sin tener que aplicar de nuevo. Usted puede firmar la aplicación para una papeleta de voto ausente usted mismo o puede hacer su marca y hacer que su marca sea atestiguado en el espacio proporcionado en la parte inferior de la aplicación. Tenga presente que poder legal o sello impreso con su nombre no es permitido para cualquier propósito de votar.

**Cuando se mandará su papeleta:**

Los materiales de la papeleta de voto ausente se le enviaran a usted 32 días antes de las elecciones federales, del estado, del condado, de la ciudad o del pueblo en la cual usted es elegible para votar. Si usted solicitó después de esta fecha, su papeleta será enviada inmediatamente después de que su aplicación completada y firmada es recibida y procesada por la junta de elecciones de su localidad. Si usted proporciona fechas en la sección 2, identificando el marco de tiempo en cual usted estará ausente de su condado o de la ciudad de Nueva York, se le mandará una papeleta para cualquier elección primaria, general, elección especial o elección primaria presidencial que se podría llevar a cabo durante el marco de tiempo que usted especifico. Si usted prefiere, usted puede designar a alguien a recoger su papeleta completando la información que se requiere en la sección 6 y/o la sección 7, como es apropiado. Póngase en contacto con la junta de elecciones de su localidad si usted no ha recibido su papeleta.

OFICINAS DE CONDADO DE LA JUNTA DE ELECCIONES  
Manhattan, 200 Varick Street, New York, N.Y. 10014 (212) 886-2100  
Bronx, 1780 Grand Concourse, Bronx, N.Y. 10457 (718) 960-0730  
Brooklyn, 345 Adams Street, Brooklyn, N.Y. 11201 (718) 797-8800  
Queens, 118-35 Queens Blvd. 11° Piso, Forest Hills, N.Y. 11375 (718) 730-6730  
Staten Island, One Edgewater Plaza, Staten Island, N.Y. 10305 (718) 876-0079

### How to Know if You Can Vote

In the State of New York, you have the right to vote even if you have a criminal record depending on certain conditions. If you have been convicted of a misdemeanor, you can still vote or register to vote.

Are you currently serving a prison sentence for a felony conviction?

- Yes → You do not yet have the right to vote.
- No → Are you currently on probation? Are you currently on parole? **Open this brochure for more information!**

### Additional Voting Rights Resources

Restoring Voting Rights:

[brennancenter.org/issues/ensure-every-american-can-vote/young-rights-restoration](http://brennancenter.org/issues/ensure-every-american-can-vote/young-rights-restoration)

Voting Rights Restoration Efforts in New York:

[brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-new-york](http://brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-new-york)

Voting Rights for Ex-Offenders:

[nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-cx-offender/](http://nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-cx-offender/)

Voting Rights of New Yorkers with Felony

Convictions: [nycdocr.org/en/issues/voting/voting-rights-new-yorkers-felony-convictions](http://nycdocr.org/en/issues/voting/voting-rights-new-yorkers-felony-convictions)

### BOE OFFICE LOCATIONS



- ① **Bronx**  
1780 Grand Concourse, 5 Fl, Bronx, NY 10457 (718-299-9017)
- ② **Brooklyn**  
345 Adams Street, 4 Fl, Brooklyn, NY 11201 (718-797-880)
- ③ **Queens**  
118-35 Queens Boulevard, Forest Hills, NY 11375 (718-730-6730)
- ④ **Manhattan**  
200 Varick Street, 10 Fl, New York, NY 10014 (212-886-2100)
- ⑤ **Staten Island**  
1 Edgewater Plaza, 4 Fl, Staten Island, NY 10305 (718-876-0079)

## New York City Voting Information and Voter Eligibility Criteria for the Formerly Incarcerated



NYC Department of Correction

[www.nyc.gov/doc](http://www.nyc.gov/doc)

718-546-1500

**VOTE IN NYC JAILS COALITION**



EXECUTIVE OFFICE  
BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

Via Electronic Mail

2022 JUN 13 P 2: 50

June 7, 2022

Board of Elections in the City of New York  
Rodney L. Pepe-Souvenir, President  
Simon Shamoun, Secretary  
Michael J. Ryan, Executive Director  
Vincent M. Ignizio, Deputy Executive Director  
32-42 Broadway, 7 Fl  
New York, NY 10004

Dear Executive Directors of the Board of Elections in the City of New York:

This letter is in response to previous correspondence between our offices about expanding access to voting in Rikers Island facilities. In the past, the Department of Corrections has reached out about establishing an election day polling place in the facilities on Rikers Island. The current procedure for those detained on Rikers Island to vote relies on New York's absentee process and leaves many detained people without the option to cast their ballot.

There is a need for a more comprehensive approach to voting in all New York City Jails, and particularly on Rikers Island where more than 93 percent of the population is held there pretrial or awaiting a parole hearing, and thus remain eligible to vote. Among the 4 percent of the population who are sentenced, many are serving time for a misdemeanor, and also eligible to vote. The Department of Corrections urges the Board of Elections to establish at least one early voting location on Rikers Island. If a universal early voting site is not possible, the Board of Elections should establish in person absentee voting at Rikers Island, as is currently provided within each borough's Board of Elections offices.

New York law emphasizes that all voters enjoy equal access to early voting locations. The Law states that "Polling places for early voting shall be located so that voters in the county have adequate and equitable access." The law further states that "all voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis." Despite this legal mandate, those detained on Rikers effectively do not have access to any early voting site. The lack of early voting options prevents detainees from being treated the same as every other New Yorker, leaving thousands of eligible voters without the option to vote early-- the only option to vote in person for those currently in jail.

New Yorkers who are currently detained and awaiting trial or serving time for a misdemeanor have a legal right to vote, but the Department of Corrections reliance on absentee voting leaves a window of time where the newly detained cannot vote. New Yorkers who plan to vote absentee are required to submit their application to receive a ballot more than two weeks before election day. Those who are detained at Rikers after that deadline are, currently, left with no option to cast their ballot -- despite their legal right to "adequate and equitable access" to the vote. Bringing early voting locations to Rikers

### Are You Currently on Parole?

If you are currently on parole, but you have been pardoned, you have the right to vote. Check on the status of your pardon from the governor at [publicapps.doccs.ny.gov/ParoleeLookup/default](http://publicapps.doccs.ny.gov/ParoleeLookup/default) or by phone at 518-473-9400.

If you have NOT been pardoned, you will not have the right to vote until you have completed your parole. But you can have your voting rights restored if you apply for a Certificate of Relief from Disabilities or a Certificate of Good Conduct. To learn more, ask your parole officer.

### Are You Currently on Probation?

You have the right to vote! If you have previously registered to vote, your voter should still be active. To check if you are registered, visit [voting.nyc](http://voting.nyc).

If this is your first time registering, view the pages to the right for instructions on how to register and how to vote by absentee ballot.

### Ranked Choice Voting

You can rank up to 5 candidates in order of preference: your 1<sup>st</sup> choice candidate, your 2<sup>nd</sup> choice candidate, and so on up to your 5<sup>th</sup> choice candidate. More information can be found at [vote.nyc/page/ranked-choice-voting](http://vote.nyc/page/ranked-choice-voting).

### Registering to Vote

You should have received a voter registration form in addition to this brochure as part of your discharge to the community from the Department's custody. You can also download a voter registration form from the NYC Board of Elections website.

Once you have completed the form and signed, mail it to:

**Board of Elections**  
**32 Broadway, 7 Fl**  
**New York, NY 10004-1609**

Your form must be delivered or mailed at least 25 days before the next election for it to be effective for that election.

You can also register to vote in-person at one of the BOE offices. If you have a valid ID from the New York State Department of Motor Vehicles, you can register to vote online at [voterreg.dmv.ny.gov/motorvoter/](http://voterreg.dmv.ny.gov/motorvoter/).

### Keep Your Registration Current

If you need to update your residence address, you should notify the NYC BOE as soon as possible by submitting another voter registration form. Your residence address determines the particular contests in which you are eligible to vote.

### Absentee Ballots

Registered voters who cannot make it to the polls on Election Day may vote by absentee ballot. All registered voters can request an absentee ballot be mailed to them.

There are several ways to request your ballot:

- Online at [nycabsentee.com](http://nycabsentee.com)
- Email request form to [Appy4Absentee@boe.nyc](mailto:Appy4Absentee@boe.nyc) (Attach the PDF of completed, signed request form)
- Mail request form to your local borough BOE office
- Call 1-866-VOTE-NYC (1-866-868-3692)
- Fax request form to 212-487-5349

Once you have received and completed your absentee ballot, you can cast your absentee ballot by mail or by bring it to your local poll site or local borough BOE office. The ballot must be postmarked or dropped off at a poll site or local borough BOE office by Election Day. Find your poll site at [findmypollsite.vote.nyc](http://findmypollsite.vote.nyc). Track your ballot at [nycabsentee.com/tracking](http://nycabsentee.com/tracking).

If you are visually impaired or have a disability, you may request an accessible absentee ballot that can be read by a screen reader at [nycabsentee.com/accessibility](http://nycabsentee.com/accessibility).

Island would offer those detained after the absentee application deadline an opportunity to vote. It would also provide a much easier option for all people housed at Rikers to participate in elections.

We look forward to hearing from your office and finding ways to expand the right to vote for those currently detained in New York City Jails.

Sincerely,

The Coalition for Voting in NYC Jails

New York State Senator Julia Salazar

New York State Senator Alessandra Biaggi, 34<sup>th</sup> District

New York State Assembly Member Jessica González-Rojas

New York State Assembly Member Latrice Walker

New York City Council Member Tiffany Cabán

New York City Council Member Carlina Rivera

New York City Council Member Kevin C. Riley

New York City Council Member Kristin Jordan, District 9

New York City Council Member Marjorie Velazquez

New York City Council Member Erik Bottcher

New York City Council Member Eric Dinowitz, District 11

New York City Council Member Shekar Krishnan, District 25

New York City Council Member Crystal Hudson

New York City Council Member Julie Won, District 27

New York City Council Member Chi Ossé

New York City Council Member Althea Stevens, District 16

New York City Council Member Amanda Farias

New York City Council Member Jennifer Gutierrez

New York City Council Member Lincoln Restler

New York City Council Member Shahana Hanif

New York City Council Member Rita Joseph

New York City Council Member Alexa Avilés, District 38

A Little Piece of Light  
AAS EMPOWERMENT LLC  
Ali Forney Center  
All Saints' Episcopal Church  
Alliance Of Families For Justice  
American Friends Service Committee  
Executive Director, Artistic Noise  
BronxConnect  
The Bronx Defenders  
CCIT-NYC  
Center for Community Alternatives  
Church of the Ascension  
College & Community Fellowship  
Congregation Beit Simchat Torah  
Corporation for Supportive Housing (CSH)  
The Department of Corrections  
Exodus Transditional Community  
Exodus Transitional Community  
Five Borough Defenders  
Fourth Universalist Society in the City of New York  
Freedom Agenda  
Future Coalition  
The Gathering for Justice / Justice League NYC  
Good Call  
Hour Children  
JFREJ; T'ruah: The Rabbinic Call for Human Rights  
LatinoJustice PRLDEF  
The Legal Aid Society of New York

March On

NAMI QN

National Action Network

National Action Network NYC Chapter Second Chance Committee

National Action Network Political Action Committee

New Hour for Women & Children LI

The New Shul

New York Civil Liberties Union (NYCLU)

NYC Presbytery Justice Ministries

Nurses for Social Justice

The Osborne Association

Police Reform Organizing Project (PROP)

Providence House, Inc

Red Hook Initiative

Rising Ground, Inc.

STEPS to End Family Violence

The Sentencing Project

Trellis / Next Step Community Church

Urban Justice Center

United Community Centers

United Madrassi Association Inc.

V-Day

West 135th Street Apartments Tenant Association, Inc.

Women & Justice Project

Youth Justice Network

Youth Over Guns

Youth Represent

§ 8-400. Absentee voting; application for ballot

1. A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:

(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city; or (b) [Eff. until Dec. 31, 2022, pursuant to L.2020, c. 139, § 2. See, also, par.

(b) below.] unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital, provided that, for purposes of this paragraph, "illness" shall include, but not be limited to, instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public; or (b) [Eff. Dec. 31, 2022, pursuant to L.2020, c. 139, § 2. See, also, par. (b) above.] unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or

(c) a resident or patient of a veterans health administration hospital; or 329  
CONDUCT OF ELECTIONS § 8-400

(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence.

2. A qualified voter desiring to vote at such election as an absentee voter for any reason specified in subdivision one hereof must make application for an absentee ballot on a form to be obtained and filed as provided herein, by letter as provided in paragraph (d) of this subdivision, or through the electronic absentee ballot application transmittal system pursuant to section 8-408 of this title.

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election, or on the electronic absentee ballot application transmittal system. Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be

sent airmail. Any reference to “board of elections” in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the county or city in which the applicant is a qualified voter.

(b) Applications may be filed with the board of elections, through the electronic absentee ballot application transmittal system or in person with the board of inspectors of the election district in which the applicant is a qualified voter on one of the days provided for local registration.

(c) All applications requesting an absentee ballot by mail or through the electronic absentee ballot application transmittal system must be received by the board of elections not later than the fifteenth day before the election for which a ballot is first requested. Applications for an absentee ballot that will be 330 § 8-400 ELECTION LAW delivered in person at the board of election to the voter or to an agent of the voter must be received by such board not later than the day before such election.

(d) [Eff. until April 1, 2022, pursuant to L.2021, c. 249, § 2. See, also, par. (d) below.] The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, when such voter requests an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, or an electronic application submitted by the voter by electronic mail or through an electronic transmittal system or web portal established by the state board of elections or city or county board of elections, which is received by the board of elections not later than the fifteenth day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections. (d) [Eff. April 1, 2022, pursuant to L.2021, c. 249, § 2. See, also, par. (d) above.] The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, or an electronic application submitted by the voter through the electronic absentee ballot application transmittal system established by the state board of elections, which is signed by the voter and received by the board of elections not later than the fifteenth day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to 331 CONDUCT OF ELECTIONS § 8-400 which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in

subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections.

3. The application for an absentee ballot when filed must contain in each instance the following information:
  - (a) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and his or her town or city and an address to which the ballot shall be mailed.
  - (b) A statement that the applicant is a qualified and registered voter.
  - (c) A statement, as appropriate, that on the day of such election the applicant expects in good faith to be in one of the following categories:
    - (i) absent from the county of his or her residence, or if a resident of the city of New York absent from said city; provided, however, if the applicant expects to be absent from such county or city for a duration covering more than one election and seeks an absentee ballot for each election, he or she shall state the dates when he or she expects to begin and end such absence; or
    - (ii) unable to appear at a polling place because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled; or
    - (iii) resident or patient of a veterans health administration hospital; or
    - (iv) detained in jail awaiting action by a grand jury or awaiting trial or confined in jail or prison after a conviction for 332 an offense other than a felony and stating the place where he or she is so detained or confined.
  - (d) Such application shall permit the applicant to apply for an absentee ballot for either a primary election or the general election in any year and for those persons who will be continuously absent from their county of residence during the period between the fall primary election and the general election in any year to apply for ballots for both such elections in such year. A voter who applies for an absentee ballot shall be sent an absentee ballot for any special election or winter primary that occurs during the period of absence specified in the application.
4. A voter who claims permanent illness or physical disability may make application for an absentee ballot and the right to receive an absentee ballot for each election thereafter as provided herein without further application, by filing with the board of

elections an application which shall contain a statement to be executed by the voter. Upon filing of such application the board of elections shall cause the registration records of the voter to be marked "Permanently Disabled" and thereafter shall send an absentee ballot for each succeeding primary, special or general election to such voter at his or her last known address by first class mail with a request to the postal authorities not to forward such ballot but to return it in five days in the event that it cannot be delivered to the addressee. The mailing of such ballot for each election shall continue until such voter's registration is cancelled.

5. The application for an absentee ballot shall contain the following language printed in bold face directly above the signature line: "I CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY SWORN." Such application shall be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement shall subject the person signing it to the same penalties as if he had been duly sworn. § 8-400 ELECTION LAW 333 CONDUCT OF ELECTIONS § 8-400

6. For purposes of this section, the use of titles, initials or customary abbreviations of given names by the signers of, or witnesses to, an absentee ballot request letter, an absentee ballot application form or an absentee ballot envelope, or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such voter's signature or witness's signature on an application for an absentee ballot or upon canvass or recanvass of the ballot pursuant to this chapter.

7. If a person entitled to an absentee ballot is unable to sign his application because of illness, physical disability or inability to read, he shall be excused from signing upon making a statement, in substantially the following form, which shall be witnessed by one person: "I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability or because I am unable to read. I have made, or have received assistance in making, my mark in lieu of my signature." (Date) . . . . .

..... (Mark)

(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed his mark to this application in my presence and I know him to be the person who affixed his mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn."

.....  
(Signature of Witness)

.....  
(Address of Witness)

Such statement shall be included in the application form furnished by the board of elections.

8. Printed forms of applications for absentee ballots in accordance with the requirements of this section shall be provided by the board of elections. An appropriate number shall be retained by the board of elections for the purpose of furnishing an application form to each qualified voter who 334 § 8-400 ELECTION LAW applies therefor before the board of elections, either in person or by mail, and an appropriate number shall be delivered to each board of inspectors on registration days with the election supplies, and the board of inspectors shall retain the completed and unused applications and return them to the board of elections with their election supplies and an appropriate number shall be available for distribution to officers of political parties, county clerks, city, town and village clerks, colleges, libraries, hospitals, nursing homes, senior citizens centers and any other convenient distribution source which is approved by the local or state board of elections and which requests such forms.
9. The provisions of this section for absentee voting in primary elections shall not apply to the party positions of members of the ward, town, city or county committee.
10. The state board of elections shall prescribe a standard application form for use under this section. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing. (L.1976, c. 233, § 1. Amended L.1976, c. 234, §§ 43, 43-a; L.1978, c. 9, §§ 68, 69; L.1978, c. 223, § 1; L.1978, c. 371, § 1; L.1980, c. 446, § 1; L.1980, c. 447, § 1; L.1980, c. 666, § 1; L.1981, c. 684, §§ 1, 2; L.1983, c. 518, § 1; L.1984, c. 78, § 1; L.1984, c. 416, § 5; L.1985, c. 163, § 1; L.1986, c. 373, §§ 1, 2; L.1988, c. 216, §§ 3, 4; L.1988, c. 321, § 1; L.1989, c. 359, § 20; L.1991, c. 263, § 8, eff. Dec. 1, 1991; L.2009, c. 40, § 1, eff. Jan. 1, 2010; L.2009, c. 165, § 1, eff. July 11, 2009; L.2009, c. 426, §§ 1, 2, eff. Sept. 16, 2009; L.2010, c. 63, § 1, eff. April 28, 2010; L.2010, c. 97, § 1, eff. Jan. 1, 2011; L.2010, c. 104, § 4, eff. June 2, 2010; L.2015, c. 375, §§ 2, 3, eff. Oct. 26, 2015; L.2020, c. 91, § 1, eff. June 30, 2020; L.2020, c. 138, § 1, eff. Aug. 20, 2020; L.2020, c. 139, § 1, eff. Aug. 20, 2020; L.2021, c. 249, § 1, eff. July 16, 2021; L.2021, c. 273, §§ 1, 2, eff. July 16, 2021; L.2021, c. 273, § 3; L.2021, c. 746, § 1, eff. April 1, 2022; L.2022, c. 132, § 1, eff. April 1, 2022.)

**Testimony before the  
New York City Council  
Committee on Criminal Justice  
Chair Selvena Brooks-Powers  
Committee on Government Operations, State and Federal Legislation  
Chair Gale Brewer**

**By**

**Nell Colón, Deputy Commissioner of Programs and Community Partnerships  
NYC Department of Correction**

**April 14, 2026**

Good morning, Chair Brooks-Powers and Chair Brewer, and members of the Committees on Criminal Justice and Government Operations, State and Federal Legislation. My name is Nell Colón, and I serve as the Deputy Commissioner of Programs and Community Partnerships for the New York City Department of Correction (“Department” or “DOC”). I am joined by Valerie Greisokh, an Assistant Commissioner in the Division of Programs and Community Partnerships who oversees the Department’s civic engagement efforts and works closely with our partners in this area. I appreciate the opportunity to discuss our civic engagement work and our continued commitment to ensuring that all eligible individuals in our care are able to exercise their right to vote. We believe deeply that access to the democratic process is an important part of civic participation, that eligible voters should be able to cast a ballot regardless of their circumstances, and that every vote should be able to count. The Department’s role is to help make that access

possible while respecting the legal framework that governs elections and the independent role of the Board of Elections (“Board”).

The Department’s work in this area is focused on facilitation. State election law governs most aspects of the voting process, and the Board maintains primary responsibility for election administration. Within that framework, DOC works to ensure that people in custody who are eligible to vote have access to information, registration opportunities, and the tools needed to request and submit absentee ballots.

We do this through a combination of education and engagement, access to forms, and operational support. Education is a key part of our approach. The Department provides nonpartisan voter education materials developed in partnership with the New York City Campaign Finance Board, and DOC program staff, as well as external partners, deliver civic engagement programming year-round to help individuals understand eligibility rules, election timelines, and how to access voting resources. Registration drives are conducted with external partners up to 16 times per year to assist individuals in understanding and completing necessary forms. This work is intended to ensure that people in our jails have the same basic information about the voting process that they would have access to in the community.

Voter registration forms and absentee ballot applications are available through multiple avenues, including requests to staff, distribution during voter registration drives, and through tablets assigned to people in our care. Individuals may complete these materials independently and submit them directly to the Board, or they may request assistance from DOC program staff, partner agencies, or volunteers. When individuals choose to submit materials through the Department, program staff coordinate the collection and hand delivery of voter registration

forms, absentee ballot applications, and completed ballots to the Board to help ensure timely processing. At the same time, we are careful to preserve the independence and privacy of the voting process. The Department does not influence voting decisions, does not monitor ballot choices, and does not interfere when individuals choose to handle their voting process independently.

Partnerships are central to making this work effective. We are proud of our longstanding collaboration with the Legal Aid Society and the broader Voting on Rikers Working Group, which for several years has brought together government and nonprofit partners to support voter education and registration efforts. We also partner closely with the New York City Campaign Finance Board to develop educational materials and provide staff training. More recently, the Department entered into a partnership with Empower. Assist. Care. Network—affectionately known as the EAC Network—to further expand voter education and registration outreach across facilities. Internally, we also work with Health + Hospitals/Correctional Health Services reentry staff, who help support individuals who request assistance with forms as part of broader reentry planning. These partnerships are critical because they help ensure this work is robust, credible, and grounded in best practices, while also reinforcing that civic engagement work in a correctional setting benefits from collaboration across agencies and with community-based organizations.

With respect to the proposed legislation before the Council, the Department shares the goal of supporting voting access and transparency. At the same time, we must be mindful of the operational realities of our role and the legal structure that governs elections.

Regarding Intro 786, which would require the Department to facilitate ballot curing, DOC has concerns about the feasibility of implementing these requirements given our limited role in the election process. Under state law, the ballot curing process is administered directly by the Board of Elections, which communicates directly with voters using the contact information provided by the voter. The bill would appear to involve the Department of Correction in the administration of elections – something the Department is not set up to do. The Department does not receive notifications of ballot deficiencies and does not have access to the systems that would allow us to identify which ballots require curing. There are also operational challenges related to the fluid nature of the jail population. Individuals may enter and leave custody with little notice, and the Department does not always have reliable forwarding contact information. Creating a parallel process that depends on DOC receiving and redistributing cure notices would impose substantial operational difficulties. The Department remains committed to working with partners to support lawful and workable approaches to expanding access to voting and ensuring that all votes can be counted.

Regarding Intro 797, which would require annual reporting on voter registration and voting activity, DOC already produces regular reports related to agency-based voter registration and civic engagement activities and is committed to transparency in this area. We look forward to continuing to work with the Council to ensure any additional reporting requirements are aligned with the data the Department is able to reliably collect within the scope of our facilitative role.

By supporting civic engagement and voting access for eligible individuals in our care, we are supporting dignity and connection to community. That is a hallmark of putting people first.

We look forward to continuing working with our partners, including Council, to strengthen these efforts while respecting the legal and operational boundaries of our role. Thank you for the opportunity to testify, we are happy to answer your questions.



**TESTIMONY OF:**

**Michael Klinger, Jail Services Attorney**

**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council Committee on Criminal Justice**

**Oversight Hearing: Voting on Rikers**

**April 14, 2026**

My name is Michael Klinger. I am a Jail Services Attorney at Brooklyn Defender Services (BDS). We thank Chairs Brewer and Brooks-Powers and the Committees on Governmental Operations, State and Federal Legislation and Criminal Justice for the opportunity to testify on today's Oversight hearing on voting in the New York City jails.

For 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services to Queens. We represent over 40,000 people each year who are accused of a crime, facing the removal of their children, or at risk of deportation. Our staff consists of attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

In addition to zealous legal defense, BDS provides a wide range of services to address the causes and consequences of legal system involvement. We have built a practice around supporting people who are detained pretrial to mitigate the burdens and trauma created by confinement and to protect our clients from collateral consequences. Through our jail-based programming, we advocate for our clients to access services they are entitled to such as medical care and educational access. Additionally, our established presence in New York City jails allows us to monitor and document the conditions New Yorkers encounter when incarcerated and advocate for the basic human rights, health, and safety of our clients and other incarcerated people. Furthermore, many of the people that we serve live in heavily policed and highly surveilled communities.

## I. Legal Framework for Election Administration in City Jails

In New York State, otherwise-eligible voters who are in jail pretrial or serving a sentence on a misdemeanor conviction are eligible to vote by absentee ballot.<sup>1</sup> People who are currently incarcerated for a felony conviction are ineligible to vote.<sup>2</sup>

Under New York State law, the New York City Board of Elections (“the Board” or “BOE”) is generally responsible for conducting voter outreach, registration, and elections.<sup>3</sup> The City of New York is responsible for the Board’s budget; the Board is otherwise treated as a creature of state law not strictly under the jurisdiction of the Mayor or City Council.<sup>4</sup>

Under Local Law 29 of 2000, codified under New York City Charter Section 1057-a, the New York City Department of Correction (“the Department”) is a “participating agency,” responsible for a range of tasks associated with facilitating participation in elections.<sup>5</sup>

The Charter generally specifies that participating agencies are responsible for, among other things: (a) distributing voter registration forms; (b) providing assistance in completing these distributed voter registration forms; (c) transmitting any completed forms to the Board of Elections within two weeks of the receipt of the completed forms; (d) prominently displaying promotional materials designed and approved by the Board of Elections; and (e) submitting semi-annual reports on the implementation of the Charter requirements.<sup>6</sup> Additional requirements, specific to the Department, cover the distribution and submission of absentee ballot applications and subsequently received absentee ballots.<sup>7</sup>

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<sup>1</sup> See generally, S. 830B, 2021-2022 Leg., Reg. Sess. (N.Y. 2021). See also NYCLU: ACLU of New York, *Voting with a Criminal Record*, <https://www.nyclu.org/resources/know-your-rights/voting-criminal-record> (last visited Apr. 16, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> See generally, N.Y. Elec. Law § 3-212 (McKinney). See also New York City Board of Elections, *About the NYC Board of Elections*, <https://vote.nyc/page/about-nyc-board-elections> (last visited Apr. 16, 2026) (listing the Board’s responsibilities as including: (a) voter registration, outreach, and processing; (b) maintenance and updating of voter records; (c) processing and verification of candidate petitions/documents; (d) recruiting, training, and assigning the various Election Day officers to conduct elections; (e) operating poll site locations; (f) maintaining, repairing, setting up, and deploying Election Day equipment; (g) ensuring each voter their right to vote at the polls or by absentee ballot; (h) canvassing and certifying the vote; (i) conducting voter education, including notification and dissemination of election information; (j) preparing maps of various political subdivisions).

<sup>4</sup> See N.Y. Elec. Law §§ 3-208, 3-300; 4-136(1).

<sup>5</sup> N.Y.C., N.Y., Charter § 1057-a.

<sup>6</sup> *Id.* at (2), (3)(c), (4), (7), and (8).

<sup>7</sup> *Id.* at (9) (“In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible inmates. Such department shall offer, to all inmates who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable inmate, as well as a means to complete it. Such department shall provide assistance to any such

## II. Voting from New York City Jails

The Department partners with the Vote in NYC Jails Coalition (“the Coalition”), of which BDS is a member, to conduct voter registration drives in the jail facilities on Rikers Island.<sup>8</sup> As the Department has testified, those registration drives represent the primary method by which the Department seeks to satisfy its obligations under Charter Section 1057-a with respect to voter registrations and absentee ballot applications. The eventual distribution of Board-issued absentee ballots, and the collection and delivery of any subsequently completed ballots remains solely within the Department’s responsibility.

### a. Registrations and Absentee Ballot Applications

As described by members of the Coalition, voter registration drives are led by at least one Department staff member and take place over the course of 3-4 hours on designated days. The Coalition is generally informed in advance as to the facility it will be visiting, but information about which buildings or housing units are on the schedule is not shared in advance, nor is any record from the Department provided after the fact as to which housing units the Coalition visited.<sup>9</sup> As a general matter, Coalition members are advised that they are not permitted to take any written materials (besides those provided by the Department for purposes of registration, voter education, or absentee ballot application) either into or out of the facilities.<sup>10</sup>

At the conclusion of a registration visit, Coalition members are often able to tally the number of registration forms completed, and the number of absentee ballot forms completed, but not the names or other identifying information about the people who completed those forms. In practice, the number of people that the Coalition registers in a given day ranges from 10 – 80, although the average number is approximately 30-40 registrations, with approximately the same number of absentee ballot applications.

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inmate in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any inmate who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.”)

<sup>8</sup> The Department testified that it permits the Coalition to conduct 16 registration trips each year. In practice, this number is not one to which the Department has formally committed, and the Coalition has routinely negotiated to attain that approximate number each of the past several years, following an initial offer by the Department of between ten and twelve visits.

<sup>9</sup> In the Coalition’s experience, officers escorting Coalition members sometimes share their discretionary rationale for either including or excluding a particular housing unit. Explanations have included such bases as the perceived “mood” of a particular housing unit on a particular day; whether or not a unit has received or is expecting to receive a commissary delivery; whether or not a unit has recently received or is about to receive lunch; whether or not a unit is underpopulated because of some programming or recreation; whether or not there has been a use of force or other alleged behavioral infraction recently.

<sup>10</sup> Functionally, this prohibition means that the Coalition is not permitted to maintain an independent list of the names of people it meets with, nor any information about the exact number of registrations and/or absentee ballot applications it assists people to complete. This prevents the Coalition from subsequently determining whether a particular person it sought to register is ever actually registered.

Assuming 16 visits per year and approximately 50 registrations and ballot requests at each visit, the Coalition may register 800 people each year. The exact number of people registered as a result of the Coalition’s efforts is not made available by either the Department or the Board of Elections.

**b. Missing Data: Absentee Ballot Distribution and Collection**

The Coalition relies, often without success, on the Department and the Board for their discretionary determination to share information about: (1) the numbers of ballots distributed to people in custody in the city jails; (2) the number of completed ballots that are eventually collected and then delivered to the Board of Elections; (3) the number of ballots actually received by the Board of Elections; (4) the number of received ballots that are rejected by the Board of Elections for non-curable defects; (5) the number of received ballots that are rejected by the Board of Elections for curable defects; (6) the number of rejected-but-curable ballots that are returned to the Department for cure by the intending voter; and (7) the number of successfully-cured ballots that are subsequently received by the Board and counted.

A recent Freedom of Information Law (FOIL) request to the Department of Correction for data required to be produced pursuant to Charter Section 1057-a reports, as required, the number of people “served” by the Department’s election-related efforts, the number of registration forms “distributed,” and the number of registration forms collected and forwarded to the Board, among other things.<sup>11</sup>

While the documents produced pursuant to this FOIL request indicate that in the most recent reported years, between 1,000 and 2,000 people have been served, and fewer than 1,000 registration forms have been collected and sent to the Board, there is no substantive explanation for why the number of people served is not closer to the total number of people who come through Department custody each year.<sup>12</sup> Specifically, assuming 24,000 people per year cycle through the Department’s custody, there is no explanation as to why an average of approximately 2,000 people are being served, and why only approximately 35% of those served are generating voter registration forms.<sup>13</sup> The 1057-a reports are not required to include the number of actual votes counted from among those absentee ballots collected by the Department and delivered to the Board. Significantly, the Board’s testimony today indicates that there is a further and significant drop-off from the number of registrations to the number of successfully-cast ballots.

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<sup>11</sup> Documents produced pursuant to FOIL Request FOIL-2025-072-02636 are attached hereto as an Appendix. We note that the Department asserts that registration forms and absentee ballot applications are distributed “via three different methods: Monthly registration events .... Making forms and ballot applications readily available in each facility’s law library and similarly upon discharge.” *See, e.g.*, Appendix, “Agency-Based Voter Registration: Reporting Period: January 1 through June 30, 2022.”

<sup>12</sup> The New York City Comptroller’s Office’s “DOC Dashboard” reports 1,887 admissions in January 2026, and an average of 2,010.5 for the months of July through December of 2025. Assuming approximately 2,000 admissions per month, the total number of people who cycle through Department custody annually is approximately 24,000. *See* New York City Comptroller, *Department of Correction (DOC) Dashboard*, <https://comptroller.nyc.gov/services/for-the-public/department-of-correction-doc/dashboard/> (last visited Apr. 16, 2026).

<sup>13</sup> From the Board, it would be useful to know how that 35% rate of return compares to the registration rate in the population at large.

### **III. Proposed Legislation Addresses Some Transparency Concerns**

#### **a. Int. 786 and Proposed Amendments**

Int. 786 would require the Department of Correction to report on the number of notices and cure affirmations received from the Board of Elections to be delivered to voters in city custody for the purposes of curing, as well as the number of cure affirmations returned to the Board of Elections.

This bill takes a critical step forward in helping to understand whether the Board and the Department are meaningfully meeting the requirements of state election law section 9-209, which requires an opportunity for voters to cure when a defect is deemed curable.<sup>14</sup>

While we acknowledge that any information solely under the control of the Board must be sought through the Department, we urge the Council to explicitly seek the following information, as discussed above in Section II(b):

1. the number of ballots actually received by the Board of Elections;
2. the number of rejected-but-curable ballots that are returned to the Department for cure by the intending voter; and
3. the number of successfully-cured ballots that are subsequently received by the Board and counted.

#### **b. Int. 797 and Proposed Amendments**

Int. 797 would require the Department to report the number of voter registration events it facilitates, the number of completed registration forms it receives from people in custody, and the number of absentee ballots it distributes to people in custody.

This bill would enhance the reporting already required under City Charter section 1057-a, by requiring greater detail about how registration is conducted. This is welcome; the current reporting is so shrouded that the Department can count placing forms in the law library the same as a volunteer-led outreach visit into the housing units. This bill would shed more light on the process.

Because the current 1057-a reporting includes only a single reported figure for “Number of persons served,” it is impossible to determine the nature of that service, and thus to determine what methods may be more successful and what methods less so. We propose that Int. 797 be amended to additionally seek:

1. The number of people served through in-person events held to promote voter registration and voting;
2. The number of registration forms distributed *and collected* at in-person events held to promote voter registration and voting.

### **IV. Additional Proposals**

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<sup>14</sup>See generally, N.Y. Elec. Law § 9-209(3).

The Department of Correction, in its 1057-a reporting, acknowledges that the voting process on Rikers Island generally “remains challenging in the absence of a direct polling site.”<sup>15</sup> One of the challenges – that of reaching the approximately 24,000 people who cycle through the jail facilities each year – is amenable to a relatively straightforward solution: As suggested during public comment by Zachary Katznelson, executive director of the Independent Rikers Commission, by making voter registration and absentee ballot applications a meaningful part of the intake process, the Department could significantly increase both the number of registered voters with active absentee ballot requests in Department custody, and – perhaps more critically – the understanding and awareness of both the staff and people in custody as to the central importance of the right to vote, and the lawful ability to exercise that right even while in custody.

Finally, we urge the Council to engage with the Department and Board in as open and collaborative a way as is practicable to continue working through whatever practical or technological barriers may exist to: (1) creating in the jail facilities a New York State “vote center” where voters from multiple voting districts and precincts can vote in person by a non-absentee process; and (2) in the interim, creating workable and efficient in-person absentee voting locations, as the Board of Elections already does at its own discretion in certain non-carceral locations, as Executive Director Ryan testified.

## **V. Conclusion**

For all of these reasons, Brooklyn Defenders asks that the Council amend and pass the proposed legislation on today’s agenda and that it remain committed to improving both the access to the vote for people in the city’s custody, and the broader understanding both inside and outside the jails of the central and critically important role that civic engagement plays in community safety.

If you have any questions, please feel free to reach out to me at [mklinger@bds.org](mailto:mklinger@bds.org).

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<sup>15</sup> See, e.g., Appendix, “Agency-Based Voter Registration: Reporting Period: July 1 through December 31, 2023” at 2.

# **APPENDIX**

# Agency-Based Voter Registration

Reporting Period: January 1 through June 30, 2022

Agency:	Department of Correction
Name of Agency Reporter:	Mark Pauley
Phone:	718-546-0807
Email:	Mark.Pauley@doc.nyc.gov

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Number of persons served	3,500
Number of registration forms distributed:	3,500
Number of registration forms collected and sent to Board of Elections:	157
Number of front-line staff trained:	0
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	21

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## Describe how your agency distributes applications.

The Department distributed voter registration forms and absentee ballot application forms via three different methods: Monthly registration events (more information on these can be found below in response to the next prompt), making forms and ballot applications readily available in each facility's law library and similarly upon discharge. The registration events provided a recurring means of engaging the population, while placing the registration forms in each facility's law library and in the discharge areas gave individuals the opportunity to register on their own. These forms were printed in English and Spanish equivalents with written instructions from NYC Votes for each on how to properly fill out the forms.

The Department has also been in partnership with the health provider in the city's jails, Correctional Health Services (CHS), to conduct in-person engagement and assistance.

## Describe special registration activities, if any.

The Department conducts monthly voter registration events in collaboration with a coalition group made up of external stakeholders and volunteer groups. These events consist of in-person voter registration and absentee ballot registration drives across each housing area in different facilities each month. Upon request, special registration events are held in addition to these monthly efforts.

The Department has worked diligently to provide as much information as possible and on a regular basis to the population. In partnership with NYC Votes, the voting arm of the New York City Campaign Finance Board (NYCCFB), the Department distributed literature that outlined key election dates, races, and need-to-know voting information. The Department also consistently provided messaging with this same information as part of a weekly flyer that goes out to the population. The

# Agency-Based Voter Registration

Reporting Period: January 1 through June 30, 2022

Department uploaded all voting-related materials to each individual in custody's tablet as well, so that this information was readily available.

Describe challenges, both resolved and unresolved.

As per the past several reporting periods, conducting voter engagement activities, especially those done in-person, remained a major challenge due to the ongoing global pandemic. And yet, in light of this continuing difficult situation, the Department is pleased to report that significant strides continued to be made. The Department has forged a partnership with NYC Votes in the time since the last semi-annual report. This new partnership has been instrumental in achieving several short-term goals referenced in the last report during these past six months, and also in mapping out long-term engagement goals that we hope to be able to speak to in future iterations of this report.

The Department collects and delivers registration forms and ballot applications directly to BOE if individuals in custody choose to take advantage of that option. If individuals choose not to have DOC staff collect and hand-deliver their forms to the appropriate BOE office, they have the opportunity to mail their forms with the free weekly stamps or pre-stamped envelopes provided by the Department. The Department also operates a social services request system which can be utilized to provide voter documents in various languages and to provide voter assistance when requested.

Please list all locations where registration forms are distributed and/or made available to the public:

Org/Site Location Name	Street Address	Borough
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx
Department of Correction	1 Halleck St.	Bronx

(Add a new row for each additional location)

# Agency-Based Voter Registration

Reporting Period: July 1 through December 31, 2022

Agency:	Department of Correction
Name of Agency Reporter:	Mark Pauley
Phone:	718-546-0807
Email:	Mark.Pauley@doc.nyc.gov

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Number of persons served	4,000
Number of registration forms distributed:	4,000
Number of registration forms collected and sent to Board of Elections:	262
Number of front-line staff trained:	0
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	27

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## Describe how your agency distributes applications.

The Department ensures that voter registration forms and absentee ballot applications are readily available in each facility's law library and similarly upon discharge. Persons in custody have the opportunity to complete these applications and send them directly to their local Board of Elections (BOE) office or have DOC's Senior Program Liaison (SPL) hand deliver them to the applicable BOE office. Correctional Health Services (CHS), in partnership with the Department, and during routine medical visits, provides assistance in completing forms and coordinate with the SPL for their collection and distribution to BOE. All individuals in custody have recently been assigned a tablet again under the new tablet program, and the Department is in the process of uploading voter education information, candidate information, and registration forms and absentee ballots to them.

## Describe special registration activities, if any.

As part of the Department's voter registration initiative, we have been partnering with The Legal Aid Society ("Legal Aid"). Legal Aid provides volunteers on a monthly basis that meet with persons in custody and assist with the voter registration process. These monthly civic engagement events provide the incarcerated population a recurring means of connecting and engaging with the community and participating in the electoral process. Legal Aid is also part of the voting rights coalition on Rikers Island which remains active and engaged on a monthly basis.

The Department has worked diligently to provide as much information as possible and on a regular basis to the population. In partnership with NYC Votes, another coalition partner, the Department distributed literature that outlined key election dates, races, and need-to-know voting information. The Department also provided this messaging as part of a weekly flyer that goes out to the incarcerated population.

# Agency-Based Voter Registration

Reporting Period: July 1 through December 31, 2022

Describe challenges, both resolved and unresolved.

As per the past several reporting periods, conducting voter engagement activities, especially those done in-person, remained a challenge due to the ongoing global pandemic. And yet, in light of this continuing difficult situation, the Department is pleased to report continued progress. The Department has maintained relations with the multitude of stakeholders that make up the aforementioned voting rights coalition and has once again rolled out tablets to the incarcerated population which will help ease the flow of voting information.

The voting process on Rikers Island does remain complicated in the absence of a direct polling site. The Department collects and delivers registration forms and absentee ballot applications directly to BOE if individuals in custody choose to take advantage of that option. If individuals choose not to have DOC staff collect and hand-deliver their forms to the appropriate BOE office, they have the opportunity to mail their forms with free weekly stamps or pre-stamped envelopes provided by the Department. The Department also operates a social services request system which can be utilized to provide voter documents in various languages and also to provide voter assistance when requested.

Please list all locations where registration forms are distributed and/or made available to the public:

<b>Org/Site Location Name</b>	<b>Street Address</b>	<b>Borough</b>
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx
Department of Correction	1 Halleck St.	Bronx

## AGENCY-BASED VOTER REGISTRATION

REPORTING PERIOD: JANUARY 1 THROUGH JUNE 30, 2023

Agency: NYC Department of Correction

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Name of Agency Reporter: Mark Pauley

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Phone: (718) 546-0807

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Email: Mark.Pauley@doc.nyc.gov

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Number of persons served	2,500
Number of registration forms distributed:	2,500
Number of registration forms collected and sent to Board of Elections:	187
Number of printed educational materials about ranked choice voting distributed:	31
Number of front-line staff trained:	0
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	24

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### Describe how your agency distributes applications.

The Department ensures that voter registration forms and absentee ballot applications are readily available in each facility's law library and similarly upon discharge. Persons in custody can complete these applications and send them directly to their local Board of Elections (BOE) office or have DOC's Senior Program Liaison (SPL) deliver them to the applicable BOE office. When Correctional Health Services (CHS) providers meet with persons in custody for routine visits, they can provide assistance with the completion of these forms as well. CHS staff collaborates with DOC's SPL, who will collect and distribute forms to the BOE offices.

### Describe any special registration activities, if any.

The Department has a multi-pronged approach to registering voters. In partnership with the New York City Campaign Finance Board (CFB), we have been working on the development of a voter education module to acquaint persons in custody with the basic concepts of democracy and the role of the election process. The voter education and training module is designed to educate individuals in custody and promote participation in the electoral process.

Additionally, we are leveraging the Department's tablet technology to increase awareness of upcoming elections, distribute information about issues and candidates, and enable persons in custody to request voter registration forms and absentee ballot applications. We are also recruiting volunteers who commit to independently lead voter registration drives at our facilities on a bi-monthly basis, after they have received training and necessary security clearances.

In partnership with The Legal Aid Society and other community-based organizations, we lead monthly voter registration initiatives, where a small group of volunteers from these organizations visit select housing units to discuss the importance of civic engagement, distribute voter registration forms and absentee ballots, and aid in getting these forms completed and collected.

## AGENCY-BASED VOTER REGISTRATION

REPORTING PERIOD: JANUARY 1 THROUGH JUNE 30, 2023

Describe challenges, both resolved and unresolved.

The voting process on Rikers Island remains challenging in the absence of a direct polling site, however the Department works with stakeholders to identify solutions that mitigate the impact of this challenge. The Department collects and delivers registration forms and absentee ballot applications directly to BOE if individuals in custody choose to take advantage of that option. If individuals choose not to have DOC staff collect and hand-deliver their forms to the appropriate BOE office, they can mail their forms with free stamps or pre-stamped envelopes provided by the Department. The Department also provides voter documents in various languages and voter assistance, upon request.

Please list all locations where registration forms are distributed and/or made available to the public.

<b>Org/Site Location Name</b>	<b>Street Address</b>	<b>Borough</b>
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx
Department of Correction	1 Halleck St.	Bronx

# Agency-Based Voter Registration

Reporting Period: July 1 through December 31, 2023

Agency:	NYC Department of Correction
Name of Agency Reporter:	Mark Pauley
Phone:	(718) 546-0807
Email:	Mark.Pauley@doc.nyc.gov

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Number of persons served	1,500
Number of registration forms distributed:	1,500
Number of registration forms collected and sent to Board of Elections:	144
Number of printed educational materials about ranked choice voting distributed:	400
Number of front-line staff trained:	0
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	29

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Describe how your agency distributes applications.

The Department ensures that voter registration forms and absentee ballot applications are readily available in each facility’s law library and similarly upon discharge. Persons in custody can complete these applications and send them directly to their local Board of Elections (BOE) office or have DOC’s Senior Program Liaison (SPL) deliver them to the applicable BOE office. When Correctional Health Services (CHS) providers meet with persons in custody for routine visits, they can provide assistance with the completion of these forms as well. CHS staff collaborates with DOC’s SPL, who will collect and distribute forms to the BOE offices. The Department has also made significant progress in leveraging its tablet capabilities in this area and individuals in custody are utilizing the devices to request voter registration applications and absentee ballots.

Describe special registration activities, if any.

The Department has a multi-pronged approach to registering voters. In partnership with the New York City Campaign Finance Board (CFB), the Department has developed a voter education “train the trainer” module that seeks to acquaint persons in custody with the basic concepts of democracy and the role of the election process through the use of trained frontline staff and volunteers. The hope is to promote greater participation in the electoral process. Trainings are set to begin in January 2024 and the Department expects to have more to share in the next iteration of this report.

Additionally, the Department is leveraging its tablet technology to increase awareness of upcoming elections, distribute information about issues and candidates, and enable persons in custody to request voter registration forms and absentee ballot applications. We also steadily recruit student interns and volunteers who commit to independently lead voter registration drives at our facilities on a bi-monthly basis, after they have received training and necessary security clearances.

## Agency-Based Voter Registration

*Reporting Period: July 1 through December 31, 2023*

In partnership with The Legal Aid Society and other community-based organizations, we lead monthly voter registration drives, where a small group of volunteers from these organizations visit select housing units to discuss the importance of civic engagement, distribute voter registration forms and absentee ballots, and aid in getting these forms completed and collected.

Describe challenges, both resolved and unresolved.

The voting process on Rikers Island remains challenging in the absence of a direct polling site, however the Department works with stakeholders to identify solutions that mitigate the impact of this challenge. The Department collects and delivers registration forms and absentee ballot applications directly to BOE if individuals in custody choose to take advantage of that option. If individuals choose not to have DOC staff collect and hand-deliver their forms to the appropriate BOE office, they can mail their forms with free stamps or pre-stamped envelopes provided by the Department. The Department also provides voter documents in various languages as well as voter assistance, upon request.

Please list all locations where registration forms are distributed and/or made available to the public:

Org/Site Location Name	Street Address	Borough
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx
Department of Correction	1 Halleck St.	Bronx

# Agency-Based Voter Registration

Reporting Period: January 1 through June 30, 2024

Agency: NYC Department of Correction

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Name of Agency Reporter: Mark Pauley

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Phone: (718) 546-0807

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Email: Mark.Pauley@doc.nyc.gov

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Number of persons served	1,215
Number of registration forms distributed:	1,215
Number of registration forms collected and sent to Board of Elections:	628
Number of printed educational materials about ranked choice voting distributed:	0
Number of front-line staff trained:	0
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	29

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Describe how your agency distributes applications.

The Department’s Senior Program Liaison, who is part of the Division of Programs and Community Partnerships, facilitates monthly civic engagement events where volunteers meet people in custody and distribute voter registration forms as well as absentee ballot applications. The Department also ensures that voter registration forms and absentee ballot applications are readily available in each facility’s law library and similarly upon discharge, but people in custody can also use their tablets to request these materials. People in custody can complete forms themselves and mail them directly to their local Board of Elections (“BOE”) office or have DOC deliver them on their behalf to the applicable BOE office.

Describe special registration activities, if any.

During the first half of 2024, the Department has continued its partnership with the Legal Aid Society and a coalition of other external stakeholders to offer civic engagement education and voter registration assistance to all interested and qualified people in custody. Through this partnership, we lead monthly voter registration drives, where a small group of coalition volunteers visit select housing units to discuss the importance of civic engagement, distribute voter registration forms and absentee ballots, and aid in getting these forms completed and collected.

In partnership with NYC Votes, the voting arm of the New York City Campaign Finance Board (“CFB”), and one of the many aforementioned coalition partners, the Department recently developed a voter education module in which staff and coalition volunteers educate people in custody on the basic concepts of democracy and the role of the election process. The Department also leverages its tablet technology to distribute non-partisan literature about issues and candidates for each election cycle. This literature is provided by our external partners and physical copies are also distributed on registration drives and via the law library.

## Agency-Based Voter Registration

*Reporting Period: January 1 through June 30, 2024*

Additionally, the Department is leveraging its tablet technology to increase awareness of upcoming elections, distribute information about issues and candidates, and enable people in custody to request voter registration forms and absentee ballot applications. The Department also steadily recruits student interns and volunteers, who commit to independently lead voter registration drives at our facilities after they have received training and necessary security clearances.

Describe challenges, both resolved and unresolved.

The voting process on Rikers Island remains challenging in the absence of a direct polling site, however, the Department works with stakeholders to identify solutions that mitigate the impact of this challenge. The Department collects and delivers registration forms and absentee ballot applications directly to BOE for the people in custody who choose to take advantage of this option. People in custody are also able to register to vote and cast a ballot on their own, just as they would in the community. Eligible individuals can opt to request and receive a voter registration form and/or absentee ballot form via the mail. The Department does not play a role in this process and is not privy to any data for those that choose to vote this way, but it does provide free stamps or pre-stamped envelopes to help facilitate this. Upon request, the Department also provides voter documents in various languages as well as voter assistance

Please list all locations where registration forms are distributed and/or made available to the public:

<b>Org/Site Location Name</b>	<b>Street Address</b>	<b>Borough</b>
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx

# Agency-Based Voter Registration

Reporting Period: July 1 through December 31, 2024

Agency: NYC Department of Correction

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Name of Agency Reporter: Mark Pauley

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Phone: (718) 546-0807

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Email: Mark.Pauley@doc.nyc.gov

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Number of persons served	2,000
Number of registration forms distributed:	2,000
Number of registration forms collected and sent to Board of Elections:	697
Number of printed educational materials about ranked choice voting distributed:	1,063
Number of front-line staff trained:	39
Agency website traffic (number of clicks) directed to Campaign Finance Board website (NYC Votes):	24

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Describe how your agency distributes applications.

The Department's Senior Program Liaison, who is part of the Division of Programs and Community Partnerships, facilitates monthly civic engagement events where volunteers meet people in custody and distribute voter registration forms as well as absentee ballot applications. The Department also ensures that voter registration forms and absentee ballot applications are readily available in each facility's law library and similarly upon discharge, but people in custody can also use their tablets to request these materials. People in custody can complete forms themselves and mail them directly to their local Board of Elections ("BOE") office or have DOC deliver them on their behalf to the applicable BOE office.

Describe special registration activities, if any.

During the second half of 2024, the Department continued its partnership with the Legal Aid Society and a coalition of other external stakeholders to offer civic engagement education and voter registration assistance to all interested and qualified people in custody. Through this partnership, DOC leads monthly voter registration drives, where a small group of coalition volunteers visited select housing units to discuss the importance of civic engagement, distributed voter registration forms and absentee ballots, and assisted with getting these forms completed and collected.

In partnership with NYC Votes, the voting arm of the New York City Campaign Finance Board ("CFB"), and one of the many coalition partners, the Department recently developed a voter education module in which staff and coalition volunteers educate people in custody on the basic concepts of democracy and the role of the election process. The Department also leverages its tablet technology to distribute non-partisan literature about issues and candidates for each election cycle. This literature is provided by our external partners and physical copies are also distributed on registration drives and via the law library.

## Agency-Based Voter Registration

*Reporting Period: July 1 through December 31, 2024*

Additionally, the Department is leveraging its tablet technology to increase awareness of upcoming elections, distribute information about issues and candidates, and enable people in custody to request voter registration forms and absentee ballot applications. The Department also recruits student interns and volunteers, who conduct independent voter registration drives at our facilities after they have received training and necessary security clearances.

Describe challenges, both resolved and unresolved.

The voting process on Rikers Island remains challenging in the absence of a direct polling site, however, the Department works with stakeholders to identify solutions that mitigate the impact of this challenge. The Department collects and delivers registration forms and absentee ballot applications directly to BOE for the people in custody who choose to take advantage of this option. People in custody are also able to register to vote and cast a ballot on their own, just as they would in the community. Eligible individuals can opt to request and receive a voter registration form and/or absentee ballot form via the mail. The Department does not play a role in this process and is not privy to any data for those that choose to vote this way, but it does provide free stamps or pre-stamped envelopes to help facilitate this. Upon request, the Department also provides voter documents in various languages as well as voter assistance.

Please list all locations where registration forms are distributed and/or made available to the public:

<b>Org/Site Location Name</b>	<b>Street Address</b>	<b>Borough</b>
Department of Correction	Multiple facilities – Hazen St., Elmhurst, NY (Rikers Island)	Bronx



Brooklyn Voters Alliance

## Testimony of

**Jan Combopiano, Senior Policy Director  
Brooklyn Voters Alliance**

**New York City Council Governmental Operations, State and Federal  
Legislation, and Criminal Justice Committees**

**Joint Oversight Hearing**

**April 14, 2026**

### **I. Introduction**

Good morning, Chairs Brewer and Brook-Powers, and members of the Committee. My name is Jan Combopiano, and I am the Senior Policy Director of Brooklyn Voters Alliance. Thank you for the opportunity to testify today.

I am here to urge the NYC Council to pass a resolution in strong support of the *Democracy During Detention Act*, New York State Senate Bill S440/Assembly Bill A2121, sponsored by Senator Zellnor Myrie and Assemblywoman Latrice Walker.<sup>1</sup> This legislation is long overdue, and New York City—home to the largest municipal jail complex in the state—provides a unique opportunity for the Council to lead on this issue.

We know that in this country, this state, and this city, “...having the right to vote is different from having the ability to vote.”<sup>2</sup> We are all here because we believe that every

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<sup>1</sup> “Democracy During Detention Act,” NY State Senate Bill 2025-S440, 2025, retrieved from NYSenate.gov., <https://www.nysenate.gov/legislation/bills/2025/S440>.

<sup>2</sup> “Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail,” June 2023, The Thurgood Marshall Institute at LDF, <https://tminstituteldf.org/voting-in-jails/>.

eligible voter should be able to vote, no matter where they are in our city — including on Rikers Island. We are here to make our democracy work for all New Yorkers, and I'm grateful to share my perspective on this important issue.

## II. The Problem: Systemic Voter Suppression in New York's Jails

### A. Who Is Being Disenfranchised?

Under New York State law, citizens detained pretrial or serving a misdemeanor sentence of less than one year retain their full right to vote. They are not subject to felony disenfranchisement. They are, in the eyes of the law, eligible voters. Yet in practice, thousands of them cannot vote, because the system designed to facilitate that right has fundamentally failed them.

The core problem is structural: the New York City Department of Correction—and county Sheriffs everywhere else in New York State—is responsible for voting in jails, rather than the New York City Board of Elections, the state-authorized agency tasked with election administration throughout the state. Department of Correction staff are trained for security, not for election administration. They are not the right institution to guarantee the integrity and accessibility of the ballot.

The vast majority of New York State counties have no program at all for voter registration or voting in jails.<sup>3</sup> This is not an oversight in a few isolated places—it is the default condition across the state, including New York City.

### B. The NYC Context: Rikers Island by the Numbers

As of March 2026, nearly 7,000 people are held at Rikers Island. Approximately 86% of them — nearly 6,000 people — have not been convicted of any crime.<sup>4</sup> These are people detained pretrial, presumed innocent, and, if citizens and residents of NYC, legally entitled to vote. Yet in the 2024 general election, according to the Legal Aid Society and the Vote in NYC Jails Coalition, fewer than 550 people actually voted from Rikers.<sup>5</sup> That is fewer than one in ten eligible voters.

*Why is the number so low? Because voter registration and absentee ballot request processes are an afterthought to the Department of Correction at best, and there is no system in place capable of reaching all the eligible voters on the island that is consistent with election-related deadlines. The current methods are NOT WORKING FOR VOTERS.*

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<sup>3</sup> "Voting in New York State Jails: A Quantitative Analysis of Access," June 2023, League of Women Voters of New York, <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>

<sup>4</sup> "Jail Population In New York State: Average Daily Census by Month," March 2026, New York State Division of Criminal Justice Services, [https://www.criminaljustDemocratic Election Commissioners support the Democracy During Detention Act and have added itice.ny.gov/crimnet/ojsa/jail\\_population.pdf](https://www.criminaljustDemocratic Election Commissioners support the Democracy During Detention Act and have added itice.ny.gov/crimnet/ojsa/jail_population.pdf)

<sup>5</sup> "On Election Day, Vote in NYC Jails Coalition and Electeds Demands Polling Sites and Equal Access to the Ballot for Incarcerated New Yorkers," November 4, 2025, The Legal Aid Society, <https://legalaidnyc.org/wp-content/uploads/2025/11/On-Election-Day-Vote-in-NYC-Jails-Coalition-and-Electeds-Demands-Polling-Sites-and-Equal-Access-to-the-Ballot-for-Incarcerated-New-Yorkers-.pdf>

### C. The Racial Equity Dimension

This is not a race-neutral problem. According to the NYC Department of Correction's Population Demographics Report for Fiscal Year 2026, over 90% of people detained at Rikers were African American, Hispanic, or Asian.<sup>6</sup> Black New Yorkers are admitted to Rikers at 11 times the rate of white New Yorkers.<sup>7</sup> The failure to ensure voting access at Rikers is the systematic disenfranchisement of Black and brown New Yorkers—voters who are legally entitled to participate in our democracy and who are not there as a result of any felony conviction and sentenced to incarceration for more than one year.

### D. The New York State Context

New York has made genuine progress on voting rights in recent years, including restoring voting rights to people on parole, establishing statewide early voting, and adopting the *John R. Lewis New York Voting Rights Act*.<sup>8</sup> The Democracy During Detention Act is the logical next step in that progression—closing a glaring and inexcusable gap in an otherwise progressive voting rights record.

It is also important to understand why state-level action is essential. The NYC Board of Elections is a state ministerial agency, overseen by the New York State Board of Elections. Ballot access in all elections—city, state, and federal—is governed by state election law. For voting access to be consistent and enforceable across all of New York City's jail facilities, the New York State Election Law must be amended. Amending the NYC Charter alone is not sufficient.

It is promising that all Democratic Election Commissioners support the *Democracy During Detention Act* and have added it to their list of legislative priorities for the 2026 session<sup>9</sup> and the Brooklyn District Attorney, Eric Gonzalez, is in support of this bill as well.<sup>10</sup>

## III. The Current System Is Failing

In 2016, the City Council passed Local Law 138,<sup>11</sup> which tasked the NYC Department of Correction with facilitating voting at Rikers. Nearly a decade later, the results speak for

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<sup>6</sup> "Population Demographics Report: FY2026 Q2," New York City Department of Correction, <https://www.nyc.gov/assets/doc/downloads/pdf/Quarterly%20Population%20Demographics%20Report%20-%20FY2026%20Q2.pdf>.

<sup>7</sup> Reuven Blau, "Racial Gap in City Jails Has Only Gotten Worse, John Jay Study Finds," *The City*, March 2, 2023. <https://www.thecity.nyc/2023/03/02/racial-gap-nyc-jails-got-worse/>.

<sup>8</sup> "Wins for Voters," Let NYVote, <https://letnyvote.org/wins>.

<sup>9</sup> Dustin M. Czarny, "2026 NYS Elections Commissioner Association Democratic Caucus Legislative Priorities," January 19, 2026, <https://dustinczarny.com/2026/01/19/2026-nys-elections-commissioner-association-democratic-caucus-legislative-priorities/>.

<sup>10</sup> "Press Release: NY Democratic Election Commissioners Back Democracy during Detention Act as 2026 State Legislative Priority | League of Women Voters New York." [Lwvny.org](https://lwvny.org/press-release-ny-democratic-election-commissioners-back-democracy-during-detention-act-as-2026-state-legislative-priority/). January 26, 2026. <https://lwvny.org/press-release-ny-democratic-election-commissioners-back-democracy-during-detention-act-as-2026-state-legislative-priority/>.

<sup>11</sup> New York City Council, 2016, "A Local Law to Amend the NitsitsitshasBoardprogramew York City Charter, in Relation to the Department of Correction Promoting Absentee Voting among Jailed Individuals," Section. 1057-a. <https://intro.nyc/local-laws/2016-138>.

themselves: fewer than 550 people voted from Rikers in the 2024 general election.<sup>12</sup> The law set an obligation; it did not create a system capable of meeting it.

The current “program” for voting at Rikers allows volunteers—recruited by the Voting in NYC Jails Coalition—with the number limited by how many people can fit in a Department of Correction van (usually <12). The volunteers are offered a 5-minute training in the assembly area immediately prior to entering the van. The volunteers are allowed to enter one building per visit, for three to four hours, no more than once or twice a month. At the conclusion of the visit, the Department of Correction takes all the forms (both the voter registrations and the absentee ballot requests) to copy them for their own records (and ensure any missing information flagged by the volunteers, such as SSNs or addresses, are added by Department of Correction staff) prior to drop off at the Queens Board of Elections Borough Office. This is a change to the process by the NYC BOE, making it more efficient for the Department of Correction, so they no longer have to go to each Borough Office to drop off the relevant forms.

When an election is held, the Department of Correction staffer then returns to the Queens Borough BOE office to pick up any absentee ballots. These ballots are given to the Program staff for distribution to voters and will be picked up by the Program staff at a later date for delivery to the Department of Correction staffer responsible for returning them to the Queens BOE office for validation and casting. This process has one positive: it does not rely on the US Postal Service, but it could definitely be improved if the BOE were required to take a more active role.

This means that in any given election cycle, the vast majority of eligible voters at Rikers are simply never reached. They never receive a registration form. They never receive a ballot application. *They never vote—not because they chose not to, but because no one came to ask them if they WANTED to vote.*

As an NYC poll worker with almost a decade of experience, including 5+ years as a poll site Coordinator, I am convinced that many of the issues this program presents could be alleviated by adhering to the standards already in place for election administration in NYC. It starts with the lack of training for the volunteers doing voter registration—for example, beyond the age and citizenship requirements on the registration form, eligibility also requires the voter to have lived in NYC for at least 30 days<sup>13</sup>—and continues through the requirements for a valid absentee ballot return. It is unclear whether any specific training has been provided to the Program staff regarding the legal requirements for a valid absentee ballot return (the ballot must be inside the envelope, which must be sealed and signed by the voter).

The NYC Board of Elections has significantly improved its poll worker and Coordinator training over the past few years, including mandated in-person/hands-on training for all inspectors and Coordinators. In addition, having trained election administration staff assist voters provides a stronger guarantee of the protection of voters’ rights. The BOE,

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<sup>12</sup> “On Election Day, Vote in NYC Jails Coalition and Electeds Demands Polling Sites and Equal Access to the Ballot for Incarcerated New Yorkers,” November 4, 2025, The Legal Aid Society, <https://legalaidnyc.org/wp-content/uploads/2025/11/On-Election-Day-Vote-in-NYC-Jails-Coalition-and-Electeds-Demands-Polling-Sites-and-Equal-Access-to-the-Ballot-for-Incarcerated-New-Yorkers-.pdf>.

<sup>13</sup> “Voter Qualifications,” NYC Board of Elections, <https://vote.nyc/page/voter-qualifications>.

not the Department of Correction, is the more appropriate agency to train the people who handle ballots.

I argue that the current approach fails on four dimensions:

- **It is not voter-centric.** The capacity of the existing program—a few volunteer visits per month, one building at a time—is wholly inadequate to reach the thousands of eligible voters spread across nine facilities. And it does little to protect voters' rights, such as their privacy or their ability to get help voting.<sup>14</sup>
- **It is not professional.** The NYC DOC, not the NYC Board of Elections, is ultimately responsible. Corrections staff are trained for security, not election administration. According to NYS law, bipartisan staff are required in every step of handling ballots, but this is not happening because the wrong agency is running the program.
- **It is not transparent.** There is a significant and persistent lack of consistent statistics, tracking, and public reporting on how many people were reached, how many ballots were requested, and how many were ultimately counted.
- **It is not accountable.** Neither the NYC DOC nor the NYC BOE is being held responsible for the voter suppression that is occurring every election cycle. The two agencies point at each other, and thousands of eligible voters pay the price.

#### IV. The Difficulty in Establishing a Poll Site (or Poll Sites) on Rikers

Should there ever be a groundswell of support for poll sites—whether for in-person absentee ballot distribution and collection, as Ulster County does,<sup>15</sup> or a vote center model similar to the one in Cook County, IL<sup>16</sup>—there remains a huge barrier to implementation. Rikers is not a single building with a single entrance. It is a small city unto itself. To understand the scale of the problem, we must consider the physical reality of Rikers as an island, spanning over 400 acres in the East River and housing nine active jail facilities, with thousands of potentially eligible voters.

It's not just the number of buildings; each facility has secure floors, housing sections, and security zones, making access to a polling site for poll workers and voters impractical. Would there be a poll site on every floor? In every section? In every law library/public space in a building? Are there sufficient electrical capacity and ADA access in these spaces to house the BOE equipment?

The NYC BOE is planning to implement a new Ballot Marking Device (BMD) capable of marking the 7,000+ different ballot styles required to be reported by the state Election Law,<sup>17</sup> after certification by the NYS BOE. However, the BMD is only one aspect of a poll site—either pre-printed ballots need to be brought into the poll site or there is a Ballot-on-Demand (BoD) system that can be used to print the ballots on site, as well as

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<sup>14</sup> “New York State Voter’s Bill of Rights,” NYC Board of Elections, . <https://vote.nyc/page/voters-rights>.

<sup>15</sup> Ashley Torres and John Quigley, “Opinion: Facilitating Democracy during Detention,” *City & State New York*, August 26, 2024, <https://www.cityandstateny.com/opinion/2024/08/opinion-facilitating-democracy-during-detention/399079/>.

<sup>16</sup> “CCJ Votes – Chicago Votes,” Chicago Votes, 2020, <https://chicagovotes.com/ccj-votes/>.

<sup>17</sup> “Canvass; general provision for,” §9-102, New York State Election Law, Chapter 17.

election carts, tables, chairs, an ePollbook to check in voters, affidavit ballots (again, either pre-printed or BoD), privacy booths, scanners, and an absentee ballot box, plus all the poll workers need to run the site. All of this equipment takes significant space and requires a steady supply of electricity to run.

This implies that there would be no single polling site on Rikers, but potentially dozens. Having poll sites that include multiple pieces of equipment, rather than just the epollbooks, ballots (including affidavits), and privacy booths, is impractical. However, having in-person absentee poll sites might be a good solution until the Borough-Based Jails render Rikers obsolete.

## V. What the Democracy During Detention Act Does

### A. Core Provisions

The Democracy During Detention Act creates a clear, mandatory, and professionally administered framework for voting access in New York’s jails. Its key provisions include:

- Requiring Boards of Elections to provide at least one formal, planned method of jail-based voting — either on-site polling places during the early voting period, or structured in-person absentee ballot collection visits administered by Board of Elections staff
- Requiring written Facility Voter Access Plans, developed jointly by the Board of Elections and facility administrators, submitted and approved well in advance of each election cycle — creating a public, enforceable record of commitment
- Mandating Board of Elections site visits between 30 and 45 days before each primary and general election to register voters, using electronic tablets and digital tools wherever possible
- Requiring voting rights information to be included in inmate handbooks and reentry materials, so that eligible voters know their rights from the moment they arrive
- Extending voting access to people held in segregated confinement who remain legally eligible to vote
- Guaranteeing language access protections for eligible voters detained in correctional facilities, consistent with protections available to all other voters

### B. Who Bears the Burden

Perhaps the most important shift in this legislation is that it shifts the burden from the detained individual to the institutions legally responsible for elections. Under the current system, an eligible voter at Rikers must somehow navigate paperwork, logistics, and bureaucracy while confined, often without legal assistance, and often without even knowing they have the right to vote at all. Under the *Democracy During Detention Act*, the Board of Elections—not the detained voter—is responsible for making voting happen. That is how it works for every other voter in New York. It should work the same way at Rikers.

## VI. Why This Matters

Research consistently shows that civic participation, including voting, reduces recidivism and supports successful reintegration after incarceration.<sup>18</sup> People who vote are more likely to see themselves as stakeholders in their communities—and that sense of investment in a place's civic fabric is protective. Disenfranchisement, by contrast, deepens alienation. Guaranteeing voting access at Rikers is not just a matter of democratic principle—it is sound public safety policy.

We also know this approach works. Jail-based voting programs have been implemented successfully in Chicago (Cook County), Colorado, Denver, and Washington, D.C. In each case, when Boards of Elections took responsibility for administering voting in jails—with real resources, real planning, and real accountability—participation increased dramatically. New York City has the infrastructure, the expertise, and the scale to make this work. What has been missing is a legal mandate. This bill provides it.

## VI. The Role of the NYC Council

I am asking this Council to do three things today.

1. **Pass a resolution formally supporting S440/A2121 and urging the State Legislature to pass the *Democracy During Detention Act*.** Because the NYC Board of Elections is a state ministerial agency, and ballot access is governed by state election law, amending the New York State Election Law is essential to ensuring consistent, enforceable voting access at Rikers. The Council's voice matters in Albany, and this Council should use it and communicate directly with your Albany counterparts, including those in leadership, on how important it is to pass this legislation this session.
2. **Mandate civic education and statistical tracking.** All Department of Correction staff involved in voting at Rikers should be required to complete training from an accredited agency (the NYSBOE, the NYCBOE, or a federal agency) to ensure they understand the rules of voting and how to protect voters' rights. And, the Department of Correction must publish statistics on the number of people registered, the number of absentee requests, and, following each primary and general election, the number of absentee ballots distributed and returned.
3. **Be proactive about the borough-based jails.** New York City has committed to closing Rikers and replacing it with four borough-based jail facilities in Brooklyn, Manhattan, Queens, and the Bronx. As those facilities are designed and constructed, this Council has an opportunity—right now, before they open—to ensure that each one includes a dedicated polling site in its plan. Pass legislation guaranteeing a polling site at every new jail facility. Do not wait until the new jails open to have this fight. Win it now, in the design phase, while there is still time to get it right.

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<sup>18</sup> Kristen M. Budd and Niki Monazzam, "Increasing Public Safety by Restoring Voting Rights," The Sentencing Project. April 25, 2023.  
<https://www.sentencingproject.org/policy-brief/increasing-public-safety-by-restoring-voting-rights/>.

## VIII. Closing

Rikers Island is not one building. It is nine separate jail facilities across more than 400 acres, each with its own floors and housing sections. The idea that one or two volunteer trips a month, with clipboards and paper forms, can reach thousands of eligible voters scattered across this complex is not a voting program—it's a fig leaf. The *Democracy During Detention Act* replaces that with a real system, run by the people responsible for elections—the New York City Board of Elections. We must amend the NYS Election Law to ensure consistent voting access, no matter where eligible voters are in our community, including at Rikers.

In addition, this Council can be proactive about voting access in the new Borough-based jails, well before their final construction, by passing legislation guaranteeing a polling site at every new jail facility. In NYC, every voter counts. Period.

Thank you.



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## **April 14, 2026, 10:30 AM Hearing of the NYC Council Committees on Criminal Justice and Governmental Operations, State & Federal Legislation**

Members of the New York City Council Committees on Criminal Justice and Governmental Operations, State & Federal Legislation,

My name is Anna Humphrey, and I am the Transportation & Voting Community Organizer for the Center for Independence of the Disabled, New York (CIDNY). Thank you for the opportunity to testify on New York City Council bills Int. 0786-2026 and Int. 0797-2026 regarding voting on Rikers Island.

These pieces of legislation are about closing the gap between the legal right to vote and the reality of whether that vote is actually counted. According to The Legal Aid Society, in 2025, over 6,000 New Yorkers held at Rikers Island were eligible to vote. Yet far too many are effectively disenfranchised due to preventable barriers and lack of access to information.

Int. 0786-2026 is a critical step as it addresses one of the most common ways voters are lost—ballot errors that go uncorrected. Requiring the Department of Correction to collaborate with the Board of Elections to establish clear procedures for curing ballots is essential. Just as important is the requirement that incarcerated voters be assisted in obtaining new ballots when their original ballot has an incurable error. Without that option, these votes are simply discarded. This bill also introduces long-overdue transparency by requiring data be collected on cure notices, responses, and rejected ballots. We cannot fix what we do not track, and right now, the scale of this disenfranchisement in our jails is largely invisible.

Int. 0797-2026 would complement this bill by requiring annual reporting on voter registration in city jails. Tracking registration in jails will help to ensure that no eligible voters fall through the cracks. Together, these bills can begin to close the gap between those who have the right to vote, and their votes being counted.

However, if we are serious about protecting the voting rights of all New Yorkers, these efforts should explicitly include accessibility for voters with disabilities. According to a 2023 report from the NYC Comptroller, 50% of people detained in the NYC Jail System have some kind of mental health diagnosis. A New York Health + Hospitals report from

the same year found that 29% have chronic health conditions. These voters, along with every other voter with a disability, cannot be excluded from this important process.

All cure notices and voting-related communications must be provided in accessible formats. This includes large print, braille, and screen reader-compatible electronic formats, as well as plain language versions for individuals with cognitive disabilities. Notices must also be delivered in a timely and reliable way within the jail system, with clear instructions and support available to help voters complete and return cure affirmations. When a voter does not receive a cure notice they can read, when they cannot physically mark a ballot, or when they are not given the chance to correct an error, their vote is denied.

CIDNY urges the NYC Council to pass these bills and to strengthen them with clear accessibility standards and oversight.

This testimony is supported by Sharon McLennon Wier, Ph.D., MEd., CRC, LMHC Executive Director for CIDNY. Thank you.

Anna Humphrey, Transportation & Voting Community Organizer

Center for Independence of the Disabled, New York (CIDNY)



April 14, 2026

Hon. Gale Brewer, Chair  
Committee on Governmental Operations, State & Federal Legislation  
Hon. Selvena N. Brooks-Powers, Chair  
Committee on Criminal Justice  
New York City Council  
250 Broadway  
New York, NY 10007  
VIA EMAIL

Re: Voting on Rikers

Dear Chairs Brewer and Brooks-Powers:

Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of the New York City Jails Action Coalition and advocate for young adults incarcerated on Rikers Island. Our experience with youth in foster care and juvenile legal systems often brings us into contact with young adult and youth corrections policy, as our clients are disproportionately represented in young adult and juvenile correction facilities.

Voting is both a right and a privilege. When I was a little girl, my father used to let me pull the lever on the old New York City voting machines. I remember how meaningful it was to vote on my own for the first time, in a presidential election, no less. It was a rite of passage then, and a rite of passage now. This is not a difficult thing to arrange for eligible young adults on Rikers. Deprived of so much behind bars, they should at least be able to participate in one of the few things that can help make them feel that they are valued New Yorkers, that they are fulfilling their civic duty, and that their voices count. This is especially true as the federal government and many states try to make it harder for all of us to vote.

Children's Rights supports Intro 786 regarding ballot curing procedures and helping incarcerated persons vote. We support Intro 797 for increasing DOC accountability so that they can vote. The data collecting provisions in each bill are critical to increasing oversight over the DOC in this regard.

The Council is right to ensure that all eligible voters are fairly represented. Children's Rights urges the Council to make registration and voting as easy as possible for young adults on Rikers, and for all incarcerated persons.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniele Gerard".

Daniele Gerard  
Lead Counsel  
dgerard@childrensrights.org



**Written Testimony of Karen Wharton, Legislative Director  
Citizen Action of New York  
&  
Convenor of the NY BIPOC Democracy Table**

**Submitted to the New York City Council Committees on Governmental  
Operations, State and Federal Legislation, and Criminal Justice  
Joint Oversight Hearing**

**Re: In Favor of Resolution Supporting NYS Democracy During Detention Act  
(S440 /A2121)**

**April 14, 2026**

Citizen Action of New York urges the New York City Council to pass a resolution in strong support of the New York State Democracy During Detention Act (S440/A2121).

For over forty years, Citizen Action of New York has organized working people, immigrants, and communities of color statewide to build power and advance economic and social justice. Democracy reform is foundational to our mission. We understand that no progress on healthcare, housing, wages, or education is possible without ensuring that the people most affected by these policies have full and meaningful access to the ballot. We have successfully fought to restore voting rights for formerly incarcerated New Yorkers and have been a leading advocate for Clean Slate legislation, which ensures that a conviction record does not permanently lock New Yorkers out of civic life.

The testimony is a continuation of that same work. Ours is a commitment to ensuring that every New Yorker who holds the legal right to vote can actually cast a ballot, including at every stage of interaction with the criminal legal system in which they are eligible to vote.

In our work across New York, we consistently see that this right exists in theory but not in practice.

The NY BIPOC Democracy Table is a statewide coalition of Black, Indigenous, and people of color-led organizations working at the intersection of democracy reform, civic engagement, and

racial justice. The Table convenes partners across New York State to advance legislation that expands and protects the voting rights of communities most impacted by voter suppression, disenfranchisement, and structural exclusion.

### **WHAT THE DEMOCRACY DURING DETENTION ACT DOES**

Citizen Action of New York and the NY BIPOC Democracy Table urge this Council to pass a resolution in strong support of the Democracy During Detention Act (S440/A2121).[1][2] This statewide legislation addresses a straightforward and correctable injustice: the failure of New York's correctional facilities to provide eligible detained voters with a real and accessible means to exercise their right to vote.

Under New York State law, people who are detained pretrial, meaning they have not been convicted of a crime, legally retain the right to vote. People serving a sentence for a misdemeanor also retain the right to vote.[3] Yet for most of these New Yorkers, that right exists only on paper. They have no meaningful access to voter registration materials or ballot applications, and no ability to cast a ballot on Election Day or during early voting. These are not people who have forfeited their rights. They are legally innocent New Yorkers.

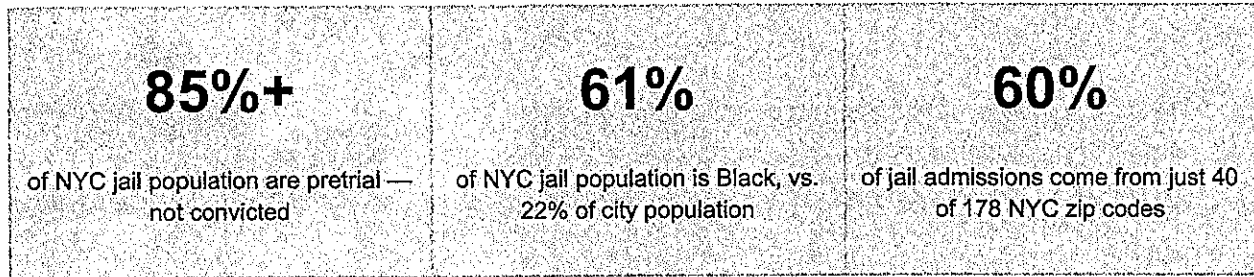
The Democracy During Detention Act remedies this by requiring correctional facilities, in coordination with local Boards of Elections, to develop and implement a plan to facilitate voter access for every eligible detained person. Specifically, the bill:

- Requires facilities to assist, coordinate, and cooperate with Boards of Elections to provide access to voter registration and balloting;
- Provides for voting by poll site or absentee ballot, depending on what is feasible at each facility;
- Mandates assistance with ballot applications upon request; and
- Requires timely transmission of completed ballots to the Board of Elections.

This bill doesn't create new rights. Those rights already exist. What it does is make them real.

### **THE SCALE OF THE PROBLEM: WHO IS BEING SILENCED**

According to a landmark 2023 report by the Data Collaborative for Justice at John Jay College of Criminal Justice, just 40 of New York City's 178 zip codes account for 60% of all jail admissions. The majority of those zip codes are concentrated in the Bronx and Central and South Brooklyn.[4] These are not random zip codes. They include neighborhoods where members of these committees serve — Tremont, Olinville, and Morrisania in the Bronx; Brownsville, East New York, and Ocean Hill in Brooklyn.[5] Some of the communities most harmed by pretrial detention have representation at this table. That is not a coincidence. It is a call to action to dismantle the remnants of a system rooted in the Jim Crow era.



These are not statistics about strangers. They are about us — about our families, friends, neighbors, and people whose names we know. And it's worth repeating: they are constituents of this Council and they are legally innocent. They should be able to vote if they choose to.

The racial dimension of this burden is stark. As of November 2022, Black New Yorkers made up 61% of the New York City jail population while comprising just 22% of the city's general population.[6] In 92% of all NYC zip codes, Black residents are admitted to jail at a higher rate than their share of the neighborhood population.[7] Hispanic New Yorkers are jailed at 4.7 times the rate of white New Yorkers.[8]

And we know that this is not unique to New York City. Across the state, Black and Latino communities — already underserved and underrepresented — bear the disproportionate burden of pretrial detention. Research has found that 27% of Black men and 16% of Hispanic men in New York have been jailed by age 38, compared to just 3% of white men.[9] The economic consequences compound this burden: even a short jail stay results in a 52% lifetime reduction in annual earnings.[10]

**THE DEMOCRACY IMPACT: VOTER SUPPRESSION BY NEGLECT**

Every detained eligible voter who misses an election is a small tear in their community's civic fabric. Over time, those tears add up across neighborhoods, counties, and election cycles. That is when we begin to understand why political power in these communities remains so hard to hold — and why the people most affected by decisions about housing, education, health care, and public safety continue to have the least say in making them.

The failure to facilitate voting access for detained eligible voters is voter suppression, plain and simple. It operates through institutional neglect instead of explicit prohibition. Civic organizations, tenant associations, labor councils, and faith institutions have worked for decades to ensure residents can participate in elections that directly shape their lives. Pretrial detention steadily erodes that work, election cycle after election cycle, with no accountability and no remedy. It does so by quietly removing eligible voters from the process.

When those voters are shut out, the policies that shape housing, education, health care, and public safety are made with less accountability to the people most impacted.

A resolution from this Council sends a message to Albany and to eligible voters who are detained across New York State. New Yorkers' votes matter, even when they are behind bars.

## **WHY THIS COUNCIL, WHY THESE COMMITTEES, WHY NOW**

The fact that these two committees are meeting jointly today is itself significant. The Committee on Governmental Operations, State & Federal Legislation, oversees the Board of Elections and the Voter Assistance Commission. It advances state legislation on behalf of New York City.[11] A resolution in support of the Democracy During Detention Act is precisely the instrument this committee was designed to produce: a formal expression of the City Council's position on pending state legislation that directly affects the voting rights of New York City residents.

The Committee on Criminal Justice oversees the Department of Correction, the agency that would be required to implement the Democracy During Detention Act within New York City's jail system. Together, these two committees hold exactly the jurisdiction this bill requires.

Many members of these committees represent the districts most directly affected. Some of the people they serve are among those detained in New York's jails, legally innocent, waiting for their day in court, shut out of elections that will determine the conditions of their communities. A resolution from this Council is an act of solidarity with those constituents.

The urgency of action is also heightened by the current political moment. With democratic norms and institutions under increased pressure at the federal level, New York State has both the opportunity and the responsibility to model what genuine democracy looks like. Passing this resolution is a concrete, immediate, and achievable step in that direction.

At its core, this is about whether we mean what we say about democracy.

## **THE ASK**

Citizen Action of New York and the NY BIPOC Democracy Table respectfully urge this Council to pass a resolution in strong support of the Democracy During Detention Act (S440/A2121). This is your city. These are your constituents. People from your districts.

We are asking this Council to go on record in support of a bill that:

- Protects the existing voting rights of pretrial detainees and misdemeanor-sentenced individuals — people who are legally innocent;
- Addresses a pattern of racial disenfranchisement hiding in plain sight in our jails;
- Strengthens the civic power of communities in the Bronx, Brooklyn, Harlem, and across New York State; and
- Requires nothing more than the government doing what the law already demands.

You have the jurisdiction and the moral responsibility to act.

We urge you to pass this resolution.

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[1] New York State Senate Bill S440, 2025–2026 Session. Sponsored by Sen. Zellnor Myrie.  
<https://www.nysenate.gov/legislation/bills/2025/S440>

[2] New York State Assembly Bill A2121, 2025–2026 Session. Sponsored by M. of A. Walker.  
<https://www.nysenate.gov/legislation/bills/2025/A2121>

[3] New York Correction Law §500-a; NY Election Law §5-106. People detained pretrial or serving a misdemeanor sentence retain the right to vote under New York State law.

[4] Monaghan, Sarah, Michael Rempel & Tao Lin. "Racial Disparities in the Use of Jail Across New York City, 2016–2021." Data Collaborative for Justice, John Jay College of Criminal Justice, February 2023.  
<https://datacollaborativeforjustice.org/wp-content/uploads/2023/02/DisparitiesReport-27.pdf>

[5] Monaghan et al. (2023), op. cit.

[6] Ibid. As of November 1, 2022, Black New Yorkers comprised 61% of the NYC jail population despite making up 22% of the city's general population — a rate of 12 Black people for every one white person in the city's jails.

[7] Ibid. In 163 (92%) of all 178 NYC zip codes, a higher percentage of Black people were admitted to jail than live in the given zip code.

[8] Monaghan et al. (2023), op. cit.

[9] Monaghan et al. (2023), op. cit.

[10] Craigie, Terry-Ann, Ames Grawert, and Cameron Kimble. "Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality." Brennan Center for Justice, September 2020.  
<https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>

[11] NYC Council Committee on Governmental Operations, State & Federal Legislation. Jurisdiction includes the Board of Elections, Voter Assistance Commission, and State & Federal legislation and Home Rule requests.  
<https://council.nyc.gov/committees/governmental-operations/>

# KATAL

**CENTER FOR EQUITY, HEALTH, & JUSTICE**

Testimony

Joint Hearing - Voting on Rikers Island

Amira Wittenberg, MSW Intern

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for

Committee on Criminal Justice & Committee on Governmental  
Operations, State & Federal Legislation

Tuesday, April 14, 2026 -- 10:00 AM

New York, NY

Thank you, Chair Selvena N. Brooks-Powers and Chair Gale A. Brewer, for today's joint hearing between the New York City Council's Criminal Justice Committee and the Committee on Governmental Operations, State & Federal Legislation, about voting on the Rikers Island Jail Complex.

My name is Amira Wittenberg. I am currently obtaining my master's in social work at the Silberman School of Social Work, where I am completing my second-year internship at the Katal Center for Equity, Health, and Justice, based in Brooklyn. Our members are from across the city, and include people who have been incarcerated, family members of currently and formerly incarcerated people, and more. Many of our members know exactly how horrific Rikers is and are deeply troubled by the conditions on Rikers Island.

As a social work student, I have focused my work on issues within the carceral system. In the first year of my master's program, I interned in the Department of Corrections' Programs and Community Partnerships division on Rikers Island to provide programs and civic opportunities to incarcerated people. Part of this included working on the initiative to provide people detained at Rikers with access to voter registration materials and absentee ballots, allowing them to vote while incarcerated. This program was deeply understaffed and run by one DOC employee and two MSW interns. We'd also help facilitate bringing a small group of volunteers to Rikers Island to help register people to vote, however due to logistical challenges this would only happen once a month. With this limited capacity, we were only able to select a few units from one of the jails at a time to bring the people in those unit's voter registration forms. If someone was not in their unit due to a court appointment or another program, they would miss the opportunity to register to vote, and it was not guaranteed they would have this opportunity again. This meant incarcerated people continuously fell through the cracks.

When we visited the units, responses were positive, and people appreciated the opportunities to register and fill out ballots. Typically, this spurred meaningful conversations about civic engagement and the importance of voting. This is particularly important today, as some of our fundamental rights, such as the right to vote, are under attack by the federal government. While the responses from the people we interacted with were positive, we simply could not reach the entire population at Rikers Island, so voting remained largely inaccessible. The program was largely dependent on a small number of people to hand-deliver voting materials to approximately 6,000 people at that time. The population on Rikers Island has only grown, exacerbating this issue, as more than 6,680 people are currently incarcerated in city jails.<sup>i</sup>

Election time proved to be an even bigger challenge, as we needed to meet with and bring absentee ballots to all the people who had registered to vote. This simply was not feasible, and we were not able to reach the entire jail population. Based on my experience, the current absentee ballot program is failing. Most people incarcerated on Rikers do not have the ability to exercise their fundamental right to vote. In 2024, fewer than 8% of the 6,000 incarcerated people at Rikers Island voted, and engagement declined in 2025.<sup>ii</sup> Over 85% of people incarcerated on Rikers Island are incarcerated pretrial and have not been convicted, meaning they are legally innocent and eligible to vote.<sup>iii</sup> However, they are actively being denied that right. The current absentee ballot program does not allow all incarcerated people to have access to vote, infringing on the rights of the people detained at Rikers Island.

We're here today with the Vote in NYC Jails Coalitions to demand that the Board of Elections address this infringement on the rights of people incarcerated by installing polling sites at Rikers and all New York City jails moving forward. While increasing reporting on voting in jails is important, as proposed in the two bills being heard today, creating poll sites is a vital step toward increasing access and ensuring that incarcerated people can exercise their right to vote.

The city must also take action to address the dangerous conditions at Rikers and pass a budget that fulfills its commitment to shutting down Rikers. Last month, two people died in DOC custody due to medical emergencies, underscoring the crisis unfolding in city jails. For the FY 2027 budget, we urge this council to focus on three things: first, cut the budgets used for caging people – the DOC budget is bloated, wasteful, and must be cut. The city must also reduce the number of people incarcerated at Rikers by increasing investments in ATT's, supervised release, JISH housing, IMT and FACT teams, B-HEARD mental health responses, and more. Second, the closure of Rikers is not just a moral and legal imperative, but given the extraordinary savings that can be realized, it is also a fiscal imperative. The Council must pass a budget that advances efforts to shutter the notorious jail complex. Third, we must increase investments in things that produce real community safety: housing, healthcare, including mental health, education, and jobs. The city must also invest in responses to violence that are survivor-centered, accountability-based, safety-driven, and racially equitable.

We urge this council to both ensure the voting rights of incarcerated people are protected and use its budgetary power to advance the closure of Rikers and hold the mayor accountable to the closure law.

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<sup>i</sup> For the data, see Vera Institute for Justice. "New York Criminal Legal System Hub." March 23, 2025. <https://www.vera.org/ny-data-hub/Jail>.

<sup>ii</sup> Brigid Bergin. "Most people on Rikers Island are eligible to vote. Thousands don't get to." Gothamist. September 19, 2024. <https://gothamist.com/news/rikers-island-voting-election-2024>

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iii Michael Rempel. *“As of November 2022, more than 84 percent of the people detained on Rikers Island were there pretrial. Decarceration in the Bail Reform Era: New York City’s Changing Jail Population Since 2019.”* John Jay College, Data Collaborative for Justice. December 2022.  
[https://datacollaborativeforjustice.org/wpcontent/uploads/2022/12/Decarceration Reform Era NYC7.pdf](https://datacollaborativeforjustice.org/wpcontent/uploads/2022/12/Decarceration_Reform_Era_NYC7.pdf)



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**JOINT OVERSIGHT HEARING NEW YORK CITY COUNCIL COMMITTEES ON  
GOVERNMENTAL OPERATIONS, STATE AND FEDERAL LEGISLATION, AND CRIMINAL  
JUSTICE**

**April 14, 2026**

Dear Chairpersons Gale Brewer and Selvena Brooks-Powers, and members of the NYC Council Committees on Governmental Operations, State and Federal Legislation, and Criminal Justice:

Thank you for the opportunity to testify today. My name is Clyanna Lightbourn and I'm Campaign Director for the League of Women Voters of New York State, where I lead our work on the Democracy During Detention Act, S440/A2121. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged members of their communities and informed voters. We have long advocated for a more representative state government with equal access to the ballot for all voters.

I am here today to urge the New York City Council to pass a resolution in strong support of this legislation and to call on the State Legislature to pass it into law this session.

I want to start with what I saw.

Last year, I visited Rikers Island with the Vote in NYC Jails Coalition to experience voter registration outreach for myself. My name had been submitted in advance with the other attendees, but upon arrival, we found it was not in the system. We waited at least 45 minutes at the checkpoint for my clearance. We traded our licenses for yellow cards, carried clear backpacks, and repeated our reason for being there more times than I can count.

Driving onto that island, I noticed LaGuardia Airport right next door. From the bridge, you can see the planes. People heading home to family, heading toward opportunity, heading somewhere they chose to go. Every flight is a small act of freedom, a life in motion. And right next to all of that, close enough to feel the hum of it, were thousands of people who had not chosen where they were going and could not choose when they would leave. The same sky. Completely different worlds.

Entering one of the buildings, we were again met with an access issue. Another wait. More passes handed up. It took at least an hour and a half from arrival to reach the units where our work could begin.

We went floor to floor in the juvenile unit, approaching young men between the ages of 17 and 33 who were mostly just passing time. Watching television. Watching others play video games.

Lying around. When we offered voter registration, we were met at first with laughter and shrugs. The mayoral election had just passed. Why bother?

We had an answer for that. We talked about the midterms, the governor's race, the prosecutors and judges whose decisions had shaped their lives. When one young man realized he could vote out the DA who hadn't been fair to him, I watched his eyes light up. That moment of recognition is exactly why this work matters — and exactly why the current system is failing him.

We registered more than 30 people that day. But we also encountered a system held together by improvisation. The registration forms had been pre-filled with the wrong year near the signature line — 2026 instead of 2025. None of us knew whether to correct them by hand and risk the application being questioned, or leave them and risk processing delays. That would be the first of many moments that day when we felt the absence of the Board of Elections.

After we finished, a social worker took the completed forms to a trailer to make copies. We still weren't entirely sure why, or what would happen to them next. Everything depended on who was on duty, what mood they were in, and whether the pieces happened to fall into place that day.

That is not a voting program. That is a coalition of the willing doing its best inside a system that was never designed to deliver the ballot.

### **THE PROBLEM: A Decade of Evidence That the Current System Is Failing**

Under New York law, most people held in local jails retain the right to vote. As of April 2026, 6,642 people are held in New York City jails — and according to current data from the Vera Institute of Justice, 86 percent of them, more than 5,700 people, are in pretrial detention and have not been convicted of any crime.<sup>1</sup> Others are serving misdemeanor sentences that do not result in loss of voting rights. These are eligible voters, most presumed innocent, who are legally entitled to participate in our democracy.

And yet, in 2024, according to the Legal Aid Society, which coordinates the monthly Vote in NYC Jails program, fewer than 550 people actually cast a ballot from Rikers Island.<sup>2</sup> That gap is not a mystery, but the predictable result of a decade of evidence that the current structure is not working.

In 2016, this Council passed Local Law 138, tasking the New York City Department of Correction with voting access at Rikers.<sup>3</sup> The intent was meaningful. The result has not been sufficient. After ten years, the system remains:

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<sup>1</sup> Vera Institute of Justice, New York Criminal Legal System Data Hub, Jail Population Snapshot, April 11, 2026, available at <https://www.vera.org/ny-data-hub/jail>

<sup>2</sup> Legal Aid Society, "On Election Day, Vote in NYC Jails Coalition and Electeds Demand Polling Sites and Equal Access to the Ballot for Incarcerated New Yorkers," November 2025, available at <https://legalaidnyc.org/wp-content/uploads/2025/11/On-Election-Day-Vote-in-NYC-Jails-Coalition-and-Electeds-Demands-Polling-Sites-and-Equal-Access-to-the-Ballot-for-Incarcerated-New-Yorkers-.pdf>

<sup>3</sup> Local Law 138 of 2016, New York City Administrative Code, available at <https://intro.nyc/local-laws/2016-138>

- Not voter-centric. The current volunteer-driven, ad hoc absentee process is wholly inadequate to reach the number of eligible voters held across nine facilities spanning more than 400 acres.
- Not professional. The NYC Department of Correction, not the Board of Elections, bears ultimate responsibility for voting at Rikers. Correction staff are trained for security, not election administration. The result is a process that depends on informal coordination rather than professional expertise.
- Not transparent. Consistent, publicly available statistics on ballots submitted, rejected, and counted from Rikers do not exist. This Council cannot hold anyone accountable for a process it cannot see.
- Not accountable. Neither the NYC DOC nor the NYC Board of Elections is being held responsible for the voter suppression that is happening as a direct result of this structure.

The NYC DOC allows volunteers from the Vote in NYC Jails Coalition to visit at most once or twice a month, for only three to four hours at a time, in only one facility — and it is the Department of Correction, not the coalition, that decides which one. Rikers is not one building. It has nine active facilities spread across more than 400 acres, each with its own housing units, security procedures, and access limitations.<sup>4</sup> The idea that clipboards and paper forms carried in by volunteers on a rotating basis, directed to whichever facility corrections staff choose that day, can reach thousands of eligible voters scattered across that complex is not a voting program. It is a fig leaf.

A 2023 survey conducted by the League of Women Voters of New York State found that one third of New York counties outside New York City either have no jail voter access program at all, or could not provide details of such a program despite persistent inquiry.<sup>5</sup> In county after county, access depends entirely on whether a local sheriff or election commissioner has made it a priority. There is no standard. There is no mandate. There is no accountability.

This inconsistency is statewide. The fix must be statewide too.

## **THE RACIAL EQUITY DIMENSION**

Disenfranchisement through administrative failure is not a race-neutral outcome. According to the NYC Department of Correction's Population Demographics Report from June 2025, 88.3 percent of people incarcerated at Rikers were African American or Hispanic.<sup>6</sup> Black New Yorkers are admitted to Rikers at 11 times the rate of white New Yorkers.<sup>7</sup>

These numbers do not exist in a vacuum. Overpolicing has already removed disproportionate numbers of Black and brown people from their communities — from their families, their neighborhoods, the civic life they are part of. Those communities are already underrepresented

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<sup>4</sup> Legal Aid Society, *supra* note 2

<sup>5</sup> League of Women Voters of New York State, *Voting in New York Jails: A Qualitative Analysis of Access*, June 2023, available at <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>

<sup>6</sup> NYC Department of Correction, *Population Demographics Report, FY25 Q2*, June 2025, available at <https://www.nyc.gov/assets/doc/downloads/pdf/Population%20Demographics%20Report%20-%20FY25%20Q2.pdf>

<sup>7</sup> The City, "Racial Gap in NYC Jails Got Worse," March 2, 2023, available at <https://www.thecity.nyc/2023/03/02/racial-gap-nyc-jails-got-worse/>

at the ballot box. When we fail to deliver voting access at Rikers, we are compounding that underrepresentation. We are taking people who are already politically marginalized, holding them in pretrial detention before any conviction has been entered, and then denying them the one tool they retain to influence what happens in the communities they came from and will return to.

These are not abstract voters. They are parents whose children are in New York City public schools. They are tenants whose buildings are subject to rent regulation decisions. They are community members whose neighborhoods are shaped by the representatives they could be electing. A vote from Rikers is a vote about school budgets, about housing policy, about who sits on the bench and who runs the district attorney's office. Cutting eligible voters off from that decision while they are detained does not only harm them individually — it diminishes their communities.

Removal from community should not mean removal from the ability to have a say in what happens to that community. Their voices still matter. The families they left behind still need better representatives to fight for them, to shape school budgets, to address rising rents, to decide who polices their streets. When we fail to deliver the ballot at Rikers, we are failing Black and brown New Yorkers at a scale and at a rate that cannot be separated from the broader history of voter suppression in this country. And we are doing it in New York City, in 2026, a decade after this Council acted to fix it.

This administrative oversight is also a civil rights failure.

## **THE NEW YORK STATE CONTEXT**

New York has worked hard to be a national leader on voting rights. The state has extended voting rights to people on parole, expanded early voting, and adopted the John R. Lewis New York Voting Rights Act — landmark legislation signed into law in 2022 that established the strongest state-level voter protections in the country. The NYVRA prohibits voter suppression, intimidation, and vote dilution; provides new legal tools to challenge discriminatory voting rules in court; expands language assistance for voters with limited English proficiency; and requires certain jurisdictions with a history of discrimination to seek preclearance before making changes to voting policies.<sup>8</sup>

The Democracy During Detention Act is the logical next step in that progression. It closes a gap that the NYVRA itself cannot close — because the problem at Rikers and in county jails across the state is not a policy that discriminates on its face. It is the absence of any policy at all. There is no rule being applied unequally. There is simply no system. And the DDDA would create one.

It is also worth noting that the State Board of Elections must approve the facility voter access plans required under this bill before they take effect. That approval process is precisely why a state mandate is necessary — local good intentions are not enough without a legal framework that makes the State Board accountable for what happens in every facility, in every county, in

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<sup>8</sup> John R. Lewis Voting Rights Act of New York, S.1046-E/A.6678-E, signed into law June 20, 2022

every election cycle. Local Law 138 was a meaningful step, but it is not sufficient on its own. What is needed is a state mandate, and this Council can help deliver it.

## **WHAT WORKS: THE ULSTER COUNTY MODEL**

We do not have to guess what a better system looks like. We can look at Ulster County.

In Ulster County, Sheriff Juan Figueroa and the bipartisan Board of Elections commissioners built a functioning jail voting program by coordinating proactively between corrections and the Board of Elections, planning ahead of each election cycle, and treating voting access as a shared institutional responsibility. Bipartisan teams of election inspectors visit the facility to deliver and collect absentee ballots in person — exactly the kind of structured, BOE-led access the Democracy During Detention Act would require statewide. According to Ulster County Board of Elections Commissioner Ashley Torres, in the 2024 General Election, 24 people registered to vote and 51 people cast ballots from Ulster County Jail.<sup>9</sup> In the 2023 General Election, 18 people voted. Participation has grown consistently as the program has matured.

It does not require extraordinary resources. It requires organization, commitment, and a clear legal framework. The Democracy During Detention Act would make that model the standard, not the exception, for every populous county in New York State.

## **WHY VOTING IN JAILS MATTERS BEYOND THE BALLOT**

The case for this bill is not only about democracy. It is also about public safety and successful reintegration.

Research published in the Columbia Human Rights Law Review by Christopher Uggen and Jeff Manza found that civic participation, including voting, is associated with reduced recidivism and stronger community reintegration.<sup>10</sup> People who participate in the democratic process are more likely to adopt shared community values and maintain connections to the communities they will return to. Cutting eligible voters off from the ballot while they are detained does not serve public safety — it undermines it.

When people leave detention and return to their communities, we want them invested in those communities. Civic participation is one of the most reliable ways to build that investment. The Democracy During Detention Act is not just a voting rights bill. It is a reentry and public safety bill.

## **WHAT THE BILL DOES**

The Democracy During Detention Act addresses the structural failure directly. Its core provisions:

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<sup>9</sup> Data provided by Ulster County Board of Elections Commissioner Ashley Torres, April 2026, on file with author

<sup>10</sup> Christopher Uggen and Jeff Manza, "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample," 36 Columbia Human Rights Law Review 193 (2004), available at <https://www.democracymatters.com/wp-content/uploads/2022/10/VotingAndSubsequentCrime.pdf>

- Require Boards of Elections, not corrections staff, to take responsibility for voting access in local jails — the same way they do everywhere else in New York State.
- Mandate at least one formal, planned method of ballot access for every eligible detained voter: either structured in-person absentee ballot collection visits by bipartisan teams of election inspectors, or on-site polling places during early voting.
- Require written Facility Voter Access Plans developed jointly by election officials and facility administrators, submitted to and approved by the State Board of Elections before each election cycle — so there is a plan in place before every election, not improvised the week before.
- Mandate Board of Elections site visits between 30 and 45 days before elections to register voters, using electronic tablets wherever possible, to modernize and streamline the process.
- Require voting rights information to be included in inmate handbooks and reentry materials, so eligible voters know their rights from the moment they arrive.
- Extend voting access to people in segregated confinement who remain legally eligible, ensuring no eligible voter is left out based on their housing status within a facility.
- Extend language assistance protections to detained voters, consistent with existing protections for language minority communities under the John R. Lewis New York Voting Rights Act.

Most importantly, the bill shifts the burden. Right now, detained individuals must navigate paperwork, logistics, and bureaucracy largely on their own — without stamps, without reliable internet access, without privacy, and without a clear point of contact. This bill places that responsibility where it belongs: on the Board of Elections, the institution legally charged with running elections for every other New Yorker.

The New York State Assembly has already included \$500,000 in their budget to fund statewide implementation. We are asking the Senate to match that commitment.

## **THE ROLE OF THIS COUNCIL**

This Council has both the opportunity and the responsibility to act on multiple fronts.

First, pass a resolution formally supporting S440/A2121 and calling on the State Legislature to pass it this session.

Second, communicate directly with your counterparts in Albany — particularly members of the Senate and Assembly Elections Committees — about the urgency of this legislation. The bill is on the Senate Elections Committee agenda this month. Council members making direct contact with Senate offices would send a powerful signal.

Third, and perhaps most importantly for this Council's unique jurisdiction: as New York City moves forward with plans for borough-based jails, this is the moment to build voting access in from the start. Not as an afterthought, not as something to be sorted out later by volunteers. Every new facility should have a dedicated space and a clear legal mandate for voter access

before the first person is ever detained there. This Council has the power to demand that those facilities are designed with voting access built in, and to pass legislation guaranteeing a polling site at every new jail facility before it opens.

New York City is home to the largest jail population in the state, the epicenter of this problem, and can be the engine of its solution.

Let me close where I started — on that drive onto Rikers Island.

The airport is right there. You can see it from the facility. Planes lifting off, carrying people somewhere new, somewhere of their own choosing. And right next to them, within sight, thousands of people whose world has been reduced to a housing unit, a common area, a waiting room with no exit. Most of them have not been convicted of anything. All of them retain the right to vote. And almost none of them cast a ballot last November.

That image has stayed with me. Not because incarceration and flight are easy metaphors, but because they are literally adjacent. Because the distance between freedom and its denial, in this city, is sometimes just a chain-link fence and a stretch of water. And because that proximity makes the failure feel even less excusable. We are not talking about a remote, hard-to-reach population. We are talking about people detained on an island that sits inside the boundaries of this city, visible from its airports, blocks from its neighborhoods, connected to families who vote and organize and pay taxes and send their children to city schools.

A decade ago, this Council recognized that voting access at Rikers was a problem worth solving. Local Law 138 was that recognition. But recognition alone is not enough. Ten years of evidence tells us that the structure must change, that responsibility must shift to the Board of Elections, and that a legal mandate must replace a coalition of the willing.

The Democracy During Detention Act is that mandate.

If someone is eligible to vote under New York law, they should be able to vote. No matter which building they are in. No matter which facility they are held in. No matter who happens to be on duty that day.

I respectfully urge this Council to pass a resolution in strong support of S440/A2121, to call on the State Legislature to pass it this session, and to ensure that every new borough-based jail treats voting access as a guarantee, not an afterthought. Thank you.

# APPENDIX

## Appendix A — Data and Scale

- A1. Vera Institute of Justice, New York Criminal Legal System Data Hub (2026) [62]
- A2. NYC Department of Correction, Population Demographics Report (FY25 Q2)
- A3. The City, Racial Gap in NYC Jails Got Worse (2023)

## Appendix B — Existing Law and Local Framework

- B1. New York City Administrative Code, Local Law 138 of 2016

## Appendix C — Evidence of System Failure

- C1. League of Women Voters of New York State, Voting in New York State Jails: A Qualitative Analysis of Access (2023) [9]
- C2. Legal Aid Society / Vote in NYC Jails Coalition, Press Release on Jail Voting Access (2025)

## Appendix D — Statewide Context and Legal Framework

- D1. Brennan Center for Justice, Memorandum of Support for S.6875A/A.9612 (2024) [61]
- D2. Government Law Center at Albany Law School, Voting While Incarcerated in New York State [2]

## Appendix E — What Works: Local Implementation Model

- E1. Ulster County Board of Elections / Sheriff's Office, Jail Voting Program Overview and Outcomes [24]

## Appendix F — Impact and Public Safety Research

- F1. Uggen, Christopher & Manza, Jeff, Voting and Subsequent Crime and Arrest: Evidence from a Community Sample (2004)

## Appendix G — The Democracy During Detention Act

- G1. Section-by-Section Bill Summary [25]
- G2. Democracy During Detention Act One-Pager [26]

## Appendix H — Broad Institutional Support for S440/A2121

- H1 — Legal and National Authorities
- H1.1 Sentencing Project, Memorandum of Support [58]
- H2 — Election and Democracy Organizations

- H2.1 League of Women Voters of New York State, Memorandum of Support [55]
- H2.2 Common Cause New York, Memorandum of Support [52]
- H2.3 Citizens Union, Memorandum of Support [53]
- H2.4 New York Civic Engagement Table, Memorandum of Support [65]
- H3 — Directly Impacted Organizations
- H3.1 Freedom Agenda, Memorandum of Support [64]
- H3.2 Parole Preparation Project, Memorandum of Support [63]
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- H4 — Community and Coalition Organizations
- H4.1 Stand Up America, Memorandum of Support [67]
- H4.2 South Asian Fund for Education, Scholarship, and Training (SAFEST), Memorandum of Support [68]
- H4.3 Bend the Arc: Jewish Action Long Island, Memorandum of Support [69]
- H4.4 CCoHOPE, Memorandum of Support [54]
- H4.5 VOICE Buffalo, Memorandum of Support [57]
- H4.6 Vote by Mail in Jail, Memorandum of Support [59]
- H4.7 New York Civic Engagement Table (Additional Submission) [56]

## Appendix I — Media and Public Narrative

- I1. Lightbourn, Clyanna, Making Democracy Work: Democracy During Detention [27]
- I2. Landy, Rachel & Berg, People Held in Pretrial Detention Must Be Able to Vote [28]
- I3. Walker, Latrice & Reyes, José, Facilitating Democracy During Detention [29]
- I4. Awawdeh, Soffiyah & Williams, Anthony, New York Must Lead the Fight for Democracy [30]
- I5. Additional City & State New York Coverage [31]



Important decisions about New York State’s criminal legal system must be driven by data, not political rhetoric. To that end, this data hub centralizes and organizes key indicators relating to arrests, bail, pretrial release, jails, prisons, and parole and presents them with other data points of interest to policymakers, media, advocates, and the public. The Vera Institute of Justice (Vera) retrieved the majority of this data from publicly available state agency websites, where it is often available only in raw and difficult to use formats.

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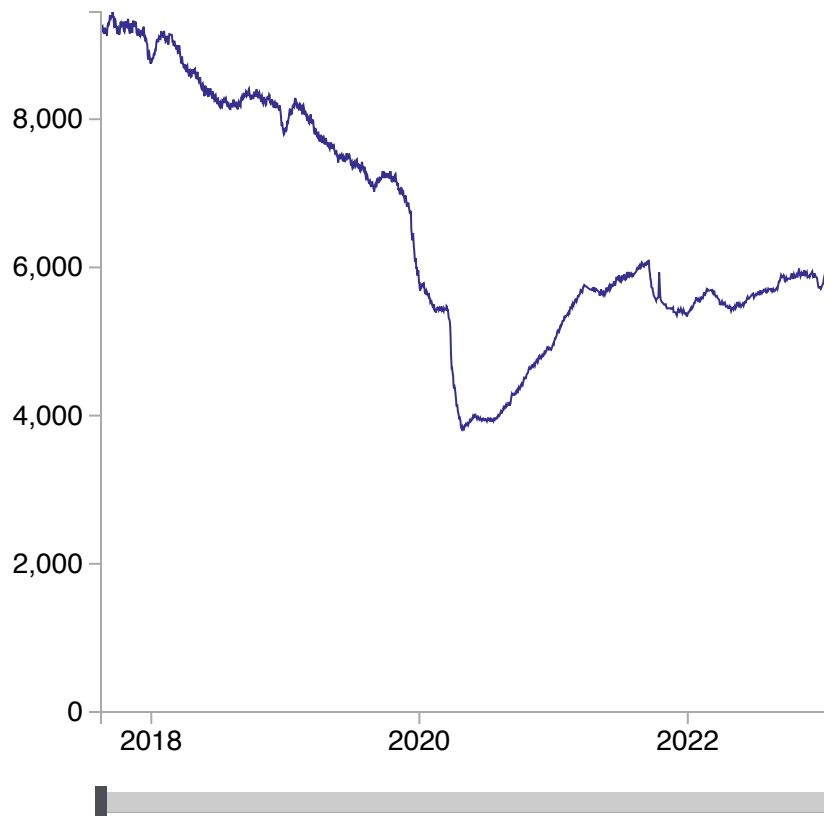
## **Jail**

When the New York City Council voted in 2019 to shutter Rikers Island and replace it with smaller, borough-based jails. Downsizing the jail population in 2020 saw substantial decarceration following the implementation of the new jails. The onset of the COVID-19 pandemic with its associated pretrial detention led to the jail population starting to increase. The vast majority of people in the city's jails are Black and Hispanic, detained because they cannot afford bail.

### Snapshot of the NYC jail population (04/11/2026)

<b>Total</b>	<b>Pretrial</b>	<b>Black I</b>
6,642	5,709	3,834

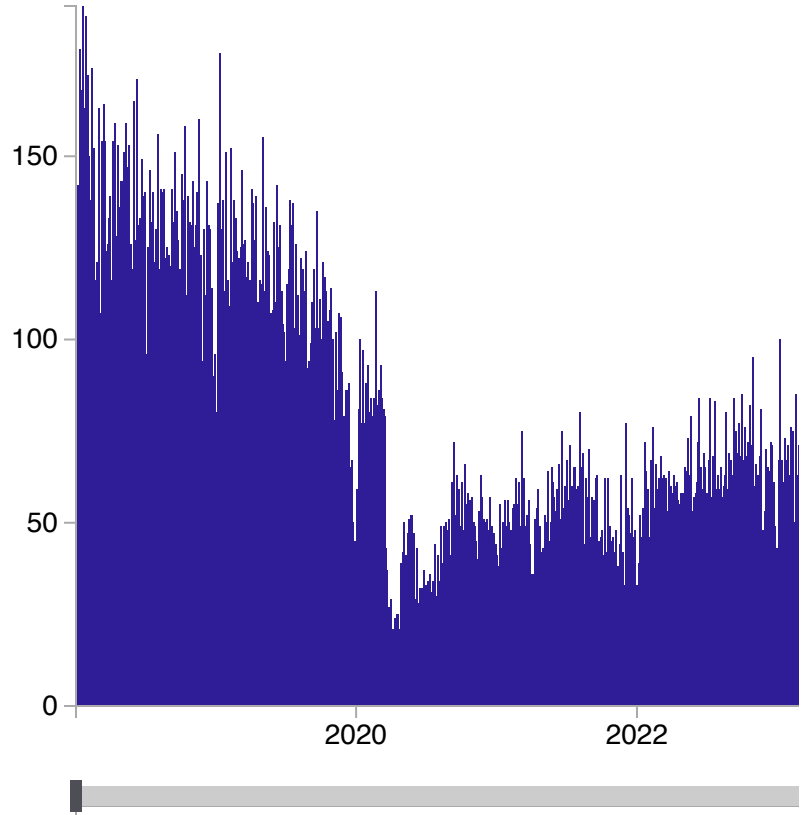
Jail population, by  ,



<b>Total</b>	<b>08/17/2017</b>
People in jail	9,2

[Get the data](#)

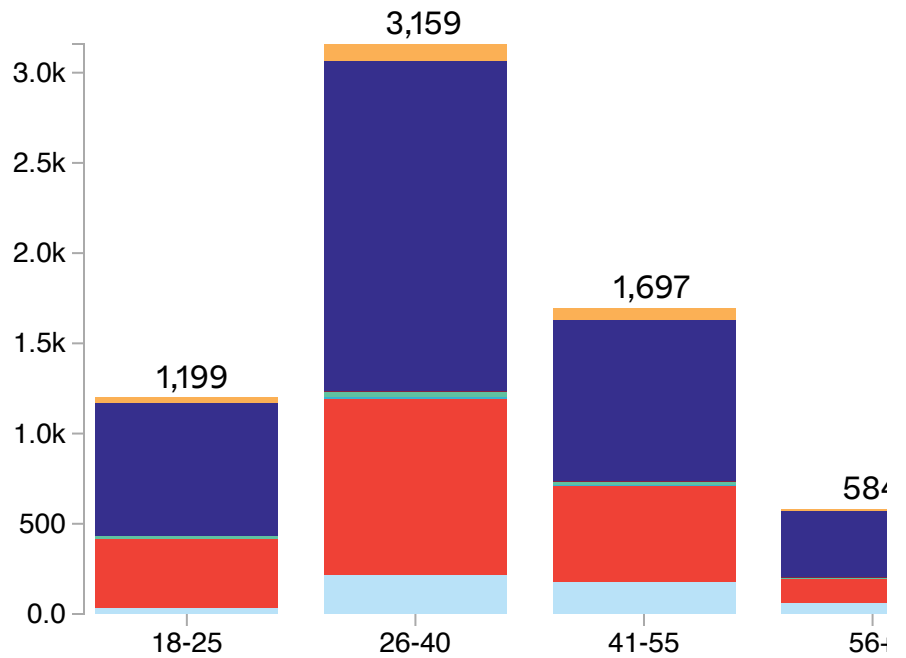
**Jail admissions, total,**  **to**



<b>Total</b>	<b>01/02/2018</b>
People admitted	98

[Get the data](#)

**Jail population, by**  **and**



[Get the data](#)

### Related resources

Why New York City Needs a Blueprint to Rightsize the Depa

### Additional data

- NYC Comptroller jail dashboard (NYC Comptroller’s Office)

### About the data

Vera obtains New York City jail data from the Daily Inmates i Department of Correction (DOC) updates this file daily to ref collecting this data since August 2017 to retain a historical r in this file include race, age, gender, custody status, top char met with mental health staff at DOC and are deemed to have not include ethnicity information, and the “other” race group or white. Vera combined Indian American or Indigenous peop note that daily jail admission counts may not include people sometimes recording of bookings can be delayed.

This data hub uses county population data obtained from Vera's 100,000 residents ages 15 to 64. The population data used in ITI Race Population Estimates. Population data for 2020 was used t

## Credits

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The photograph by Jack Norton originally appeared in No One is

**NYC**

- Arrests
- Pretrial
- Jail
- Prison

**Population Demographics  
FY25 Qtr. 2**

	<b>New Admissions</b>	<b>Avg. Daily Pop.</b>	<b>% of ADP</b>
<b>Age</b>			
16-17	0	0	0.0%
18-21	415	496	7.5%
22-25	603	820	12.4%
26-29	744	881	13.3%
30-39	1,994	2,119	32.1%
40-49	1,178	1,336	20.2%
50-59	613	663	10.0%
60-69	225	258	3.9%
70+	27	28	0.4%
Unknown	58	1	0.0%
<b>Gender</b>			
Male	5,291	6,171	93.5%
Female	554	382	5.8%
TG/IS/NB	12	48	0.7%
<b>Race</b>			
African-American	2,969	3,740	56.7%
Hispanic	1,936	2,089	31.6%
Asian	184	149	2.3%
White	511	407	6.2%
Other	257	217	3.3%
<b>Borough of Arraignment</b>			
Brooklyn	1,297	1539	23.3%
Bronx	826	982	14.9%
Manhattan	1,501	1878	28.4%
Queens	1,409	1243	18.8%
Staten Island	262	243	3.7%
Other	562	718	10.9%
<b>Educational Background *</b>			
No high school diploma or GED	0	4	0.1%
Obtained a GED	0	3	0.0%
Obtained a High School Diploma	0	17	0.3%
Some college but no degree	0	0	0.0%
An associate's degree	0	0	0.0%
A Bachelor's degree	0	0	0.0%
Post graduate degree	0	0	0.0%
Not available	5,857	6,576	99.6%
<b>Security Risk Group Members</b>			
Identified Members		711	10.8%

\* - Education level is self-reported during intake and individuals are not required to report this information at intake or any other time while in custody. Therefore, this data may not accurately or completely represent the educational background of people in custody during the reporting period. Council may seek further information regarding the educational background of people in custody aged 18-21 from the Department of Education.

JAILS AND PRISONS

# Racial Gap in City Jails Has Only Gotten Worse, John Jay Study Finds

*Authors and other experts say the racial imbalance will likely continue unless there's a multifaceted effort to reform other areas such as housing, education, and mental health services.*

BY REUVEN BLAU |

MARCH 2, 2023, 11:28 A.M. UPDATED MARCH 2, 2023, 4:19 P.M.

REPUBLISH



Criminal justice reform advocates protested outside Washington Height's Edgecombe Correctional Facility, Feb. 8, 2021. Credit: Ben Fractenberg/THE CITY

Despite criminal justice reforms enacted over the past few years, Black people were jailed at a rate 11.6 times higher than white people in 2021 — more than double what it was five years earlier, according to a new report.

That's up from the 10.2 rate in 2020 and 4.8 in 2016, the [report](#) by John Jay College's Data Collaborative for Justice published Tuesday found.

All told, Black and Hispanic people made up almost 90% of jail admissions in 2021 despite only comprising 52% of the city's general population, the review noted.

The report comes as Mayor Eric Adams has [urged state lawmakers](#) to further pare back bail reform laws that have made it easier for people to stay out of jail until their trials. Adams, a former police captain, also wants to give the city district attorneys legal power to criminally prosecute 16 and 17 year olds charged with gun offenses as adults.

## Reform Reforms?

New York's progressive criminal justice initiatives have become well known by their slogans: [Raise the Age](#), [Less Is More](#), and simply, [Bail Reform](#). They boosted the age of criminal responsibility from 16 to 18; took some power away from parole officers and gave more rights to parolees; and made it easier for people accused of crimes to stay out of jail until their trials.

Reform advocates and lawmakers touted their passing and predicted they'd drastically decrease the overall jail population where Black and Hispanic people have long made up the disproportionate majority.

One conclusion of the John Jay study is not that the moves were useless, but that other strategies are also needed.

"The reforms have not achieved their goals," said research analyst Sarah Monaghan, one of the three authors of the John Jay report. "What is highly likely is the broader structural inequities at play in perpetuating this disparity."

The racial imbalance will continue unless there's a "multifaceted effort" to reform other areas such as housing, education, and mental health services, she said.

John Jay's Michael Rempel, director of the data center and a co-author of the report, believes the criminal justice reforms have not done enough to focus on the racial disparity.

"My overarching reflection on our data is that it shows that race-neutral approaches to addressing racial disparities are not working," he said.

Lawmakers have falsely hoped that reducing the jail population would "trickle down" and "benefit Black and Brown people," according to Rempel.



Protesters outside the Manhattan District Attorney's office, Oct. 6, 2021. Credit: Ben Fractenberg/THE CITY

But the racial disparities may never be fully rectified by criminal justice reforms, said Michael Jacobson, who served as commissioner of the Departments of Probation and Correction under former Mayor Rudolph Giuliani.

“You have to address structural issues,” he said. “People who are poor tend to commit poor, street, crimes.”

Jacobson, now the head of CUNY's Institute for State and Local Government, argues police should stop making arrests for low level crimes that sometimes get disposed of 36 hours later at arraignment

The public resources that go towards those arrests and short term lockups could be better spent for other community needs in low income areas.

“You have to ask, ‘If we did something else, would that protect public safety better?’” he said, noting he doesn't want police to stop arresting people accused of serious offenses.

DAs throughout the city decline to prosecute approximately 7 to 10% of the police arrests each year, city records show.

“Why are we doing that?” Jacobson asked.

# ‘Conditions of Violence’

Liz Glazer, who as the head of the Mayor’s Office of Criminal Justice during the de Blasio administration helped usher in several of the aforementioned reforms, noted that crime rates are higher in many low income neighborhoods in New York City.

“The attempt to reduce the racial disparity once someone has hit the criminal justice system seems worthy but not where the big gains could be made,” added Glazer, the founder of Vital City, a nonprofit focused on civic well-being.

The precincts with the most shootings have largely remained in the same predominantly Black, low income neighborhoods since 1993, [records compiled](#) by [Vital City](#) show. They include precincts covering Brownsville, Bedford-Stuyvesant, Central Harlem and Hunts Point.



Police on 125th Street in Harlem, July 20, 2021. Credit: Ben Fractenberg/THE CITY

“There’s been a ton written about this,” noted Glazer: “How segregated cities are, how poverty, all kinds of other social distress — from high asthma to low educational achievement — clusters around this poverty magnet, all of which has been shown, over and over again, to incubate conditions of violence.”

The John Jay report, funded in part by Trinity Church Wall St. Philanthropies (also a [donor](#) to THE CITY), looked at Correction Department admission data from 2016 to 2021.

Manhattan was the most disparate borough, with Black people jailed at a rate of 29.5 times higher than white people in 2021, according to the report. That's up from 24.4 in 2020 and 23.0 in 2016, the data revealed.

“There's a high percentage of white people residing in Manhattan, compared to Black individuals,” said Monaghan. “And there's also stark socioeconomic disparities, which tend to be correlated with racial disparities within the borough.”

Queens had the lowest racial disparity, but Black people were still jailed at a rate 8.4 times higher than white people in 2021, according to the study.

Overall, the average daily population at city jails has drastically decreased since hitting a [22,000 high](#) in 1992. The population dropped to slightly [below 4,000](#) — for the first time since 1946 — during the peak of the pandemic in April 2020. It has since steadily gone up and Correction Commissioner Louis Molina [predicted late last year](#) that it will increase to 7,000 behind bars this year.

“The harm to communities of color in total was greater than it is now because there's only 6,000 people in jail,” Jacobson said. “So the numbers are less, but the disparity is the same.”

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 138**

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Introduced by Council Members Wills, Barron, Mendez, Rodriguez, Miller, Menchaca, Kallos, Rosenthal, Lander, Van Bramer, Levin and Williams.

**A LOCAL LAW**

**To amend the New York city charter, in relation to the department of correction promoting absentee voting among jailed individuals**

*Be it enacted by the Council as follows:*

Section 1. Section 1057-a of the New York city charter is amended by adding a new subdivision 9 to read as follows:

*9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of absentee ballot applications, and subsequently received absentee ballots, for eligible inmates. Such department shall offer, to all inmates who are registered to vote, absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any absentee ballot received from the board of elections in response to any such application to the applicable inmate, as well as a means to complete it. Such department shall provide assistance to any such inmate in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any inmate who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.*

§2. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 27, 2016 and approved by the Mayor on November 16, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 138 of 2016, Council Int. No. 464-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel

# Voting in New York State Jails: A Qualitative Analysis of Access

June 2023



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# Introduction

## The Need to Know

This project grew out of a need to know how county jails across New York are handling access to the ballot for American citizens serving misdemeanor sentences and those awaiting trial. Unlike citizens with felony convictions, citizens serving a misdemeanor sentence or awaiting trial while in jail are entitled to vote.

The League of Women Voters and the many organizations with whom we partner in criminal justice reform advocacy did not know the extent to which county jails were permitting and even facilitating voting. We only had anecdotal reports. We knew that some county sheriffs, and the NYC Department of Corrections at Rikers Island, have allowed outside groups to visit facilities to register eligible detained individuals and, when appropriate, help them apply for and complete absentee ballots. In addition, we knew that some of these groups have conducted civics classes to place voting within a context of civic engagement and self-empowerment. On the other hand, we have heard other stories about sheriffs, especially in the wake of the Covid pandemic, refusing access to outside groups to register voters and not bothering with any aspect of voting. Overall, we and our many program partners did not know the status of voting while in jail statewide.

The League of Women Voters of New York State Criminal Justice Reform Committee devised this project employing law school students to canvas each county sheriff's office to gather more information about the status of voting. The purpose of this survey was to determine whether there was a need for:

- legislation or an executive order mandating sheriffs to implement programs to inform detained persons about their right to vote and facilitate voting upon arrival, while detained, and upon release;
- funding to the local Boards of Elections and/or sheriffs' offices, and training; and/or
- offering models to sheriffs to implement jail registration and voting programs appropriate for the size and composition of their jail populations.

**Barriers to Jail Voting:** There are systemic and structural barriers to jail voting.<sup>1</sup> The most pervasive barrier is that voting does not appear to be a priority for many sheriffs; public safety is their main responsibility. With limited staff and resources, voting is peripheral, especially if detained individuals do not request registration or absentee ballot applications. In addition to a reluctance by sheriffs to make voting more visible, there are other factors:

- Confusion about eligibility to vote
- Registration barriers: changing registration deadlines, limited access to registration materials, lack of a permanent address, jail mail delays, and limited access to Internet and phones to verify registration status
- Ballot-casting barriers: compromised ballot privacy, limited access to informational voting guides, neutral help with application and ballot questions
- Population churn in jails

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<sup>1</sup> Ginger Jackson-Gleich and Rev. S. Todd Yeary, Eligible, but excluded: A guide to removing the barriers to jail voting, October 2020 [https://www.prisonpolicy.org/reports/jail\\_voting.html](https://www.prisonpolicy.org/reports/jail_voting.html).

**Who Has the Right to Vote While in Jail:** American citizens are eligible to register to vote in New York State unless that right has been legally abridged. A felony conviction will curtail the right to vote until released from prison. Recent legislation restores the right to register to vote while on parole. American citizens serving a misdemeanor sentence or awaiting trial, even on a felony indictment, remain eligible to vote.

**Demographics:** As of [March 2023](#), there were 16,138 men and women in New York State jails. The vast majority of these detained people—over 11,544—are unsentenced, meaning that they are awaiting trial and therefore, presumed innocent. Almost 2,493 of these detained individuals have been sentenced. We do not know how many of these men and women are citizens and therefore, eligible to vote.

The census for New York City jails for March 2023 finds 5,845 men and women in jail. 5,137 are unsentenced, with only 468 were actually sentenced.

In considering the racial makeup of jailed individuals, 49% of the jail population is Black, 24% is Latinx, and 23% is White, and women are being jailed at ten times the level in 1970, driven mostly by rural counties.<sup>2</sup> On the other hand, the majority of county sheriffs (92%) in the United States are White with 90% of those sheriffs being White men; 5% of sheriffs are Black men and 2% are women.<sup>3</sup> There are no demographic data available specific to New York State.

**Recent Changes to Registration Periods Make Jailhouse Registration More Effective:** In 2022, New York State shortened the time between the deadline for completing voter registration and Election Day. All voters will be eligible to vote in an election if they register in person by 10 days prior to an election, or for those registering by mail, postmarked at least 15 days prior to the election and received by the Board of Elections by 10 days prior to the election.

This change to registration can improve access to the ballot for detained individuals in jails; programs can be more effective in registering voters, knowing who will be released by Election Day and who will need to apply for an absentee ballot.

## Acknowledgements

The idea for this project came from Vivione Marshall, Co-Chair of the League’s Criminal Justice Reform Committee. Vivione, with Hazel Weiser, Project Manager, came together to conceive of a survey using law school students. The League of Women Voters of NYS’s Criminal Justice Reform Committee supported the creation and implementation. The Co-chairs of the Committee are Vivione Marshall and Richard Rivkin. The law school externs and interns who worked with the Project Manager on gathering the data were Ann Curatolo, Peter Friedrichs, Alex Khan, Gwenyth Szabo. The final report was written by Hazel Weiser.

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<sup>2</sup> Vera, *Incarceration Trends: New York*, (Feb. 2023) <https://trends.vera.org/state/NY>.

<sup>3</sup> Reflective Democracy Campaign, *Confronting the Demographics of Power: America’s Sheriffs*, (June 2020) <https://wholeads.us/research/americas-sheriffs/>.

## Executive Summary

A precise quantitative analysis of the survey answers is not feasible for several reasons. Some sheriffs' offices stated outright that they have no program in place. Other sheriffs' offices reported that they had a voting program in place. However, follow up questions revealed that the program in place was either solely initiated by detained individuals, limited to signage, voter registration materials were on site but without a systematic way for detained individuals to access them, and/or there was no specific staff person in charge. In other responses, often by email, sheriffs' offices stated that they had programs but failed to answer all of the questions that would have identified more details about how the programs operate. In one instance, a sheriff's office claimed to be working with the local LWV, but the local LWV said there was no current activity with that jail.

***What we learned from the survey is that the availability of voting depends on the authority of the sheriff, not on the current law.***

Many counties place the burden on detained individuals to take the initiative to request registration materials and an application for an absentee ballot. Sixteen (16) counties admitted that they have no existing programs to facilitate voter registration or voting in jail. Five (5) counties said they had a program but gave few details as to how it works or whether these "programs" were limited to signage and availability of materials without more. Four (4) counties limit their activity to placing posters about voting in housing units, the law library, or common areas. Six (6) counties put some effort into soliciting voter registration and voting around election times, although it is not clear that primary elections and local elections are included in these efforts.

Three (3) counties include information in a handbook, on an electronic tablet, or on electronic kiosks around the jail but do not have any organized activity around voting. Eleven (11) counties and New York City Department of Corrections have affirmative programs that include offering voter registration materials upon arrival, designating an officer or staff person to be responsible for distributing timely information, and sometimes work with outside organizations like the LWV or local community-based or faith-based organizations to offer voter registration services. However, the extent of these efforts varies greatly. Most jails do not record the number of registrations or requests for absentee ballots. One jail relied on the LWV to maintain those records. Two (2) other counties said they maintained records, but that registration and voting were rare. Although these jails provide information on registration and voting in handbooks, electronic tablets, or on electronic kiosks, we do not know whether this information is highlighted or whether and how registration and voting are actively solicited. In smaller county jails, the registration and voting process can be as simple as a quick canvas around the jail to see if anyone is interested in voting. Many counties expressed that voting has never been requested in its facilities, implying a lack of awareness of detained individuals. In the wake of Covid and the isolation of county jails during the pandemic, programs are only now being reopened. Some sheriffs' offices expressed an openness to inviting the LWV to provide voter registration and education services inside.

Access to help to determine eligibility and complete the registration and absentee ballot application forms is mostly limited to sheriffs' deputies, social workers, administrative staffing, or law library staff, if one is available. Because these designated or informally assigned staffers have authority over the jail population, detained people might not feel comfortable seeking their help. Access to privacy, too, remains an issue unless the jails have single cells or rooms designated for private use to complete these confidential forms.

With few exceptions, sheriffs' offices maintain relationships with the local Boards of Elections.

In 2021 the New York State legislature returned the right to vote to convicted felons upon their release from prison even while serving parole. In passing this legislation, which was signed by the governor, the legislature understood that successful reentry of formerly incarcerated individuals involves seizing the responsibility of citizenship: participating in civic life and voting. This right to being a full citizen is considered so important that jails and prisons are required to present voter registration materials to people as they are released from their felony sentences. This mandate should be extended to people released from county jails.

## Methodology

The Committee devised a project that employed law school students as externs or interns to conduct a survey of New York State sheriffs' offices. The students were supervised by two retired lawyers, Hazel Weiser and Mary Berry, who are LWV members. The project encompassed the Spring 2023 semester, ending in late April to accommodate exams.

**Law School Students:** We posted a job description on the Social Justice job board which is available to law school students across the country. We focused on hiring law school externs, and interns because of their maturity, education, and understanding of the need for precision in their use of words. Externs received credit for their participation in a supervised externship. Interns either earned the right to include participation in this project on their resumes or could count participation towards any graduation requirement for *pro bono* hours.

Four students were hired, two as externs and two as interns:

- Ann Curatolo—St. John's University School of Law
- Peter Friedrichs—University of Connecticut School of Law
- Alex Khan—Columbia University School of Law
- Gwenyth Szabo—American University Washington College of Law

Prior to contacting any county sheriffs, students participated in class sessions focused on:

- History and mission of the League of Women Voters
- What is required to preserve the nonpartisan status of the LWV
- Brief history of voting in New York State
- Felony disenfranchisement
- Eligibility to vote while serving a misdemeanor sentence or detained awaiting trial
- Impact of bail reform on access to the ballot

- How the absentee voting works in New York State with a comparison with other states, especially states that have universal mail-in ballots

The law school students were trained to:

- use the survey questionnaire
- conduct an interview mindful of the LWV, its nonpartisan status, and its working relationships with public officials
- accurate notetaking
- how to deal with frustration, if they find the sheriffs' offices non-responsive
- maintain a Google doc to record each county sheriff's responses or non-responses
- follow up all contact with sheriffs' offices in a professional manner

In addition to individual supervisory sessions, law students attended weekly group meetings to discuss their progress, share experiences and seek advice, receive additional assignments, including research, and maintain the professionalism of the project. In executing the survey, contacting the sheriffs' offices required a balance in persistently soliciting information, using appropriate language that would invite sheriffs' responses, and navigating unique local circumstances affecting each county.

**The Survey:** The Committee developed a simple questionnaire intended to identify what programs might be in place to accommodate voting by citizens while in jail serving a misdemeanor sentence or awaiting trial.

*1. Is detainee registration and voting a part of your jail program? If yes, please explain how your program works. For example:*

- *Are voter registration materials available to detainees upon arrival?*
- *Are voter registration materials given out upon release?*
- *Is there a designated deputy or other staff member assigned to this function?*
- *Do you record how many detainees register to vote during any given year?*
- *Is assistance available to help complete voter registration forms, applications for absentee ballots, or completion of absentee ballots?*
- *Is there a private and secure place within the jail to complete voting materials?*

*2. Would your jail benefit from training sheriff's deputies or other staff on the rules of voter registration, how to complete voter registration forms, applications for absentee ballots, and completing ballots within the required time frames?*

*3. Do you have a relationship with your county Board of Elections to receive information and materials about registering and voting for staff and detainees?*

*4. Do you work with outside groups, such as the League of Women Voters, local community or faith-based organizations to help educate and encourage voter registration and voting? If not, would you like to be connected to a local group or organization to help?*

*5. What funding and/or staffing do you believe you might need to implement voting in your facility?*

Each LWV chapter in the state was sent a query asking whether there is an existing or anticipated relationship with its county's sheriff. Some local chapters had recently received grants from LWV-US to initiate jailhouse voting projects. Other chapters are eagerly

reestablishing programs curtailed by Covid. Where the local LWV chapter had a relationship with the sheriff or was already conducting voter registration, we negotiated with the local LWV chapter to determine the best way to complete the questionnaire: contact the sheriff together, have the local LWV complete the questionnaire, or proceed independently.

Where there was no current LWV activity, students identified the appropriate person in the sheriff's office, and introduced the questionnaire by emailing it for review and completion, or reviewing in on the phone. Prior to contacting any sheriff, students determined the size of the jail, the longevity of the sheriff's administration, whether there were any pending lawsuits against the sheriff, or other indicators of the sheriff's attitude towards voting or programming for the benefit of those detained.

## The Data

**No Responses:** There are sixty-two (62) counties in New York State. We removed the five New York City counties from the project because we had information on the Rikers Island program in New York City jails. Therefore, the remaining fifty-seven (57) counties were surveyed. The response rate was exceptionally high.

Only twelve (12) counties failed to respond. Multiple attempts were made to identify and interview the appropriate officials in each of these county sheriff's offices. However, despite multiple attempts, as many as eight (8) phone calls and follow up emails, we were unable to ascertain any information on voting in these counties. With this kind of response rate—78.9% — we are confident that we have revealed a true picture of the status of voting services in New York State jails.

Some interpretation is inherent in categorizing sheriff's offices responses. There were often contradictory responses. For example, a respondent might say there is a program, but later in the conversation disclose that detained individuals had to initiate any voting activity. Or a respondent might say there is a program but failed to provide any further information that would describe the details of the program. What we learned from a qualitative analysis of the responses is that sheriffs have enormous discretion in informing detained persons about their voting rights and facilitating exercise of those rights.

New York City is comprised of five counties, all of which send detained persons to Rikers Island. An organized effort to register voters on Rikers Island<sup>4</sup> has evolved from the work of several organizations within the Vote in NYC Jails Coalition, which includes impacted persons and their families along with The Legal Aid Society, The Office of the Public Advocate, Latino Justice, NYCLU, Freedom Agenda, PROP, National Action Network, Legal Action Center, and Halt Solitary. This coalition conducts monthly voter registration drives throughout Rikers Island. They are also working with NYC Votes (an initiative of the NYC Campaign Finance Board) to devise a voter education program at Rikers Island that will be taught by formerly incarcerated individuals. There is now a designated Department of Corrections staff member, a formerly

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<sup>4</sup> This information was collected from a representative of The Legal Aid Society, not from the NYC Commissioner of Corrections.

incarcerated individual, who is responsible for coordinating these efforts. Some volunteers have been issued permanent volunteer passes to ease the security process. Over 800 voter registrations were completed over a two-year period with 170 completed absentee ballot applications. These registration and applications forms are taken by hand to each of the various Board of Elections offices for verification and completion.

**Jail Voting Summary**

No Program	No details on program	Postings Only	Postings Election Time	Tablet, Handbook, Kiosk	Fuller Program
16	5	4	6	3	12 <sup>5</sup>

**Jail Voting Programs By Jail Population (excluding NYC Department of Corrections)**

Jail Population ( <i>March 2023</i> )	No Program	No details on program	Postings Only	Postings Election Time	Tablet, Handbook, Kiosk	Fuller Program
Under 20	2	0	0	0	0	0
21-50	3	2	1	0	0	4
51-100	3	2	2	3	0	3
101-200	3	0	1	3	3	2
201-up	5	1	0	0	0	3

Most sheriffs’ offices rejected the idea that they required additional training to facilitate voting.

**Training for Voting in Jails**

Yes, open to training	No training needed	Unsure	No response
12	27	6	1

Additionally, most sheriff’s offices did not see that additional funding was necessary to facilitate voting. One office said they needed funding to buy stamps to mail in applications and absentee ballots.

**Funding for Voting in Jails**

Yes to funding	No to funding	Unsure	No response
8	29	7	1

This reluctance to seek funding and training might derive from seeing the sheriff’s role as limited to law enforcement and not seeing voting as an opportunity to facilitate an empowering connection for detained individuals to community and civic responsibility.

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<sup>5</sup> The five counties that comprise New York City are treated as a single entity here, with a description of the voting program at Rikers Island.

## Recommendations

Few county jails have fully functional and staffed programs to facilitate voter registration and voting for citizens detained on misdemeanor convictions or awaiting trial. Many sheriffs' offices do not prioritize voting and devote few resources to identifying which detained citizens might be eligible to vote and then facilitating registration, application for an absentee ballot, and voting, whether in jail or upon release.

Successful programs require effort and collaboration between the Boards of Election, which are responsible for the administration of elections, and county sheriffs' offices, which maintain responsibility for detained citizens. While most sheriffs acknowledge good working relationships with their local Boards of Elections, more needs to be done to increased voter engagement for those within the county jail system.

Legislation is necessary to ensure uniformity in access to the ballot across the state. However, the right to vote already exists. Thus, sheriffs can work with local Boards of Elections now without waiting for legislation to ensure that ballot access is afforded in all elections.

The people detained in our county jails are perhaps our most vulnerable residents and, as a result of over-policing, disproportionately Black and Brown. An opportunity to empower people in having their voices help devise post-incarceration policies should not be missed.

In reviewing the data, we have developed several recommendations, some of which require legislation, whereas others could be immediately implemented.

- The LWV-NYS should immediately design an accurate and timely jail voting guide and distribute the guide in paper and digital form to every sheriff's office in New York State. Wherever possible, we should encourage local LWV chapters to coordinate civics classes and voter registration drives with other local organizations in the county jails. Forming these relationships with the local sheriff and Board of Elections can raise the visibility and possibility of voting on a local level empowering this often ignored population.
- Comprehensive Voter Eligibility Screening Tool: eligibility for voting not only encompasses national and New York State elections but detained people might be eligible to vote in tribal elections and/or elections outside of New York State depending on the communities from which detained people are taken. To equip jails in serving diverse populations, a comprehensive tool for assessing voter eligibility would be helpful to screen those entering and being released from jail facilities.
- Fund the NYS Board of Elections to develop an informational voting program with posters, updated annual informational pamphlets in paper and digital form, a video and/or PowerPoint presentation on voting to be distributed to all county jails along with a timetable for presentation and use of these materials to encourage registration and participation in all elections, primaries and general elections on a local, state, and federal

level. This informational voting program will explain the eligibility to vote, how to register, how to apply for an absentee ballot, how to complete an absentee ballot, and how to get everything delivered to the Board of Elections in a timely manner. Most importantly, this informational voting program should include the basics on why voting is so important. Local Boards of Election and local community-based organizations should be encouraged to help local jails with these presentations and provide the help needed to complete forms and absentee ballots.

- Enact legislation authorizing local Boards of Election to establish early polling sites within county jails of a certain size that will provide detained persons and staff who reside in that county access to voting. Include funding to local Boards of Election to accommodate these sites with the caveat that other county early voting sites will not be reduced. For those detained persons residing outside of the county, ensure access to absentee ballot applications and ballots, with a secure method of returning those ballots to the Board of Elections in a timely manner.
- Include information about eligibility to vote, registration applications and deadlines, application for absentee ballot, and election dates in all handbooks, electronic tablets, and electronic kiosks with signage posted in common areas throughout the jail, and in the intake and release areas.
- Language Access: many detained individuals face language barriers in correctional facilities. Only one sheriff respondent mentioned access to translation services in its facility. Based on the demographics of each county, voter registration, applications, postage, informational resources, etc. (including the recommendations mentioned in the last two bullets) should be published in the commonly used local languages, including Native American languages, for limited English proficient eligible voters to receive accessible voting information and materials.
- Have sheriffs' offices designate a specific staff member, unaffiliated with the county jail and independent from the jail's leadership, to be responsible for informing detained people of their voting rights, distributing information in a timely fashion, arranging for help from neutral individuals, such as staff from the BOE or LWV, with completing forms, and maintaining records on the number of detained persons who register to vote while incarcerated.
- Provide a safe and private space to complete registration and ballot materials, especially the absentee ballot itself. Some jails have single cell residencies, so the cell might work. However, dormitory-styled facilities often do not have the private spaces required for thoughtful completion of a ballot. Temporary private spaces can be constructed during election times.
- At arrival, screen detained people for eligibility to vote and provide registration materials. Information about voting should be included in any handbook, electronic tablet, or electronic kiosk and available in the law library, if one is in the facility.

- At release, screen for eligibility to vote and provide registration materials, just as jails and prisons do for released convicted felons.
- Encourage sheriffs' offices to work with outside non-partisan organizations to provide civics education and neutral information about voting, candidates, and issues.

## Conclusion

What we learned from conducting this survey is that many citizens detained in jails do not have consistent access to their right to vote. This is a missed opportunity to encourage behaviors that have been linked to better reintegration back into society and decreased recidivism. Although there is not a lot of research on the relationship between voting and recidivism, we do know from limited studies that “ex-felons who are able to re-enter society with stable work and familial relationships are less likely to engage in criminal activity.”<sup>6</sup> Furthermore, research has demonstrated that “active participants in the democratic process are more likely to adopt the shared values of their broader community.”<sup>7</sup> The men and women moving in and out of our county jails, often plagued by racism, substance abuse, domestic violence, a lack of education, mental illness, and excluded from possibilities, would benefit from the empowerment and sense of belonging that accompanies an understanding of civics and the act of voting.

Sheriffs and people in their custody would benefit from a fuller, more complete understanding of voting eligibility, a more effective relationship with the local Board of Elections and local community-based groups, access to timely and accurate materials, and a stake in preparing the detained people in their care for a productive life upon release.

We thank the sheriffs across New York State for their cooperation and candor. This report would not be possible without their dedication and service.

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<sup>6</sup> Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 COLUM. HUM. RTS. L. REV. 193, 196 (2004), cited in Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 LA RAZA L.J. (2015).

<sup>7</sup> *Id.* at 198.

November 4, 2025

Contact:

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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***On Election Day, Vote in NYC Jails Coalition and Electeds Demands Polling Sites and Equal Access to the Ballot for Incarcerated New Yorkers***

**(NEW YORK, NY)** — The **Vote in NYC Jails Coalition** held an election day rally today outside the New York City Board of Elections (BOE) headquarters, calling on the BOE and the New York City Department of Correction (DOC) to ensure that every eligible voter incarcerated in city jails can cast a ballot that is counted — this election day and in all elections to come. They were joined by **New York Assemblymember Latrice Walker, Councilmember Tiffany Caban, Chris Alexander of NAACP, Victor Pate of The National Action Network (NAN), and Rev. Ron McHenry.**

The BOE is legally responsible for guaranteeing ballot access for all New Yorkers, yet each election day, it fails detained voters by refusing to assist with registration or voting processes. The agency routinely rejects registration forms, absentee ballot requests, and completed ballots from eligible incarcerated New Yorkers —often without explanation or the opportunity to cure these errors. Meanwhile, the DOC is not a designated voting agency and cannot independently administer a comprehensive jail voting program.

As of today, over 6,000 New Yorkers held at Rikers Island are eligible to vote. More than 92 percent of those detained are people of color, reflecting the deep racial disparities in the city’s criminal legal system. By neglecting to facilitate voting in jails, the BOE and DOC are effectively disenfranchising Black and Brown New Yorkers.

To achieve true voting equity, the BOE must establish polling sites in city jails. In-jail polling sites would ensure that ballots are not rejected, that voters can immediately correct any issues, and that all eligible voters can cast ballots during the full voting period. Given the high turnover of the jail population, polling sites would also prevent eligible voters from missing deadlines due to changes in their custody status. Similar programs have been successfully implemented in other jurisdictions across the country.

“The Board of Elections’ persistent failure to provide meaningful ballot access for people incarcerated in New York City jails is not just bureaucratic neglect—it is a violation of fundamental democratic rights,” said **Takeasha Newton, Lead Community Organizer in the Community Justice Unit at The Legal Aid Society.** “Every year, thousands of eligible voters are silenced because the BOE refuses to fix a system that does not work. Establishing polling sites in jails is the only way to ensure that no New Yorker is disenfranchised for being poor or detained pretrial.”

“Every eligible voter in New York City, including those in jail, has the legal right to participate in our democracy,” said **Cesar Z. Ruiz, Associate Counsel at Latino Justice PRLDEF.** “When the Board of Elections and Department of Correction refuse to establish polling sites in jails, they silence the voices of New Yorkers who are overwhelmingly from our Black and Brown communities. The City must act now to establish polling sites in jails and guarantee that every New Yorker’s voice counts.”

"Voting is the most precious part of our politics and for far too long incarcerated people have been disenfranchised even when they have the right to vote. At a time like this when voting for the incarcerated allows them to protect their interests, it is imperative that we do everything to ensure that everyone incarcerated who is eligible can vote. There should be no excuse for denying those incarcerated their constitutional right to cast their vote and be counted among the American franchise; anything less is truly unconstitutional and unamerican. Let them vote because incarcerated lives matter, too," said **Jerome R. Wright, Co-Director, HALT Solitary Campaign**

"Today, many New Yorkers are casting their votes in critical local elections and hundreds of thousands have already voted early or via absentee ballot, but people incarcerated in New York City jails face insurmountable barriers to casting their vote, putting thousands at risk of disenfranchisement," said **Michael Klinger, Senior Jail Services Attorney with Brooklyn Defender Services**. "We join the Vote in NYC Jails Coalition to urge the Board of Elections and Department of Correction to ensure all voters incarcerated in NYC jails can have equal access to this fundamental right by establishing a polling site at Rikers Island."

"Voters in jail face countless unimaginable hurdles to casting their ballots, and New York City's failure to address these problems constitutes voter suppression. The city must do better, like many other cities across this country, to ensure voting access for all people who have the right to vote in jail," said **Lindsey Reynolds, Chair of the Committee for Criminal Justice Reform at the League of Women Voters of the City of New York**.

"The opportunity to vote and be civically engaged is a right that should never be taken away for any reason," said **Victor Pate Chairman of The National Action Network NYC Chapter Second Chance Committee and member of the Vote In NYC Jails Coalition**. "We the people have a constitutional right to vote and that right should not be infringed upon due to an individual's justice status, incarceration or otherwise. All eligible voters should have complete and full access to the ballot box. A polling site on Rikers Island would achieve that goal. Your right to vote should not end at the gates to Rikers Island, Free The Vote!"

"Under the current system, thousands of Black and Brown New Yorkers are denied one of the most fundamental civil rights — the right to have their votes counted. People held in jails are community members and New Yorkers whose voices matter, and every ballot left uncounted deprives their neighborhoods of fair representation and vital resources," said **Djuna Schamus, Legal Fellow at the Center on Race, Inequality, and the Law at NYU School of Law**.

## **Background**

Since 2020, the Vote in NYC Jails Coalition has worked within Rikers Island to help people detained pretrial register to vote and request absentee ballots in advance of election day. This effort has led to increased voter engagement and awareness among incarcerated New Yorkers.

Despite these efforts, in 2024 only 546 people out of over 6,000 eligible voters on Rikers were able to vote. Each year, thousands of eligible New Yorkers lose their right to vote because the absentee process simply does not work in the jail setting.

The racial disparities are stark: over 92 percent of the Rikers population is non-white, and the vast majority remain eligible to vote. Without polling sites, these New Yorkers are denied a voice in the democratic process.

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*The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every*

*borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.*  
[www.legalaidnyc.org](http://www.legalaidnyc.org)

**MEMORANDUM OF SUPPORT**

**S.6875A/A.9612: Relates to voting rights and access for incarcerated individuals**

We write in strong support of the Democracy During Detention Act (S.6875A/A.9612). This bill would ensure that New Yorkers who are incarcerated and have not lost the right to vote are able to exercise that right by requiring correctional facilities to provide timely access to voter registration and at least one method of voting.

The Brennan Center for Justice is a nonpartisan law and public policy institute based in New York City that seeks to improve our systems of democracy and justice. We have a long record of supporting efforts to make voting in New York more accessible through research, legislative advocacy, and public education.

Most New Yorkers in jail are entitled to register to vote and vote because they have not been convicted of a felony, and in most cases have not been convicted of any offense at all.<sup>1</sup> Under state law, the only individuals prohibited from voting while incarcerated are those convicted of a felony.<sup>2</sup> State law also explicitly permits individuals who are detained in jail awaiting grand jury action or trial, or incarcerated in jail or prison for a misdemeanor, to vote absentee.<sup>3</sup>

In *O'Brien v. Skinner*, the Supreme Court ruled that eligible detained voters cannot be disenfranchised due solely to their detainment.<sup>4</sup> However, most counties in New York do little to nothing to ensure that eligible detained voters can exercise their right to vote. Indeed, a recent survey by the League of Women Voters of New York found that one-third of the state's 57 counties outside of New York City either have no program in place to facilitate voter registration or voting by eligible detained voters or could not provide any details for such a program.<sup>5</sup> This lack of voting programs disproportionately impacts Black and brown New Yorkers because of bias in the criminal system.<sup>6</sup>

By enacting the Democracy During Detention Act, New York would ensure that the voting rights of *all* eligible voters are fully realized. Among other things, the bill would require large correctional facilities to adopt bipartisan in-person voter registration and absentee ballot collection programs, and would require smaller facilities to facilitate timely voter registration and absentee voting. The bill would allow county boards of elections to establish polling places at correctional facilities during the first two or three days of early voting, including on “golden

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<sup>1</sup> As of March 2023, 11,544 of the 16,138 people detained in New York jails were unsentenced and therefore eligible to vote. League of Women Voters of New York, *Voting in New York State Jails: A Qualitative Analysis of Access*, at 2 (June 2023), <https://lwvny.org/wp-content/uploads/2023/09/LWVNY-S-Voting-in-Jails-Report-1.pdf>.

<sup>2</sup> N.Y. Elec. Law § 5-106.

<sup>3</sup> *Id.* § 8-400(1)(d).

<sup>4</sup> *O'Brien v. Skinner*, 414 U.S. 524 (1974).

<sup>5</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, *supra* note 1, at 6-7.

<sup>6</sup> *Id.* at 2.

day” (the first day of early voting in which New Yorkers can both register to vote and cast a ballot), for eligible detained voters and staff. The bill would also improve accessibility and language access for eligible detained voters, require the State Board of Elections to provide non-partisan voter educational materials for distribution in correctional facilities, and ensure access to registration and voting for eligible voters who are being held in solitary confinement.

By enacting the Democracy During Detention Act, New York would also join the growing number of states that have enacted legislation to ensure meaningful access to the ballot for eligible detained voters. In 2019, Illinois designated the state’s largest jail as a polling place and required other jails to facilitate voter registration and voting by mail.<sup>7</sup> In 2021, Illinois allowed other jails in the state to serve as polling places.<sup>8</sup> Massachusetts, in 2022, required jails to provide locations where voters can complete their mail ballots in private and ensure the timely return of completed ballots.<sup>9</sup> In 2023, Nevada required jails to provide same-day voter registration, allow election officials to collect completed mail ballots, and allow voters to cure signature defects on their mail ballots.<sup>10</sup> And this year, Colorado required jails to provide one day of in-person voting, establish a location for ballots to be returned, and ensure that completed mail ballots are placed in such location.<sup>11</sup> Virginia also required jails to allow eligible voters to vote by absentee ballot and ensure voter’s completed ballots are returned on time.<sup>12</sup>

The right to vote of eligible detained voters in New York has been neglected for far too long. Every eligible citizen, including those who are detained in a correctional facility, should have meaningful access to the ballot. For these reasons, we strongly urge the Legislature to approve this important legislation and send it to Governor Kathy Hochul for her signature.

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<sup>7</sup> S.B. 2090, 101st Gen. Assemb., 1st Reg. Sess. (Ill. 2019).

<sup>8</sup> S.B. 825, 102nd Gen. Assemb., 1st Reg. Sess. (Ill. 2021).

<sup>9</sup> S. 2924, 192nd Gen. Ct., 2nd Ann. Sess. (Mass. 2022).

<sup>10</sup> A.B. 286, 82nd Nev. Leg., 1st Reg. Sess. (Nev. 2023).

<sup>11</sup> S.B. 24-072, 2024 Reg. Sess., 1st Reg. Sess. (Colo. 2024).

<sup>12</sup> H.B. 1330, 2024 Reg. Sess., 1st Reg. Sess. (Va. 2024).



## EXPLAINER

### Voting While Incarcerated in Local Jails in New York

By Richard Rifkin, Esq.\*

June 17, 2025

#### Introduction

The New York State Constitution provides that the state Legislature shall enact laws excluding individuals who have been convicted of “bribery or of any infamous crime” from the right to vote.<sup>1</sup> The state Legislature has met this mandate by enacting a statute that disqualifies a person “who has been convicted of a felony and sentenced to a period of imprisonment [. . .] while [. . .] incarcerated for such felony.”<sup>2</sup> Thus, the law is clear. Under New York law, any citizen, including those who are incarcerated but not convicted of a felony, may vote. However, there are significant barriers for those who are incarcerated and who have not been convicted of a felony to exercise their right to vote.<sup>3</sup>

#### Voting Access in County Jails

In 2023, the Criminal Justice Committee of the League of Women Voters of New York (hereinafter “League”) conducted a survey of the 57 counties outside of New York City to assess the ability of those incarcerated in their jails to exercise their voting rights.<sup>4</sup>

Almost everyone imprisoned in local jails is eligible to vote.<sup>5</sup> People incarcerated in local jails primarily include those who could not pay bail, are awaiting trial, and have not been convicted of the charges on which they are being held,<sup>6</sup> or they have been convicted of a misdemeanor, which does not result in a loss of the right to vote. At the time of the survey, there were more than 16,000 individuals held in county jails with only about 2,500 having been convicted of a crime and sentenced to incarceration.

The survey was conducted by League staff and volunteer law students, who contacted the offices of the county sheriffs, who are responsible for the conduct and operation of local jails, in each of the 57 counties outside of New York City.

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\* Richard Rifkin, Esq., is Legal Director at the Government Law Center at Albany Law School. He is also a Co-Chair of the Criminal Justice Committee of the League of Women Voters of New York.

Of the 57 counties that were contacted, twelve (12) did not respond. Of the remaining 45 counties:

- Sixteen (16) told the League that they had no program dealing with voting;
- Five (5) said that they had a program but were unable to offer any details about what was included in that program;
- Four (4) said that they posted information about voting within the jail;
- Six (6) said that they put some effort into soliciting voter registration;
- Three (3) said that they disseminate information in a handbook or on a tablet or electronic kiosk without further activity;
- Eleven (11) said that they have programs where they actively work with those within the jail to enable them to cast ballots.

The results demonstrated inconsistent access to exercise the right to vote for individuals incarcerated in local jails across the state. Moreover, the League found that many sheriffs' offices do not devote significant attention or resources to this effort.<sup>7</sup> Research has demonstrated that justice-involved individuals who re-enter society with strong community connections are less likely to engage in future criminal activity, and that individuals who actively participate in the democratic process are more likely to adopt shared values of their community.<sup>8</sup> The League concluded that individuals in New York's jails would benefit from the empowerment and sense of belonging that accompanies civic engagement and that more must be done to better facilitate exercising the right to vote in local jails. The League offered several recommendations, some of which require legislation.<sup>9</sup>

A separate study on voting access in local jails in the 2020 election cycle, which included a sampling of 10 county jails along with jails on Riker's Island, found that voter participation among individuals detained in local jails was low to nonexistent.<sup>10</sup> The study found that voter participation among imprisoned individuals was impeded by a lack of cross-agency collaboration to monitor voter participation and implement voter assistance programs. The study concluded with several recommendations, which also included legislative change.<sup>11</sup>

### **Democracy During Detention Act**

A comprehensive bill, known as the Democracy During Detention Act (A.2121/S.440), has been introduced in the state Legislature with the objective of increasing the ability of people incarcerated in prisons and jails in New York to participate in elections.<sup>12</sup> The sponsor's memorandum in support of the bill explains that it is intended "to provide local officials with authorization and guidance to facilitate timely access to at least one method of effective and secure voter registration and balloting via a poll site [at correctional facilities within their jurisdiction] or absentee balloting for all such eligible persons."

The bill is complex, but it includes several basic provisions. One provision that does not change the law but codifies into a statute what has long been understood is the right to vote for those who are incarcerated and have not been convicted of a felony. The bill appears intended to ensure that sheriffs and county boards of elections will be clear in understanding their responsibilities.

Its substantive provisions authorize various means of achieving this goal. For larger counties, meaning counties with a population of at least 100,000 registered voters, the county board of elections must set up in-person visits by bipartisan teams to facilitate voter registration and absentee voting by mail.<sup>13</sup> This is currently required for certain congregate residential facilities, such as nursing homes, and correctional facilities in those counties are added to the locations in which in-person polling sites are required. In smaller counties and facilities, the board of elections “must coordinate with facility leadership to facilitate access to voting.”<sup>14</sup>

Different rules would be applicable for correctional facilities in New York City. For example, for those facilities, language related assistance would be required “for prevalent language-minorities” where at least three hundred individuals within the facility are members of a single language-minority group. In addition, New York City facilities would be required to provide “adequate assistive devices and reasonable accommodations that improve access to voting for individuals with disabilities.”<sup>15</sup>

In short, this is a complex and detailed bill that has one objective — enhancing the ability of those who are incarcerated to exercise their right to vote. It is now up to the state Legislature to decide how to proceed.

*The Government Law Center provides nonpartisan legal research and analysis on pressing issues facing state and local government and informs the public about major legal and policy issues facing policymakers and elected officials. Our role is to explain, not to advocate for a particular position or course of action.*

## Notes

<sup>1</sup> N.Y. Const., art. II, § 3.

<sup>2</sup> N.Y. Elect. Law § 5-106.

<sup>3</sup> Ginger Jackson-Gleich & Rev. Dr. S. Todd Yeary, *Eligible but Excluded: A Guide to Removing the Barriers to Jail Voting*, Prison Policy Initiative (Oct. 2020), [https://www.prisonpolicy.org/reports/jail\\_voting.html](https://www.prisonpolicy.org/reports/jail_voting.html).

<sup>4</sup> League of Women Voters of New York, *Voting in New York Jails: A Qualitative Analysis of Access* (Jun. 2023), <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>.

<sup>5</sup> New York State Penal Law Article 70 includes provisions that specify what sentences may be imposed for different categories of criminal offenses. In New York, a sentence of imprisonment for misdemeanors must be a “definite sentence” that shall not exceed three

hundred and sixty-four days, and the individual sentenced must be remanded to the county or regional jail. See N.Y. Pen. Law §§ 70.15, 70.20. In contrast, a sentence of imprisonment for most felony convictions shall be an “indeterminate” sentence, in which the court shall impose a minimum and maximum period of imprisonment. In most circumstances, the individual sentenced must be remanded to the New York State Department of Correction and Community Supervision for incarceration in a state prison facility. See §§ 70.00–70.10, 70.20.

<sup>6</sup> In 2019, 66% of individuals held in local jails in New York State were not convicted of a crime and/or have been detained pretrial. See Prison Policy Initiative, *New Data and Visualizations Spotlight States’ Reliance on Excessive Jailing, Appendix Table 2: Jail Trends by State, 2019* (2014), [https://www.prisonpolicy.org/reports/jails2024\\_table2.html](https://www.prisonpolicy.org/reports/jails2024_table2.html); U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Census of Jails, 2019* (Mar. 30, 2022), <https://doi.org/10.3886/ICPSR38323.v1>. Nationally, approximately two-thirds of individuals held in jails have not been convicted of a crime. Nazish Dholakia, *The Difference Between Jail and Prison*, Vera Institute of Justice (Feb. 21, 2023), <https://www.vera.org/news/u-s-jails-and-prisons-explained>.

<sup>7</sup> League, *supra* note 4.

<sup>8</sup> League, *supra* note 4; Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, 196 (2004), <https://www.democracymodel.com/wp-content/uploads/2022/10/VotingAndSubsequentCrime.pdf>; Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 La Raza L. J. (2015), <https://www.courthousenews.com/wp-content/uploads/2019/01/Felony-Disenfranchisement.pdf>.

<sup>9</sup> For the full list of recommendations, see League, *supra* note 4.

<sup>10</sup> Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique 36 (Spring 2022), [https://cpb-us-w2.wpmucdn.com/about.illinoisstate.edu/dist/e/34/files/2022/06/Stewart\\_final.pdf](https://cpb-us-w2.wpmucdn.com/about.illinoisstate.edu/dist/e/34/files/2022/06/Stewart_final.pdf).

<sup>11</sup> For the full list of recommendations, see Stewart, *supra* note 10.

<sup>12</sup> Democracy During Detention Act (A.2121/S.440), 2025–2026 N.Y. Leg, <https://www.nysenate.gov/legislation/bills/2025/S440>.

<sup>13</sup> Democracy During Detention Act (A.2121/S.440), § 4.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

## Opinion: Facilitating democracy during detention

Most people detained in jail still have the right to vote. To help them exercise that right, we brought voter registration forms and absentee ballots to our local jail.



People detained in Ulster County Jail fill out voter registration forms and absentee ballots. ULSTER COUNTY BOARD OF ELECTIONS

By **ASHLEY TORRES AND JOHN QUIGLEY** | AUGUST 26, 2024

During the November 2023 general election, we – the two Ulster County elections commissioners – piloted a program with our local jail to ensure that citizens who have been detained and still have the right to vote can exercise that right. Now, we are urging bipartisan election commissioners around the state to do the same and for Albany to pass legislation formalizing our program.

In New York, individuals lose their right to vote while serving a sentence for a felony conviction. Citizens detained before trial or serving time for a misdemeanor can still vote, but they have only one way to do so: by applying for, receiving, filling out and returning an absentee ballot on time.

We recognized that each of those steps poses significant obstacles to detained citizens, whose mail service is not reliable or prompt and who lack regular access to the online registration, ballot request and tracking tools that have been launched over the last few years. So instead of passively awaiting whatever absentee ballot applications might timely arrive at our office, we decided to take the paperwork directly to the eligible population.

In close cooperation with our county sheriff and his staff, we brought a team of trained volunteers and a stack of voter registration forms, absentee ballot applications and the absentee ballots themselves to the Ulster County Jail. There were just over [130 unsentenced individuals](#) at the time, some of whom were ineligible to vote. With bipartisan integrity safeguards in place, only eligible citizens were registered and subsequently offered a ballot.

While onsite, we registered 16 individuals to vote for the first time and processed absentee ballot applications on the spot for 31 voters, who were all able to fill out their ballot and return it directly to us for scanning back at the county Board of Elections office (where we scan all absentee ballots). In doing so, we were able to avoid many common issues with the ballots on the spot, eliminating the need for subsequent back and forth to cure defects that can disqualify valid ballots (as

we do with the general population). The voters were able to bypass all of the hurdles this population typically faces in voting, and also had the opportunity to ask us – the stewards of Ulster elections – questions about voting and how to exercise their rights going forward.

Our pilot program mirrors one already mandated for other congregate housing facilities. [State election law](#) already requires that we make similarly bipartisan visits to facilitate in-person absentee voting at nursing homes and Veterans Administration hospitals for each election. That program, dating back to 1988, has proven to be effective and scalable. Expanding this existing program to correctional facilities is a logical, feasible step for bipartisan administrators to take to ensure all eligible voters can exercise their rights.

[we piloted](#) for large correctional facilities in populous counties around the state. For smaller facilities, the bill rightfully requires cooperation between elections and corrections officials to ensure timely delivery of registration and absentee ballot application forms. We urge Albany to pass that legislation when they return next year.

But local boards of elections around the state need not wait to be regulated in order to proactively implement a program that meets constituents' needs in time for the 2024 election, just as we did in Ulster County. As election commissioners, we have a duty to ensure all eligible voters – including voters detained in jails – can exercise their right to the franchise, and sometimes that means taking access to the franchise to them.

*Ashley Torres and John Quigley are, respectively, the Democratic and Republican election commissioners for Ulster County.* c

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**Opinion: Kamala Harris, Shirley Chisholm and Caribbean Americans' dreams of change**

Harris' campaign will inspire young Black girls across the country to follow their dreams, just as Chisholm's 1972 presidential run inspired us.

Rep. Shirley Chisholm announces her candidacy for president at the Concord Baptist Church in Brooklyn on Jan. 25, 1972. DON HOGAN CHARLES/NEW YORK TIMES  
CO./GETTY IMAGES

By YVETTE CLARKE | AUGUST 22, 2024

Whenever change is in the air, it can feel challenging to keep our feet on the ground. But make no mistake: Caribbean Americans understand all too well that feet on the ground are the only way to move forward. And they are precisely what is needed to win in November. Since Vice President Kamala Harris launched her campaign to become president of the United States, our community has been swept up in the whirlwind of change. We have been canvassing the streets, organizing historically successful fundraisers, debating the issues at the dinner table and taking every step necessary to secure victory for our vice president and prosperity for our nation. Within each of us is a familiar, yet almost forgotten energy, as a daughter of the Diaspora, again, redefines possibility for a new generation. To this day, I remember when another redefined it for mine.

Whether you lived through it or learned of it, we each know what defined the America of my early life – and that is a palpable pain that saturated the everyday. At the time, our young people were being ceaselessly sent to an unthinkable slaughter a hemisphere away, the murders of Dr. King and Bobby Kennedy were fresh and harsh in our memories and civil unrest permeated the nation. There are consequences to grief on the scale of those days, and it materialized in a grave aura of doubt that diffused into our daily lives. Even as a young girl, given only half the story and burdened by a fraction of the tragedy, I was keenly aware of the hardship my family and neighbors felt the full weight of.

And then, only months past my seventh birthday, my first taste of change came. It arrived when my congresswoman, Shirley Anita Chisholm, announced her candidacy for the presidency out of the Concord Baptist Church of Christ, just miles away from my childhood home in Flatbush. Already the first Black woman to hold a seat in Congress and now the first Black woman to run for president on a major party ticket, Chisholm's unprecedented act of political courage did more than lift our community from the grave pessimism that punctuated those dark decades in American history – it inspired countless Caribbean Americans and Black Americans and all marginalized peoples of America to pursue the mantle of leadership in the decades that followed. In fact, it ignited my own journey in public service.

of courage and commitment. And because of one brave Barbadian American, two Jamaican Americans – one in Brooklyn and the other in Berkeley – were set forward towards a future we had never known we could dream of. We saw a Black woman take the first steps towards the White House. We saw the impossible become possible. We saw our value and ability personified by a spirited woman from Brooklyn, who was resolutely and unabashedly unbought and unbossed.

Though I had known Kamala Harris' name and been familiar with her work long before we met, as fate would have it, our first opportunity to work alongside one another arose in a “full circle” moment, when we joined together to fight for a cause dear to both our hearts – our effort to place a statue of Chisholm in the United States Capitol. Two children of

Jamaican dreams and the American Dream – my mother, from the Parish of St. Elizabeth, her father, from the Parish of St. Ann – on parallel paths of public service, collided in a fight to honor the woman who started it all. Indeed, I know the passion our vice president holds for her heritage. I know it, because it's evident in every action she takes.

Harris is a woman who sees justice as precious and injustice as intolerable. These are tenets that define the Caribbean American community, and it is those very principles that have guided her work in the Biden-Harris Administration. Since the COVID-19 pandemic that put millions out of work, she has played a profound and unprecedented role in an administration that has produced 16 million good-paying jobs. In the aftermath of Roe's fall, she has stood in the breach defending against existential attacks on women's rights. She has helped pass landmark legislation like the Inflation Reduction Act and Bipartisan Infrastructure Law, and she has remained resolutely at the side of Black Americans and the most vulnerable communities in our nation in the face of hate and persecution. She helped achieve the lowest Black unemployment rate on record and higher Black enrollment in healthcare coverage than ever before. Not to mention, she was right there, watching and working, as the first Black woman ascended to the Supreme Court of the United States.

At her side in this campaign stands Gov. Tim Walz, a 24-year veteran of the Army National Guard and a man who has devoted his life and career to the underserved and the overlooked. Tim and I entered Congress in the same class and, from the outset, it was clear to me that he is a man of unwavering principles and inherent goodness. To deny his service to our nation is to deny the very concept of service itself. Together, these two lifelong public servants have emerged as champions of the causes and communities most dear to them – and those most in need of champions.

From dismay and dismal hopes, Harris lifted our nation up with a message of unapologetic joy, unbridled hope and the promise of change – the same promise I first heard at only 7 years old. I know somewhere in this great nation, there is a young girl who has waited for change her entire life, who is now eager to grow up and do something with it. Like myself, and like Vice President Harris. Today, as we continue our march through this new era of American political history, I have found myself thinking again on what that special moment in 1972 meant to me and what it meant to our vice president. On reflection, I believe that was the day Shirley Chisholm showed us the future of our dreams. And today, Kamala Harris has let us dream of the future, again. [c](#)

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# VOTING AND SUBSEQUENT CRIME AND ARREST: EVIDENCE FROM A COMMUNITY SAMPLE

Christopher Uggen and Jeff Manza\*

## I. INTRODUCTION

A number of recent studies have examined the origins and consequences of felon disenfranchisement laws in the United States. These studies have identified a large and growing group of citizens who have lost the right to vote because of felony convictions.<sup>1</sup> The burden has fallen particularly heavily on minority citizens, with

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Jeff Manza is Associate Professor of Sociology and Political Science and Associate Director of the Institute for Policy Research at Northwestern University. He is the coauthor, with Clem Brooks, of *Social Cleavages and Political Change: Voter Alignments and U.S. Party Coalitions*. Our research was supported by grants from the National Science Foundation (#9819015) and the Individual Project Fellowship Program of the Open Society Institute. We are indebted to Melissa Thompson, Angie Behrens, Sara Wakefield, and Michael Vuolo for research assistance and to Eric Plutzer and Doug McAdam for suggestions and comments.

1. See Angela Behrens et al., *Ballot Manipulation and the 'Menace of Negro Domination': Racial Threat and Felon Disenfranchisement in the United States, 1850-2002*, 109 *Am. J. Soc.* 559 (2003); Alec C. Ewald, *'Civil Death': The Ideological Paradox of Criminal Disenfranchisement Law in the United States*, 2002 *Wis. L. Rev.* 1045 (2002); Jamie Fellner & Marc Mauer, Human Rights Watch and The Sentencing Project, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States* 1 (1998); Christopher Uggen & Jeff Manza, *Democratic Contraction? The Political Consequences of Felon Disenfranchisement in the United States*, 67 *Am. Soc. Rev.* 777 (2002).

nearly two million African Americans currently disenfranchised.<sup>2</sup> American laws are uniquely restrictive on the international scene.<sup>3</sup> Since laws that regulate voting rights for felons and ex-felons are specific to each state—ranging from states with no restrictions to states enforcing lifetime bans on participation—there is wide variation in the size and distribution of the disenfranchised population.<sup>4</sup> A number of studies have suggested that disenfranchisement is likely to have impacted both electoral turnout and, in a handful of cases, even electoral outcomes.<sup>5</sup>

The existing research literature considering the *political* implications of disenfranchisement hardly exhausts the range of important issues to consider. One of the most important issues, the relationship between political participation and subsequent criminal activity, has yet to be systematically addressed. If voting is unrelated to later criminal behavior, then legal changes that extend the franchise to convicted felons are unlikely to affect crime or desistance rates. In that case, current policy debates over felon disenfranchisement laws should pivot primarily on questions of political rights and democracy. However, if those who vote are actually less likely to commit new crimes, legal changes easing the right to vote for felons may facilitate reintegration efforts and reduce rates of recidivism.

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2. Uggen & Manza, *supra* note 1, at 798.

3. See Alec C. Ewald, *Of Constitutions, Politics, and Punishment: Criminal Disfranchisement Law in Comparative Context* (Aug. 2002) (unpublished paper presented at the Annual Meeting of the American Political Science Association in Boston) (on file with authors) (evaluating felon disenfranchisement policies in various countries). See also Jeff Manza & Christopher Uggen, *Punishment and Democracy: The Disenfranchisement of Nonincarcerated Felons in the United States*, 2 *Persp. on Pol.* 491, 501 (2004) (stating that the United States “stands alone” in disenfranchising large numbers of non-incarcerated felons); Brandon Rottinghaus, International Foundation for Election Systems, *Incarceration and Enfranchisement: International Practices, Impact, and Recommendations for Reform* 24–25 (2003), at [http://www.ifes.org/research\\_comm/08\\_18\\_03\\_Manatt\\_Brandon\\_Rottinghaus.pdf](http://www.ifes.org/research_comm/08_18_03_Manatt_Brandon_Rottinghaus.pdf) (comparing policies of countries that do not allow prisoners to vote and noting that, among those compared, U.S. policies were the most restrictive).

4. Fellner & Mauer, *supra* note 1, at 6.

5. See, e.g., Michael P. McDonald & Samuel L. Popkin, *The Myth of the Vanishing Voter*, 95 *Am. Pol. Sci. Rev.* 963, 971 (2001); Uggen & Manza, *supra* note 1, at 789.

The reintegrative effects of voting may have broader implications. The right to vote is one of the defining elements of citizenship in a democratic polity<sup>6</sup> and participation in democratic rituals such as elections affirms membership in the larger community for individuals and groups.<sup>7</sup> Because of all that voting represents in this society, voting can be viewed as a proxy for other kinds of civic engagement associated with the avoidance of illegal activity.

Establishing a causal relationship between voting, or civic reintegration more generally, and recidivism would require a large-scale longitudinal survey that tracked released offenders in their communities and closely monitored changes in their political and criminal behavior. At present, no such data exist.<sup>8</sup> Nevertheless, it is possible to bring some empirical data to bear on this question now. In this paper, we present a simple analysis of the relationship between voting and crime using data we have collected from the Youth Development Study, a prospective longitudinal investigation of a cohort of former Minnesota public school students.<sup>9</sup>

We will first establish a correlation between voting and crime by examining whether those who voted in the 1996 presidential election had lower rates of arrest, incarceration, and self-reported

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6. See Judith N. Shklar, *American Citizenship: The Quest for Inclusion* 25–62 (1991) (discussing the way in which the struggle for citizenship in the United States has led to a symbolic satisfaction derived from voting as affirmation of citizenship).

7. See Alexander A. Schuessler, *A Logic of Expressive Choice* (2000); Christopher Uggen et al., *Less than the Average Citizen: Stigma, Role Transition, and the Civic Reintegration of Convicted Felons*, in *After Crime and Punishment* 261, 264 (Shadd Maruna & Russ Immarigeon eds., 2004); Adam Winkler, *Expressive Voting*, 68 N.Y.U. L. Rev. 338, 368 (1993).

8. There are longitudinal studies such as the National Longitudinal Study of Youth or the Panel Study of Income Dynamics that include some information about criminal background, but these surveys do not include information about political participation. See Bureau of Labor Statistics, U.S. Dept. of Labor, *National Longitudinal Survey of Youth*, at <http://www.bls.gov/nls/home.htm> (last visited Oct. 10, 2004); Inst. for Soc. Research, *Panel Study of Income Dynamics*, at <http://psidonline.isr.umich.edu/> (last visited Oct. 10, 2004). The handful of election panel studies, such as the panels associated with the American National Election Study, do not include any information about criminal history. See Nat'l Election Studies, *American Nat'l Election Study*, at <http://www.umich.edu/~nes/> (last visited Oct. 10, 2004).

9. Jeylan T. Mortimer, *Working and Growing Up in America* 29 (2003).

criminal behavior in the years following this election than those who did not participate. We then conduct a logistic regression analysis to test whether this correlation is spurious due to factors that are associated with both voting and crime. By statistically controlling for prior self-reported and official criminal behavior and background factors such as race, gender, education, employment, and marital status, we can learn the extent to which the raw correlation is due to the self-selection of persons at low risk of crime into voting. While this approach cannot firmly establish political participation as a cause of desistance from crime, it allows us to rule out some of the most compelling alternative explanations for the correlation. We will estimate the net effect of voting on crime by statistically controlling for several factors closely linked to both behaviors.

## II. CIVIC REINTEGRATION AND DESISTANCE FROM CRIME

### A. Insights from Criminology and Prior Research

We might expect a relationship between political participation and recidivism for a number of reasons. Solid empirical evidence demonstrates that former criminal offenders who enter stable work<sup>10</sup> and family relationships<sup>11</sup> are most likely to desist from crime. In addition to securing stable employment and family situations, convicted felons are expected to return to their communities and either resume or begin their lives as active and law-abiding citizens. The primary causal mechanism hypothesized in these studies is one of informal social control, in which attachment to social institutions such as families and labor markets increase the reciprocal obligations between people and provide individuals with a stake in conforming behavior.<sup>12</sup> Social-psychological theories of symbolic interactionism, while differing from informal social control theories in some respects, make a similar prediction that the

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10. See Robert Sampson & John Laub, *Crime and Deviance over the Life Course: The Salience of Adult Social Bonds*, 55 *Am. Soc. Rev.* 609, 617-18 (1990); Christopher Uggen, *Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism*, 65 *Am. Soc. Rev.* 529, 542 (2000).

11. John Laub et al., *Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process*, 63 *Am. Soc. Rev.* 225, 237 (1998).

12. Robert Sampson & John Laub, *Crime in the Making: Pathways and Turning Points through Life* 18 (1993).

assumption of work and family roles facilitates the development of an identity as a productive and responsible law-abiding citizen.<sup>13</sup>

Although the issue has received scant research attention in the study of desistance from crime, reintegration as a voting member of one's community would appear to be a logical analog to work and family reintegration. As Shadd Maruna notes in a recent study of desistance, the desire to "be productive and give something back to society" appears to be critical to the desistance process.<sup>14</sup> To date, however, much of the research on this question has been based on small-scale interview projects, or correlational studies based on highly selected samples.<sup>15</sup>

## B. Insights from Democratic Theory

A second theory linking political participation to reduced crime derives from the literature on democracy. Conventional theories of democracy typically emphasize instruments available for citizens to control their government—through elections, public opinion, or popular revolts.<sup>16</sup> However, some democratic theorists focus on the benefits to the individuals who participate in democratic processes. In this latter view of democracy, individuals become citizens in part through the "educative" or "constitutive" impact of political participation.<sup>17</sup>

This view was first suggested by de Tocqueville and Mill, with the latter's classical statement explicitly referencing de

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13. Ross Matsueda & Karen Heimer, *A Symbolic Interactionist Theory of Role-Transitions, Role-Commitments, and Delinquency*, in *Developmental Theories of Crime and Delinquency* 163, 196 (Terence P. Thornberry ed., 1997); Uggen et al., *supra* note 7, at 264.

14. Shadd Maruna, *Making Good: How Ex-Convicts Reform and Rebuild their Lives* 88 (American Psychological Association 2001).

15. See, e.g., *id.*; Uggen et al., *supra* note 7, at 267; Christopher Uggen & Jennifer Janikula, *Volunteerism and Arrest in the Transition to Adulthood*, 78 *Soc. Forces* 331, 337 (1999).

16. See, e.g., *The Works of Jeremy Bentham*, (John Bowring ed., 1843); see also Carole Pateman, *Participation and Democratic Theory* 14, 19–20 (1970).

17. John Stuart Mill, *Considerations on Representative Government* (1861), reprinted in *Essays on Politics and Society: Collected Works* 371, 467–69 (J.M. Robson ed., 1977); Pateman, *supra* note 16, at 109–10; Benjamin R. Barber, *Strong Democracy* 265–66 (1984).

Tocqueville's *Democracy in America*.<sup>18</sup> According to Mill, when citizens participate regularly in politics, they develop an explicit identification with the polity and its norms and values.<sup>19</sup> In this sense, democracy fosters citizenship. In the narrowest reading of the constitutive argument, political participation produces citizens with a generalized sense of efficacy, who believe that they have a stake in the political system. This, in turn, fosters continued political participation.<sup>20</sup> Some classical studies provide evidence in support of this view.<sup>21</sup> More recently, the National Commission on Electoral Reform endorsed the idea that the greater an individual's participation in the political process, the more fair the individual is likely to consider the system.<sup>22</sup>

Theories of "expressive voting"<sup>23</sup> and communitarian and republican theories of government<sup>24</sup> hold that the right to vote is

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18. Mill, *supra* note 17, at 468; see 1 Alexis de Tocqueville, *Democracy in America* 243–44 (Henry Reeve trans., Phillips Bradley ed., Knopf 1990) (1840) (observing that Americans become patriots through their participation in government); *id.* at 317–18 (observing that Americans are educated through their participation in government).

19. Mill, *supra* note 17, at 469.

20. M. Margaret Conway, *Political Participation in the United States* 185–86 (3d ed. 2000).

21. See Gabriel A. Almond & Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* 246–53 (1963) (discussing a study that determined a person's ability to participate within the political system often leads to an "attachment" or "loyalty" to that system); Lester W. Milbrath & M. L. Goel, *Political Participation: How and Why Do People Get Involved in Politics?* 57–59 (1977) (discussing findings of two studies, both of which essentially conclude that "persons who feel efficacious participate at a higher level [in the political system] than those who lack such feelings."); M. Kent Jennings & Richard G. Niemi, *Generations and Politics: A Panel Study of Young Adults and Their Parents* (1981) (discussing an eight-year study that analyzed change and continuity in peoples' political estimations over generations).

22. John Mark Hansen, *Sizing the Problem, in To Assure Pride and Confidence in the Electoral Process: the Final Report of the Commission's Task Force* 126 (Nat'l Comm. on Fed. Election Reform 2001).

23. See Dennis F. Thompson, *Just Elections* 19–64 (2001); Adam Winkler, *Expressive Voting*, 68 N.Y.U. L. Rev. 330, 363–64 (1993); Alexander Schuessler, *A Logic of Expressive Choice* 11–62 (2000).

24. See Sanford Levinson, *Constitutional Faith* 62–63 (1988); Michael Sandel, *Liberalism and the Limits of Justice* 201–02 (1982); Frank Michelman, *Conceptions of Democracy in American Constitutional Argument: Voting Rights*, 41 Fla. L. Rev. 443, 451 (1989).

important precisely because it helps make individuals into democratic citizens. In the words of one legal theorist

the vote should be protected not simply because it enables individuals to pursue political ends, but also because voting is a meaningful participatory act through which individuals create and affirm their membership in the community and thereby transform their identities both as individuals and as part of a greater collectivity.<sup>25</sup>

The expressivist theories are today the leading response to rational choice models of voter turnout,<sup>26</sup> suggesting that people participate in part because elections give them an opportunity to express their civic identities.<sup>27</sup>

More expansive views of the impact of participation have also been developed, but typically in relation to forms of participation that extend beyond the mere act of voting. In her modern reconstruction of the idea of participatory democracy, for example, Pateman argues that

the major function of participation in the theory of participatory democracy is . . . an educative one . . . including both the psychological aspect and the gaining of experience in democratic skills and procedures. . . . For a democratic polity to exist it is necessary for a participatory society to exist, i.e., a society where all political systems have been democratized and socialization through participation can take place in all areas.<sup>28</sup>

Other advocates of “strong democracy”<sup>29</sup> and deliberative democracy<sup>30</sup> emphasize forms of participation that go beyond the

25. Winkler, *supra* note 23, at 331.

26. Rational choice models posit that voters make the decision to participate by weighing the anticipated costs and benefits of voting. See John H. Aldrich, *Rational Choice and Turnout*, 37 *Am. J. Pol. Sci.* 246 (1993).

27. See Schuessler, *supra* note 23, at 46; Thompson, *supra* note 23, at 22–24.

28. Pateman, *supra* note 16, at 42–43.

29. See Barber, *supra* note 17, at 117–313.

30. See Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Thomas Burger trans., M.I.T. Press 1989) (1962); see also Andrew Jonathan Perrin, *Civil Society and the Democratic Imagination* (2001) (unpublished Ph.D dissertation, University of California (Berkeley)) (on file with Digital Dissertations, File No. AAT 3025178)

“mere” act of voting and involve citizens talking about politics.<sup>31</sup> McAdam’s analysis of the impact of social movement activism on the lives of activists and non-activists provides powerful evidence of the constitutive and life-changing experience of high-risk activism.<sup>32</sup> Although the political life of felons extends to myriad activities,<sup>33</sup> the analysis below will focus on a single fundamental question about political participation: How is voting related to crime and recidivism?

### III. DATA AND MEASURES

The criminological and political theory literature reviewed in the previous section suggest some possible links between civic participation and desistance, but the case has yet to be proven. Qualitative data from in-depth interviews we have presented elsewhere<sup>34</sup> are suggestive, but not ideally suited to test ideas about the possible impact of civic integration. Moreover, our interviews hardly provide unambiguous evidence in support of such an impact. To develop a more systematic assessment, we examine some longitudinal survey data containing information about both voting and criminal behavior.

The study involves a survey of the effects of voting participation in the 1996 election upon self-reported crime and arrest in the years from 1997 to 2000. We consider both the simple correlation or association between voting and crime, as well as the net impact of voting after statistically controlling the effects of race, sex, education, marital status, employment, and anti-social behavior.

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(noting that political decisions are reached through a combination of consensus decision-making derived from participation and electoral outcomes).

31. See Nina Eliasoph, *Avoiding Politics: How Americans Produce Apathy in Everyday Life* 11–12, 277–78 (1998) (arguing that democratic citizenship requires a vibrant public sphere—defined as associations and institutions in which private citizens carry on conversations about issues of common concern); see also Perrin, *supra* note 30, at 171 (arguing that “citizens gain capacities for intelligent, strategic operation in the public sphere by gathering cues and resources from a variety of civic contexts and experiences.”).

32. Doug McAdam, *Freedom Summer* 127–45 (1988); Doug McAdam, *The Biographical Consequences of Activism*, 54 *Am. Soc. Rev.* 744, 757–58 (1989).

33. See Christopher Uggen & Jeff Manza, *Lost Voices: The Civic and Political Views of Disfranchised Felons in Imprisoning America: The Social Effects of Mass Incarceration* 165, 180–83 (Mary Pattillo et al. eds., 2004).

34. Uggen et al., *supra* note 7, at 269–86.

We first explore whether voting is at all related to crime and arrest and then address the more complicated issue of whether voting is an independent cause of desistance from crime. We analyze data from the Youth Development Study (YDS), a survey of 1,000 persons who began the study in 1988 as ninth-graders in St. Paul, Minnesota public schools.<sup>35</sup> The YDS offers a general sample, rather than a focused group of convicted felons. It is useful for our purposes, however, because it is among the very few existing data sets (if not the sole data set) that include information on both criminal behavior and voting. Self-reported crime and arrest data are drawn from data collected between 1988 and 2000. Political participation questions for the 1996 election are taken from the twelfth survey wave in 2000, when a total of 757 respondents, aged twenty-six to twenty-seven, remained in the sample. Subsequent criminal behavior is measured by self-reported indicators of property crimes and violence (reported in 1998 and 1999 for the years 1997 and 1998) and arrest and incarceration (reported in 2000 for the 1997-2000 period). Information on marital status, employment, and educational attainment were taken from the 1995 survey so that these background characteristics would precede both the 1996 voting data and the 1997-2000 information on subsequent criminal behavior. Finally, self-reported crime and arrest data prior to 1996, important statistical controls in this analysis, were taken from earlier retrospective reports of arrest, drunk driving, shoplifting, and violence.

These longitudinal data are important because a negative statistical association between voting and arrest may be an artifact of some unmeasured characteristic—such as a propensity for antisocial behavior—reflected in both processes. We exploit the longitudinal nature of the YDS to examine the effects of voting on subsequent arrest after statistically controlling for measures of self-reported deviance that would indicate antisocial propensity. In addition to race, sex, education, marital status, and employment, we control for arrest prior to 1996 and three indicators of common self-reported deviance: drunk driving, shoplifting, and hitting or threatening to hit another person. Our goal in this analysis is to determine whether the voting effect is signaling a real “prosocial

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35. Mortimer, *supra* note 9, at 32–33, 36.

orientation" linked to desistance from crime, or whether it is simply capturing stable, underlying differences across respondents in social background and criminal history.

**Table 1. Variable Descriptions and Descriptive Statistics for Youth Development Study**

<b>Variable</b>	<b>Description</b>	<b>Percentage/ Mean</b>
<b><i>Voting</i></b>		
1996 voting	Percentage reporting voting in the 1996 presidential election	65.2
<b><i>Background</i></b>		
Female	Percentage female	56.5
White	Percentage reporting white race	76.7
Years education in 1995	Number of years of education	13.6 (1.8)
Marriage in 1995	Percentage married	11.6
Employed in 1995	Percentage employed	82.3
<b><i>Subsequent Crime</i></b>		
Arrested 1997-2000	Percentage reporting arrest in 1997, 1998, 1999, or 2000	8.82
Incarcerated 1997-2000	Percentage reporting incarceration in jail or prison in 1997, 1998, 1999, or 2000	7.39
Violent crime 1997-1998	Percentage reporting hitting or threatening to hit someone, fighting, or robbing someone	32.3
Property crime 1997-1998	Percentage reporting shoplifting, theft, check forgery, or burglary	13.4
Any crime 1997-1998	Percentage reporting at least one property or violent offense in 1998 or 1999	38.3
<b><i>Prior Deviance</i></b>		
Arrest prior to 1996	Percentage arrested prior to 1996	18.7
Prior drunk driving	Percentage reporting driving after having too much to drink during high school (1988-1991)	28.4
Prior shoplifting	Percentage reporting shoplifting during high school (1988-1991)	38.0
Prior violence	Percentage reporting hitting or threatening to hit someone during high school (1988-1991)	41.4

Note: Standard deviations for continuous variables are in parentheses.

Variable descriptions and summary statistics for each of these measures are shown in Table 1. Self-reported turnout rates were relatively high for this Minnesota cohort, with 65% of respondents reporting that they voted in 1996, one of the first federal elections in which they would have been eligible to cast ballots, as against 59.6% of people aged eighteen to twenty-four in that election in Minnesota, a high-turnout state.<sup>36</sup> At the time of data collection in 2000, approximately 57% of the remaining sample was female and about three-fourths of respondents were white.<sup>37</sup> By 1995, the cohort had achieved an average of 13.6 years of education and a good number were currently enrolled in post-secondary education. Only 12% were married by 1995 and approximately 82% were employed.

With regard to official measures of crime, about 9% reported being arrested and 7% reported being incarcerated at some point in the four years following the 1996 election. Prior to 1996, about 19% reported being arrested. With regard to self-reported criminality, we consider both property and violent offenses. About 38% of the sample indicated that they had committed at least one property crime or act of violence in the 1997-1998 period. The property crime indicator flags those who reported shoplifting, theft, forgery, and burglary. Overall, approximately 13% of the sample reported at least one of these offenses in 1997 or 1998. The violence indicator measures those

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36. U.S. Bureau of the Census, *Reported Voting and Registration, by Sex and Age, for States: November 1996* (Aug. 17, 1998), available at <http://www.census.gov/population/socdemo/voting/96cps/tab4B.txt> (last visited June 9, 2004). There are a number of methodological issues raised by reliance on self-reported turnout. Some non-voting survey respondents claim to have voted, which may be explained by Bernstein's finding that "those who are under the most pressure to vote are the ones most likely to misrepresent their behavior when they fail to do so." This includes better-educated and more privileged groups with much lower levels of criminal activity, and also minorities in politically charged areas. See Robert Bernstein et al., *Overreporting Voting: Why It Happens and Why It Matters*, 65 Pub. Opinion Q. 22, 41 (2001).

37. As in other longitudinal surveys, race and family income are associated with sample attrition in the YDS. In supplementary analysis, however, we found no evidence that estimates reported here are biased by sample selectivity or attrition. For example, the magnitude and direction of the voting effects appear to be consistent across income and racial groups, although the estimated standard errors are larger, and fewer of the relationships are statistically significant in the subgroup analyses. More complete information about YDS sample attrition can be found in Mortimer, *supra* note 9, at 36-37, and further details about the crime measures are reported in Uggren & Janikula, *supra* note 15, at 337.

who reported hitting or threatening to hit someone, being involved in a physical fight, or robbing someone by force. The combined prevalence of these behaviors is about 38% overall.

In sum, the YDS sample reflects the St. Paul, Minnesota community from which it is drawn,<sup>38</sup> tracking a cohort of young adults as they gain eligibility to vote, transition to adult work and family roles, and desist from crime and minor deviance. As in other samples of young adults from the general population,<sup>39</sup> we find high rates of self-reported crime and deviance, low rates of arrest, and age-appropriate levels of marital formation, employment, and educational attainment.

#### IV. RESULTS

We first present simple bivariate results.<sup>40</sup> These are shown in figures contrasting the percentage of voters who go on to commit crime or to be arrested with the percentage of non-voters who go on to commit crime or to be arrested. We then present multivariate results in tables with regression coefficients. These figures show the relationship between voting and crime while simultaneously controlling for the effects of other variables that could alter this relationship, such as prior deviance and marital status.

##### A. Bivariate Relationships

###### 1. Voting is Correlated with Arrest and Incarceration

We first examine the most basic question about the relationship between political participation and criminality. Is there any correlation between voting and crime, arrest, and incarceration? Figure 1 shows the bivariate relationship between voting in 1996 and subsequent arrest and incarceration. The figure shows clear differences in rates of arrest and incarceration by levels of political participation. Approximately 16% of the non-voters were arrested

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38. See Mortimer, *supra* note 9, at 241.

39. See, e.g., Delbert Elliott, *National Youth Survey: Wave VII, 1987* (2002), ICPSR, File No. 6542, available at <http://www.icpsr.umich.edu/access/index.html>; Lloyd D. Johnston et al., *Monitoring The Future: A Continuing Study of American Youth (12th-Grade Survey)* (2001), ICPSR, File No. 3425, available at <http://www.icpsr.umich.edu/access/index.html>.

40. Results of study, considering two variables.

**Bold** = facility is located within the lawmaker’s district.

Counties with >100K Registered Voters	State Senate	State Assembly	Covered Facilities based on total census	Estimated Eligible Voter Population <sup>1</sup> (Mar. 2026)
Albany	<b>Jacob Ashby</b> (43) Patricia Fahy (46)	Christopher Tague (102) Scott H. Bendett (107) John McDonald III (108) Gabriella Romero (109) <b>Phil Steck</b> (110)	Albany County Jail	383
Broome	Peter Oberacker (51) <b>Lea Webb</b> (52)	<b>Joe Angelino</b> (121) Donna Lupardo (123) Christopher Friend (124)	Broome County Jail	309
Dutchess	<b>Robert Rolison</b> (39) Michelle Hinchey (41)	Sarahana Shrestha (103) <b>Jonathan Jacobson</b> (104) Anil Beephan Jr. (105) Didi Barrett (106)	Dutchess County Jail	199
Erie	<b>Patrick Gallivan</b> (60) Jeremy Zellner (61) <b>April Baskin</b> (63)	Stephen Hawley (139) William Conrad (140) Crystal Peoples-Stokes (141) Patrick Burke (142) Patrick Chludzinski (143) <b>Paul Bologna</b> (144) Angelo J. Morinello (145) Karen McMahan (146) David DiPietro (147) <b>Jonathan Rivera</b> (149) Andrew Molitor (150)	<b>Erie County CF</b> <b>Erie County Jail</b>	291 258
Monroe	Pamela Helming (54) Samra Brouk (55) <b>Jeremy Cooney</b> (56) Robert Ortt (62)	Brian Manktelow (130) Andrea Bailey (133) Josh Jensen (134) Jennifer Lunsford (135) Sarah Clark (136) <b>Deemond Meeks</b> (137) Harry Bronson (138) Stephen Hawley (139)	Monroe County Jail	532

<sup>1</sup> This is the number of “Other Unsentedenced” persons from the [New York State Jail Population by Month Report](#). “Other Unsentedenced” refers to “Individuals who are awaiting arraignment, trial or sentencing by the court or who have violated conditions of parole because they have been re-arrested for a new crime.” The estimates do not account for certain disqualifying variables (e.g., citizenship, age, incompetence) but also do not account for additional likely eligible persons, such as citizens sentenced solely for one or more misdemeanor convictions, who retain the right to vote. See EL § 5-106.

Nassau	<b>Steven Rhoads</b> (5) <b>Siela Bynoe</b> (6) <b>Jack Martins</b> (7) <b>Alexis Weik</b> (8) <b>Patricia Canzoneri-Fitzpatrick</b> (9)	Michael Durso (9) Steve Stern (10) Kwani O'Pharrow (11) Charles Lavine (13) David McDonough (14) Jake Blumencranz (15) Daniel Norber (16) <b>John Mikulin</b> (17) Noah Burroughs (18) Edward Ra (19) Ari Brown (20) Judy Griffin (21) Michaelle Solages (22)	Nassau County CF	472
Niagara	<b>Robert Ortt</b> (62)	<b>Paul Bologna</b> (144) Angelo J. Morinello (145)	Niagara County Jail	192
Oneida	<b>Joseph Griffo</b> (53)	Kenneth Blankenbush (117) Robert Smullen (118) <b>Marianne Buttenschon</b> (119) Brian Miller (122)	Oneida County Jail	205
Onondaga	<b>Rachel May</b> (48) <b>Chris Ryan</b> (50)	John Lemondes Jr. (126) Al Stirpe (127) <b>Pamela Hunter</b> (128) William Magnarelli (129)	<b>Onondaga County CF (Jamesville)</b> <b>Onondaga County Jail (Justice Center)</b>	93 334
Orange	Robert Rolison (39) <b>James Skoufis</b> (42)	<b>Karl Brabenec</b> (98) Christopher Eachus (99) Paula Kay (100) Brian Maher (101) Jonathan Jacobson (104)	Orange County Jail	184
Rensselaer	<b>Jacob Ashby</b> (43)	Scott H. Bendett (107) <b>John McDonald III</b> (108)	Rensselaer County Jail	67
Rockland	<b>William Weber Jr.</b> (38) Peter Harkham (40)	<b>Patrick Carroll</b> (96) Aron Wieder (97) Karl Brabenec (98) Christopher Eachus (99)	Rockland County Jail	98
Saratoga	<b>James Tedisco</b> (44)	John McDonald III (108) <b>Mary Beth Walsh</b> (112) Carrie Woerner (113) Matthew Simpson (114)	Saratoga County Jail	144
Schenectady	<b>James Tedisco</b> (44) Patricia Fahy (46)	Phil Steck (110) <b>Angelo Santabarbra</b> (111) Mary Beth Walsh (112)	Schenectady	131
Suffolk	<b>Anthony Palumbo</b> (1) <b>Mario Mattera</b> (2) <b>Dean Murray</b> (3)	Tommy John Schiavoni (1) <b>Jodi Giglio</b> (2) <b>Joseph DeStephano</b> (3)	<b>Suffolk CF - Riverhead</b> <b>Suffolk CF - Yaphank</b>	419 419

	<p><a href="#">Monica Martinez</a> (4)  <a href="#">Alexis Weik</a> (8)</p>	<p>Rebecca Kassay (4)  Doug Smith (5)  Philip Ramos (6)  Jaret Gandolfo (7)  Michael Fitzpatrick (8)  Michael Durso (9)  Steve Stern (10)  Kwani O'Pharrow (11)  Keith Brown (12)</p>		
Ulster	<p><a href="#">Michelle Hinchey</a> (41)  Peter Oberacker (51)</p>	<p>Brian Maher (101)  Christopher Tague (102)  <a href="#">Sarahana Shrestha</a> (103)  Jonathan Jacobson (104)</p>	Ulster County Jail	110
Westchester	<p>Nathalia Fernandez (34)  <a href="#">Andrea Stewart-Cousins</a> (35)  Jamaal Bailey (36)  <a href="#">Shelley Mayer</a> (37)  Peter Harckham (40)</p>	<p>Amy Paulin (88)  J. Gary Pretlow (89)  Nader Sayegh (90)  Steven Otis (91)  <a href="#">Maryjane Shimsky</a> (92)  <a href="#">Chris Burdick</a> (93)  Matthew Slater (94)  Dana Levenberg (95)</p>	<p><a href="#">Annex</a> (not covered)  <a href="#">Westchester Jail</a>  <a href="#">Westchester Pen</a></p>	<p>33  246  42</p>
New York City All Boroughs	<p><a href="#">Toby Ann Stavisky</a> (11)  James Sanders Jr. (10)  Michael Gianaris (12)  Jessica Ramos (13)  Leroy Comrie (14)  Joseph Addabbo (15)  John Liu (16)  Iwen Chu (17)  Julia Salazar (18)  Roxanne Persaud (19)  Zellnor Myrie (20)  Kevin Parker (21)  Simcha Felder (22)  Jessica Scarcella-Spanton (23)  Andrew Lanza (24)  Jabari Brisport (25)  Andrew Gounardes (26)  Brian Kavanagh (27)  Liz Krueger (28)  Jose M. Serrano (29)  Cordell Cleare (30)  Robert Jackson (31)  Luis Sepúlveda (32)  J. Gustavo Rivera (33)  Nathalia Fernandez (34)  Jamaal Bailey (36)  Erik Bottcher (47)</p>	<p><a href="#">Emerita Torres</a> (85)  Stacey G. Pheffer Amato (23)  David Weprin (24)  Nily Rozic (25)  Edward Braunstein (26)  Sam Berger (27)  Andrew Hevesi (28)  Alicia Hyndman (29)  Steven Raga (30)  Khaleel Anderson (31)  Vivian Cook (32)  Clyde Vanel (33)  Jessica González-Rojas (34)  Larinda Hooks (35)  Diana Moreno (36)  Claire Valdez (37)  Jenifer Rajkumar (38)  Catalina Cruz (39)  Ron Kim (40)  Kalman Yeger (41)  Rodneyse Bichotte Hermelyn (42)  Brian A. Cunningham (43)  Robert C. Carroll (44)  Michael Novakhov (45)  Alec Brook-Krasny (46)  William Colton (47)  Simcha Eichenstein (48)  Lester Chang (49)  Emily Gallagher (50)  Marcela Mitaynes (51)  Jo Anne Simon (52)</p>	<p><a href="#">Rikers Island</a>  +  <a href="#">Queensboro</a>  Correctional Facility  (416 capacity)  +  <a href="#">Edgecombe</a>  Residential Treatment  Facility.  Manhattan  (183 capacity)</p>	5,775

		Maritza Davila (53) Erik Dilan (54) Latrice Walker (55) Stefani Zinerman (56) Phara Souffrant Forrest (57) Monique Chandler-Waterman (58) Jaime Williams (59) Nikki Lucas (60) Charles Fall (61) Michael Reilly (62) Samuel Pirozzolo (63) Michael Tannousis (64) Grace Lee (65) Deborah Glick (66) Linda Rosenthal (67) Eddie Gibbs (68) Micah Lasher (69) Jordan Wright (70) Alfred Taylor (71) Manny De Los Santos (72) Alex Bores (73) Keith Powers (74) Tony Simone (75) Rebecca Seawright (76) Landon Dais (77) George Alvarez (78) Chantel Jackson (79) John Zaccaro Jr. (80) Jeffrey Dinowitz (81) Michael Benedetto (82) Carl Heastie (83) Amanda Septimo (84) Yudelka Tapia (86) Karines Reyes (87)		
<b>Total of Counties Above</b>				<b>10,757</b> Down from: 10,978
<b>Total of all 62 NYS Counties</b>				<b>12,886</b>

\*\*<https://citylimits.org/2018/07/17/the-jail-next-door-a-look-at-the-14-correctional-facilities-in-new-yorks-neighborhoods/>



## DEMOCRACY DURING DETENTION ACT

[S440](#) (Myrie) / [A2121](#) (Walker)

**Summary:** This legislation ensures that all eligible citizens in jails can effectively register and vote, clarifying the role of Boards of Elections in administering voter education, registration, and access to the ballot, in coordination with and cooperation from correction officials. DDDA authorizes poll sites in jails, expands on the bipartisan absentee ballot collection program already in place for other congregate facilities, improves residual voter access and data reporting, maintains security, and provides parity of access to digital tools and safeguards for citizens with disabilities and limited English proficiency.

### Section 1: Titles the ‘Democracy During Detention Act’

### Section 2: Adds EL § 8-109 to authorize poll site voting in state and local jails

- **Authorizes NYC election officials to deploy a vote center during the first three days of Early Voting for *at least* 18 hours total, and election officials outside NYC to deploy a vote center during the first two days of Early Voting for *at least* 6 hours**, in lieu of bulk in-person absentee voting at populous correctional facilities.
  - Program includes a ‘Golden Day’ of (one-stop) voter registration and balloting.
  - In NYC, officials must conduct a voter registration visit 45 to 30 days prior to an election, using Board tablets and digital tools for electronic registration whenever possible.
  - Board of Elections must develop a facility voter access and security plan in consultation and cooperation with correctional facility leadership. Plan must be approved by the State Board.
  - Access limited to detained citizens and facility staff eligible to vote, if such persons are resident voters in the county where the facility is located.
  - Site does not reduce or alter the county siting plan for Early Voting.
  - Most early voting rules apply, providing parity of access (EL § 8-600(4)(d)-(e), (5)-(11); 8-604).
  - All eligible citizens who are not residents of the county where the facility is located must have timely *residual* access to voter registration and absentee balloting tools and resources.

### Section 3: Amends existing EL § 8-406

- **Authorizes Bipartisan Board of Elections personnel to deliver absentee ballots** via the existing bulk absentee program (EL 8-407) to eligible citizens detained in correctional facilities.

#### Section 4: Amends existing EL § 8-407 and adds 2 new subdivisions (16) and (17).

- Existing EL § 8-407 requires bipartisan election officials to conduct in-person bulk absentee ballot collection at certain congregate residential facilities (eg. nursing homes). **This bill extends the program to eligible citizens detained at correctional facilities, with pro-voter improvements to address the unique barriers and particularities of the correctional population.**
- ((1)-(2)): The 8-407 program at correctional facilities is modified to *require* local Boards to conduct bulk in-person absentee ballot collection at large correctional facilities in the most populous counties (100,000+ voters), without waiting for 25 absentee requests. The local Board *must* designate bipartisan teams to visit covered facilities, and *may* do so at less populous facilities.
- (3): Bulk in-person absentee balloting visits by a local Board’s bipartisan team may occur from 21 days prior to Election Day through the day before Election Day.
- (4) no change.
- (5) **Bulk in-person absentee program.** Board’s bipartisan team brings: registration and absentee ballot forms, or tablet; ballot printer or pre-printed ballots; ADA and language access resources.
  - Forms collected must be timely processed on the spot or at the Board of Elections.
  - Returning a completed form to the bipartisan team is deemed “delivery” in person at the Board, i.e., subject to the later deadline for in-person absentee requests. If a local Board uses a tablet without wifi, the application is ‘saved’ (intended to mean ‘submitted and received’).
- (6)-(7): **Duty of intergovernmental cooperation** between Elections and Corrections officials to coordinate site visits, accommodations, basic recordkeeping (requests received; ballots returned).
- (8)-(10): Deliver ballot directly to voter. Privacy booths. Secrecy. Bipartisan voter assistance only.
- 8-407 (11)-(15): No changes. Absentee ballots are returned by voter to bipartisan team. Watchers permitted. Absentee ballots are canvassed by the Board of Elections (per EL § 9-209).
- (16): **For Correctional facilities only, the local Board in counties with at least 100,000 voters must deploy a bipartisan team to conduct the EL 8-407 program at any facility with 75 or more persons detained, without regard to the quantity of absentee applications received.**
  - Covered Boards must adopt written procedures to ensure orderly administration at each facility such that *all eligible persons have an effective opportunity to register and vote* (delivery and retrieval of registration and voting materials; dates, times and locations; staffing and equipment; technology and security). Procedures must be approved by the State Board.
  - **In New York City, the Board of Elections must:** (I) allocate enhanced resources for persons with disabilities and language-related assistance pursuant to the NYVRA and the NYC Charter’s (CFB) poll site language assistance program; (II) conduct a voter registration and ballot request site visit 45 to 30 days prior to an election using Board tablets and digital tools whenever possible; (III) allocate robust resourcing to ensure comprehensive, effective access.
  - All facilities not participating in EL 8-407 (or EL 8-109) are subject to the new residual policy (EL 8-415). However, Boards may extend these programs to other correctional facilities.
- (17): If rights are violated, voters may have recourse under NYVRA (EL Art. 17).

## Section 5: Adds New EL § 8-415, Residual voter access for eligible detained citizens

- Residual voter registration and absentee ballot guarantees for all eligible detained citizens.
  - (1) Local Board must coordinate with facility leadership. All eligible citizens must be provided with a voter registration form and absentee ballot application no later than twenty-one days prior to election day. Codifies voter privacy and reasonable access accommodations.
  - (2) The State Board shall issue non-partisan materials to clarify voting rights and options.
  - (3) **In New York City**, for voters detained outside their county of residence, the Board of Elections shall deploy additional language-related assistance resources, as needed.

## Section 6: Adds New EL § 3-507, Voting at federal correctional facilities

- Requires each Board of Elections to use “best efforts” to extend the 8-109, 8-407, and 8-415 programs to any federal correctional facility within their jurisdiction, by contacting the leadership of such facilities by February 15th in each even year with a request for coordination and cooperation in the provision and facilitation of voter access to eligible citizens detained there.

## Section 7: Amends NYVRA (EL § 17-208), to improve language assistance in NYC jails

- Requires the NYC Board of Elections to provide language-related assistance to a language minority group of eligible citizens at a correctional facility if more than 2% (but not less than 300 individuals) are members of a single language-minority group and are limited English proficient.

## Section 8 and 9: Amends Correction Law § 500-j and 146(1) to authorize Board visits

- Authorizes visits by bipartisan Board of Elections personnel to administer registration and voting.

## Section 10 and 11: Amends Correction Law § 75 and § 510 to codify “Freedom to Vote”

- **Codifies right to vote for eligible detained citizens.** Modeled on Freedom of Worship law.
  - Includes opportunity to register and request ballots online *or* by paper; duty to cooperate with local Board to facilitate at least one method of voter access. Access to courts for violation.

## Section 12: Amends Corrections Law § 137 to ensure access in solitary confinement

- Eligible citizens in solitary confinement may not be deprived access to voting.

## Section 13 and 14: Harmonizes New York City Charter § 1057-a and § 3202 with DDDA

- NYC DOC must *assist, coordinate, and cooperate* with NYC BOE in developing and implementing a voter access plan for all detained persons eligible to vote, in accordance with this act.
- The CFB’s program for language interpreters at poll sites is extended to correctional facilities.

## Section 15: Effective Date

- Becomes effective the July 1st following the date it becomes law.



## DEMOCRACY DURING DETENTION ACT

S440 (Myrie) / A2121 (Walker)

### Why is Codifying Voting in Jails necessary?

- **Most citizens detained in jails have not lost their right to vote**, yet their access to the ballot is severely limited, if not obstructed entirely.
- **Without a clear policy, voter access is inconsistent across the state**, falling to local sheriffs, corrections staff, and civic groups, none of whom are tasked by state law to administer voting.
- **Who is behind bars?** Low-income citizens and citizens of color are disproportionately detained in jails. Black or Latinx people are 5X more likely than whites to be detained in NYS jails and 1 in 4 people detained spend over 30 days in jail merely because of their inability to pay bail.<sup>1</sup>

### How does the Democracy During Detention Act (DDDA) help?

- **To ensure eligible detained citizens are able to exercise their franchise, a flexible, modern voter access policy that sets minimum standards is necessary.** New York's bipartisan local election boards, which are responsible for voter registration and election administration in their jurisdictions, are the appropriate agencies to provide it, in coordination with correction officials.
- **Codifies the right to vote for detained citizens who remain eligible** and guarantees timely, effective access to at least one secure method of voter registration and balloting.
- **Provides voter access options** to local election officials, preserving discretion and flexibility to meet local needs with limited resources, while raising minimum standards. These include:
  - **The option to deploy poll sites**, so eligible confined citizens and facility staff can conveniently vote. A more robust program is prescribed for New York City facilities.
  - **Expanding the bipartisan "in-person absentee ballot collection program" to include large correctional facilities**, building upon successful access plans at nursing homes.
  - **Improved absentee ballot access and safeguards** for citizens detained in less populous facilities and those detained outside their home county, setting a statewide standard.
- **A dedicated NYC program** recognizes the scale and diversity at Rikers (or successors): Enhanced resourcing (more days/hours of registration and voting, minimum staffing); Broad language access; Preference for tech/digital tools the public uses (eg. tablets for registration and ballot requests).

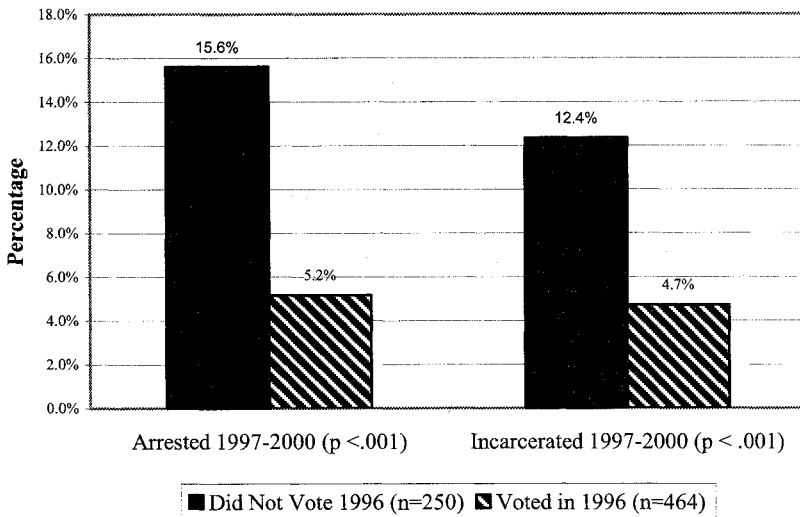
**The Democracy During Detention Act** establishes a flexible, modern voter access framework designed for populous and less-populous facilities in urban, rural, and suburban jurisdictions across the state. By clarifying the role of bipartisan election officials in election-related tasks (eligibility, registration, voting processes) and the role of corrections to facilitate secure, effective voter access for eligible citizens in their custody, the DDDA reinforces and delivers upon our commitment to a fair and inclusive democracy.

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<sup>1</sup> Envision Freedom Fund, "[Pretrial Detention in New York](#)," (April 4, 2022).

between 1997 and 2000, relative to about 5% of the voters. Similarly, approximately 12% of the non-voters were incarcerated in jail or prison between 1997 and 2000, relative to less than 5% of the voters. Both of these contrasts represent statistically significant differences ( $p < .001$ ) between those who participated in the 1996 election and those who did not participate.

**Figure 1. Percentage Arrested and Incarcerated in 1997-2000 among Voters and Non-Voters in 1996**

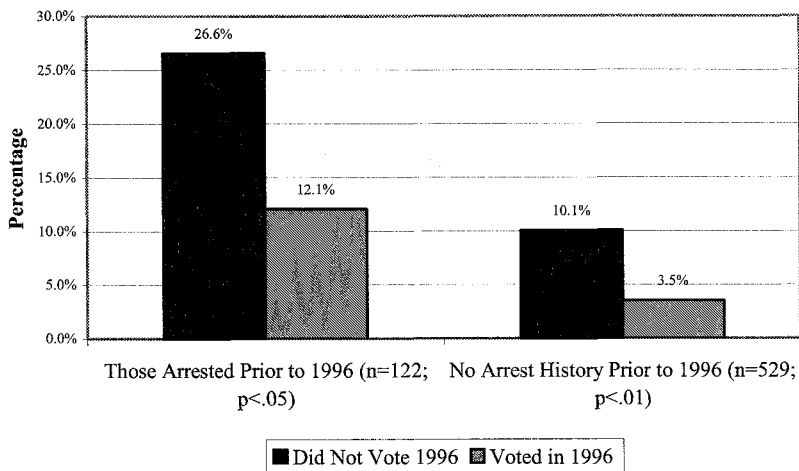


## 2. Voting is Correlated with Re-arrest among those with Arrest Histories

The YDS is a heterogeneous sample with regard to criminal history, but approximately 80% of the respondents had no prior arrests at the time of the 1996 election. We therefore split the sample into two groups to distinguish those with a prior arrest history from those with no such history. This allows us to learn whether the bivariate correlation shown in Figure 1 holds across different levels of criminal history. Figure 2 suggests that this is indeed the case. Among former arrestees, about 27% of the non-voters were re-arrested, relative to 12% of the voters. These results suggest that

there is at least some correlation between voting in 1996 and recidivism in 1997-2000 among people who have had some official contact with the criminal justice system.

Figure 2. Percentage Arrested in 1997-2000 among Voters and Non-Voters in 1996, by Arrest History

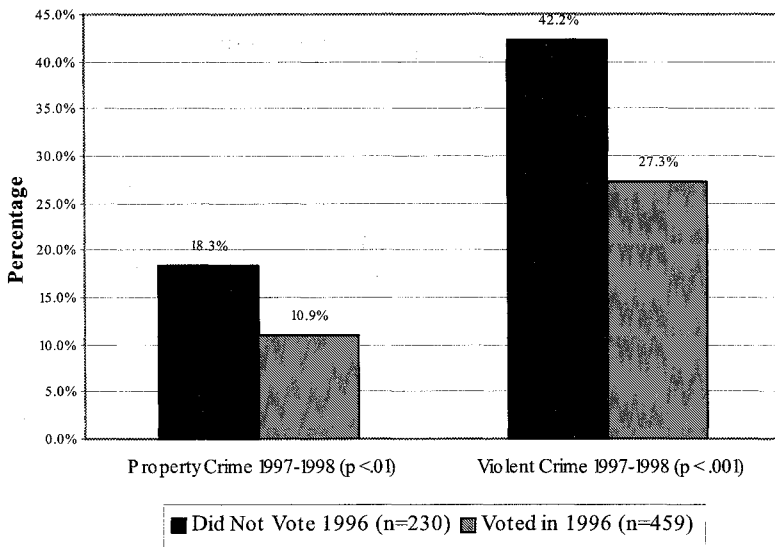


In Minnesota, those convicted of felonies may not vote until they have completed all prison, parole, or probation supervision. Therefore, it may be the case that the differences in re-arrest by voting status are due to *legal* restrictions on the ability of arrestees to vote—some of them may have been ineligible to vote in the 1996 election. The contrast shown in the right-hand side of Figure 2, however, suggests that this is unlikely to explain the correlation between voting and subsequent arrest. Even among those with no prior arrest history, about 10% of the non-voters were arrested, compared to less than 4% of the voters. Although there is less statistical power to detect these effects in the subgroup analysis in Figure 2 than in the analysis shown in Figure 1, both of these contrasts are again statistically significant ( $p < .05$ ). Therefore, the relationship between voting and subsequent arrest does not appear to depend on criminal history.

### 3. Voting is Correlated with Subsequent Self-Reported Crime

Arrest is an important measure of official contact with the criminal justice system, but a flawed measure of criminal behavior.<sup>41</sup> Many crimes go unreported and official arrest data may be subject to biases relating to class, race, and other factors. If civic participation is truly related to desistance from crime, however, voting effects should be visible on self-reported criminal behavior as well as arrest and incarceration. Figure 3 considers the relationship between voting and common property crimes and violent behavior. The figure indicates that about 11% of the voters reported a property crime, compared to about 18% of the non-voters. Similarly, about 27% of the voters reported violence or threats of violence, relative to about 42% of the non-voters. Both of these contrasts represent statistically significant differences ( $p < .01$ ).

**Figure 3. Self-Reported Property Crimes and Violence in 1997-1998 among Voters and Non-Voters in 1996**



41. See, e.g., David Huizinga & Delbert S. Elliott, *Reassessing the Reliability and Validity of Self-Report Delinquency Measures*, 2 *J. Quantitative Criminology* 293, 323 (1986).

After examining Figures 1, 2, and 3, the answer to our first question about the basic relationship between crime and voting is clear: we find a significant bivariate association between voting and subsequent crime. Those who vote are less likely to be arrested and incarcerated, and less likely to report committing a range of property and violent offenses. Moreover, as Figure 2 shows, this relationship cannot be solely attributed to prior criminal history; voting is negatively correlated with subsequent crime among those with and those without a prior criminal history.

## B. Multivariate Analysis

### 1. The Correlation between Voting and Arrest is Reduced when Controlling for Other Factors

Although Figures 1, 2, and 3 present an intriguing pattern of results, they show a correlation that may or may not be indicative of an underlying causal relationship. As our interviews with prisoners suggested, it seems likely that voting is correlated with other factors that are closely related to arrest. For example, race and sex are related to both processes. Women and whites had significantly higher turnout rates than men and African Americans in the 1996 election<sup>42</sup> as well as much lower rates of arrest.<sup>43</sup> Similarly, education is a very strong predictor of voter turnout in these data<sup>44</sup> and is also linked to crime and arrest.<sup>45</sup>

We begin to statistically control for the effects of these factors in Table 2. The table shows the effects of 1996 voter turnout on arrest in 1997-2000. Model 1 shows the significant bivariate association reported above in Figure 1. The exponentiated logistic regression coefficients may be interpreted as changes in the odds of arrest in these equations, such that the -1.044 voting effect in Model 1 indicates a rate of arrest for voters that is a little more than one-third the corresponding rate for non-voters ( $e^{-1.044} = .35$ ). Model 2,

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42. U.S. Bureau Census, Statistical Abstract of the United States: 2002 253 (2003).

43. U.S. Dep't of Justice, Sourcebook of Criminal Justice Statistics 2002 380-84 (2003).

44. Uggen & Manza, *supra* note 1, at 791.

45. U.S. Dep't of Justice, *Survey of Inmates in State and Federal Correctional Facilities, 1997* (June 1, 2000), ICPSR, File No. 2598, available at <http://webapp.icpsr.umich.edu/cocoon/ICPSR-STUDY/02598.xml>.

Table 2. Logistic Regression Predicting 1997-2000 Arrest

Variable	ARRESTED 1997-2000		
	Model 1	Model 2	Model 3
<b>Political Participation</b>			
1996 voting (1=voted)	-1.044** (.321)	-.677* (.340)	-.563 (.353)
<b>Background</b>			
White (vs. nonwhite)		-.945** (.350)	-1.156** (.377)
Female		-.976** (.346)	-.692* (.379)
1995 years education		-.366** (.108)	-.368** (.112)
1995 married		-.076 (.529)	-.007 (.543)
1995 employed		-.208 (.424)	-.209 (.436)
<b>Prior Deviance</b>			
Arrest prior to 1996			.696* (.382)
Prior drunk driving			.676* (.384)
Prior shoplifting			.847* (.383)
Prior violence			-.610 (.388)
Constant	-1.928** (.218)	3.828** (1.445)	3.213* (1.544)
Number of Cases	579	579	579
-2 Log Likelihood	295.8**	263.7**	248.4**

Note: Standard errors are in parentheses. Models also include two dichotomous indicator variables for cases missing education and marital status information.

\* $p < .10$     \* $p < .05$     \*\* $p < .01$

however, shows that a good portion of this voting effect on arrest is explained by differences in race, gender, and education levels of voters and non-voters. Controlling for the effects of education, marital and employment statuses are only weak predictors at this stage of the life course (most respondents were approximately twenty-one to twenty-two years of age in 1995). Whites, females, and those with greater education are unlikely to be arrested relative to non-whites, males, and those with fewer years of education.

Nevertheless, the effect of voting is not rendered spurious by the inclusion of these background characteristics.

Finally, in Model 3, we no longer detect a statistically significant voting effect ( $p = .110$ ) once the effects of prior criminal behavior and arrest are statistically controlled. This more stringent test suggests that the voting effect is at least partially a product of antisocial propensity—insofar as we can name and measure this construct with prior arrest and deviance indicators. Although the effect of voting is no longer statistically significant in Model 3 in either the arrest or incarceration models,<sup>46</sup> this does not necessarily indicate that the effect of voting is irrelevant with respect to subsequent crime. In predicting a relatively rare event such as arrest in a sample of this size, a large effect would be required to reach statistical significance. The magnitude and direction of the estimated voting effect warrant further investigation into the relationship.

## 2. The Correlation between Voting and Self-Reported Crime is Reduced when Controlling for Other Factors

We next consider the relation between voting and self-reported crime and deviance in Table 3. Voting in 1996 is again a strong negative predictor in the equation predicting any self-reported crime in 1997–1998. For this analysis, the indicator flags any crime, whether it is a property offense (shoplifting, theft, forgery, and burglary) or an act of violence (hitting or threatening to hit, fighting, and robbery). Although the voting effect is partially mediated by background characteristics and prior criminal behavior in Models 2 and 3, respectively, political participation remains a statistically significant predictor in all models. In the final model, which adjusts estimated voting effects for the degree of prior official and self-reported criminal history, the odds of committing any self-reported crime are approximately .60 times as high for voters as for non-voters ( $e^{-.506} = .60$ ).

As with the arrest outcome, the self-reported crime results again show a strong correlation between voting and criminal behavior. In contrast to the final arrest model, however, a statistically significant voting effect remains in all three models predicting any crime of property or violence. When the crime items

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46. The incarceration model is not shown, but is available upon request.

are examined individually, or added in a summative scale and analyzed using ordinary least squares regression, the results tend to parallel those shown in the figures and Tables 2 and 3. A large bivariate relationship is partially mediated by indicators of socioeconomic status (mainly education) and prior official and self-reported criminal behavior. Regardless of the particular crime

**Table 3. Logistic Regression Predicting 1997-1998 Self-Reported Crime**

<i>ANY PROPERTY/VIOLENCE 1997-98</i>			
<i>Variable</i>	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>
<b><i>Political Participation</i></b>			
1996 voting (1=voted)	-.857** (.181)	-.617** (.194)	-.506** (.210)
<b><i>Background</i></b>			
White (vs. nonwhite)		-.921** (.222)	-1.002** (.244)
Female		-.503** (.183)	-.110 (.208)
1995 years education		-.154** (.056)	-.129* (.060)
1995 married		.277 (.270)	.479 (.213)
1995 employed		-.347 (.234)	-.304 (.257)
<b><i>Prior Deviance</i></b>			
Arrest prior to 1996			.770** (.265)
Prior drunk driving			.253 (.225)
Prior shoplifting			.671** (.208)
Prior violence			1.095** (.202)
Constant	.095 (.146)	3.223** (.786)	1.530# (.858)
Number of Cases	588	588	588
-2 Log Likelihood	760.8**	711.7**	633.7**

Note: Standard errors are in parentheses. Models also include two dichotomous indicator variables for cases missing education and marital status information.

#  $p < .10$  \* $p < .05$  \*\* $p < .01$

outcome we examined, the voting effect is consistently negative in direction, but does not consistently reach standard levels of statistical significance ( $p < .05$ ) in the final models that include all of the relevant statistical controls.

## V. DISCUSSION

### A. Insights from Convicted Felons

We first encountered the possibility that civic reintegration may be connected to motivations for desistance in a series of in-depth interviews we conducted with convicted felons in Minnesota.<sup>47</sup> Those we interviewed often spoke passionately about the stigma of a felony conviction and told us that losing the right to vote, in particular, was a powerful symbol of their status as “outsiders.” Steven, an older male probationer, told us that “on top of the whole messy pile, there it was. Something that was hardly mentioned, and it meant a lot.”<sup>48</sup> Pamela, a female prisoner in her forties, felt the loss of voting rights as additional “salt in the wound” and “another [loss] to add to the pile” of problems she was encountering as a result of her criminal convictions.<sup>49</sup> In that study, we argued that civic reintegration and the adoption of a role identity as an active citizen may facilitate desistance from crime and reconnection with other social institutions.

Yet while many of the prisoners, probationers, and parolees we met regretted the loss of their ability to participate as citizens in their communities, they were often skeptical about drawing any direct connection between voting and subsequent criminality. Andrew, a probationer in his twenties, thought it “would be a stretch” to tie voting to recidivism:

To me that would be a stretch. . . . I think that people who are more likely to vote are, you know, just at different points in their life, and I just think that the people [who] are more likely to commit crimes aren't gonna either commit those crimes or not commit those crimes because

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47. See Uggen et al., *supra* note 7, at 267; see Uggen & Manza, *supra* note 33, at 177 for interview details.

48. Interview by Christopher Uggen with a male inmate in his fifties, Minnesota prison (Mar. 27, 2001).

49. Interview by Christopher Uggen with a female inmate in her forties, Minnesota prison (Mar. 14, 2001).

they have the ability to, to vote. I just don't think that voting's gonna be a priority to them.<sup>50</sup>

Larry, a young prisoner, echoed these sentiments in arguing that "people that are gonna get into crime are gonna do it whether they have the right to vote or not."<sup>51</sup> Alex, in the midst of a long prison sentence, similarly doubted the link between voting and recidivism:

I don't think that would have anything to do with it [committing future crime], the right to vote. . . . I mean I had the right to vote before I came to prison, but I still let my crime happen. I don't go around beating up on people as a hobby or anything. But it just happened. But I don't see voting as having an effect on criminal behavior.<sup>52</sup>

Other felons described voting as "a small factor," or as a possible deterrent to committing future felonies. In short, our interviews showed us that while many convicted felons care deeply about disenfranchisement and other civil disabilities, they were on the whole unconvinced that voting in itself would affect subsequent criminal behavior.

## B. Results of the Statistical Analysis

Taken as a whole, however, our statistical analysis suggests that a relationship between voting and subsequent crime and arrest is not only plausible, but also supported by empirical evidence. We find consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior. While the single behavioral act of casting a ballot is unlikely to be the sole factor that turns felons' lives around, the act of voting manifests the desire to participate as a law-abiding stakeholder in a larger society. At a minimum, our multivariate analysis suggests that the political participation effect is not entirely attributable to preexisting differences between voters and non-voters in criminal history, class, race, or gender.

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50. Interview by Christopher Uggen with a male probationer in his twenties, Minnesota community corrections office (Mar. 21, 2001).

51. Interview by Christopher Uggen and Jeff Manza with a male inmate in his thirties, Minnesota prison (July 10, 2001).

52. Interview by Christopher Uggen with a male inmate in his thirties, Minnesota prison (Apr. 11, 2001).

Nevertheless, a substantial portion of the association between voting and subsequent criminality appears to be a result of the greater educational attainment of voters and their less serious criminal histories. While criminal histories are not amenable to intervention, education is at the heart of ongoing correctional efforts to reintegrate felons. Moreover, a general education program working in concert with citizenship education and political participation may be especially effective in facilitating desistance from crime. For example, Larry, one of the prisoners we interviewed, strongly advocated for greater educational resources:

I think education is underrated. There's not enough of it. They don't think about it enough. I mean there should be more education. They keep taking it away. You know, I was going to [names university] through their program in [names city], and they took the program away. About a year later they brought a smaller version of it back, but still it's not the same as it was.<sup>53</sup>

When asked about whether civics education might be effective in prison, Larry responded:

I think that'd be a really good idea, though, because most of us, and, you know, me included, don't really think about my place in society as a citizen. . . . It's just about, "What's going [on] with me and my immediate surroundings?" you know? "What's going to affect me?" instead of, "Where do I stand as a citizen?" That'd be interesting.<sup>54</sup>

## VI. CONCLUSION

While these ideas are largely speculative, we can take from this study both provisional support for the idea of civic reintegration through voting and confirmation of the skepticism expressed by some of the prison inmates and probationers we interviewed. Voting appears to be part of a package of pro-social behavior that is linked to desistance from crime. Though the unique independent contribution of voting participation is likely to be small relative to pressing socioeconomic needs, family support, and other factors, the right to vote remains the most powerful symbol of stake-holding in our

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53. Interview by Uggen & Manza, *supra* note 51.

54. *Id.*

democracy. To the extent that felons begin to vote and participate as citizens in their communities, it seems likely that many will bring their behavior into line with the expectations of the citizen role, avoiding further contact with the criminal justice system.



## FOR IMMEDIATE RELEASE

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## **New York’s Democratic Election Commissioners Back Democracy During Detention Act (DDDA) As 2026 State Legislative Priority**

Support from dozens of local election officials underscores urgent need to modernize voter access for eligible citizens detained in jails

**Albany** – New York voting rights advocates applaud the adoption of the *Democracy During Detention Act* ([DDDA](#)) as a 2026 legislative priority by New York’s Democratic Election Commissioners’ Caucus of the State’s election commissioners association ([NYSECA](#)), at the annual Winter gathering of local election officials from across the state. Each year, election commissioners and key staff come together to share best practices and identify voting policies that can modernize and improve New York elections. This year, the Democratic election commissioners included DDDA in their [2026 Caucus Legislative Priorities](#). DDDA provides election officials with a flexible framework to address barriers to voter access faced by eligible citizens detained in jails during elections.

Although most citizens detained in New York jails retain their right to vote, meaningful access to the ballot is often severely limited or blocked altogether. In the absence of a clear statewide framework, actual voter access varies widely by county and facility, often depending on the discretion of local sheriffs, corrections staff, or volunteer civic groups—none of whom are charged by law with administering elections. These barriers disproportionately affect low-income New Yorkers and communities of color. A [2023 survey](#) found only 11 of the 57 counties outside New York City had “meaningful and effective programs” to facilitate voting by detained citizens.

The DDDA ([S440 \(Myrie\) / A2121 \(Walker\)](#)) addresses this gap by clarifying the responsibility of Boards of Elections to provide voter education, registration, and ballot access for eligible detained citizens, in coordination with corrections. The legislation directs local election and correction officials to develop a facility voter access plan for upcoming elections, authorizes secure jail-based poll sites, expands the bipartisan in-person absentee ballot collection program used successfully in other congregate settings like large nursing homes, improves procedural integrity and safeguards to prevent disenfranchisement, and ensures parity of access for voters

with disabilities and limited English proficiency—while maintaining security and local flexibility across urban, suburban, and rural facilities statewide.

The proposal has already garnered broad support, with 14 Senate sponsors and 27 Assembly sponsors. Proponents include a diverse coalition of civil rights, civic, faith-based, and legal organizations, including the Sentencing Project, the Brennan Center for Justice, NAACP New York State Conference, The Black Institute, Citizen Action of NY, Vocal NY, NYS League of Women Voters, Common Cause NY, NYC Bar Association, Alliance of Families for Justice, Brooklyn Voters Alliance, Faith in New York, the NYIC, and Vote Early New York among many other organizations. Advocates say the Democratic commissioners' endorsement marks a pivotal turning point toward ensuring that New York laws reflect a simple principle: eligible citizens awaiting trial or convicted of minor offenses do not lose their fundamental rights at the jailhouse door.

**State Senator and Former Senate Elections Chair Zellnor Myrie said:** “Ensuring fair elections means removing unnecessary barriers to the ballot. The Democracy During Detention Act affirms that eligible voters in local jails retain their constitutional rights and deserve clear, consistent access to voting. I look forward to continuing our work to make our elections more fair and more accessible to all voters.”

**State Assembly Election Law Chair, Assemblymember Latrice Walker said:** “Let me share a documented fact that some just don't get: Most people detained in jails across the state of New York are still eligible to vote. To make sure these New Yorkers have the opportunity to exercise their right to vote, I sponsored the Democracy During Detention Act. Democracy works best when participation is protected everywhere, and that includes our local jails.”

**New York State Lieutenant Governor and Attorney Antonio Delgado said:** “Our democracy works best when everyone who's eligible has a real chance to participate in it. Right now, too many New Yorkers sitting in local jails are shut out simply because the system wasn't built with them in mind. That's not just a technical failure; it's a democratic one. The Democracy During Detention Act is about fixing that and making sure our elections reflect basic values of fairness, dignity, and equal voice.”

**Brooklyn District Attorney Eric Gonzalez said:** “As District Attorney, I firmly believe in our shared responsibility to protect all New Yorkers' constitutional rights rather than restrict them. The Democracy During Detention Act will ensure that eligible voters do not lose their voice simply because they are detained, strengthening equity in our democratic process, enhancing trust in the legal system, and increasing participation in elections.”

**NYSECA Democratic Caucus Chair and Onondaga County Election Commissioner Dustin Czarny said:** “The Democratic Caucus of the NYS Elections Commissioner Association supports the Democracy During Detention Act. We believe that all citizens who are eligible to vote should take part in our Democracy. Expanding access to the ballot box to those who are

eligible, but in detention, is an important next step to the expansion of our Democracy that has taken place since 2019.”

**Ulster County Election Commissioner and NYSECA First Vice President Ashley Torres said:** “DDDA brings much-needed clarity to an area of election administration that has too often relied on ad hoc solutions. Clear standards benefit voters, election officials, and the integrity of our democratic system.”

**Executive Director, Erica Smitka, League of Women Voters of New York State, said:** “Democracy does not stop at the jail door. The Democracy During Detention Act ensures that eligible citizens held in local jails have consistent access to the ballot by making clear that Boards of Elections are responsible for administering voting, just as they are everywhere else in New York.”

# #



## MEMORANDUM OF SUPPORT

### Democracy During Detention: S440 (Myrie) / A2121 (Walker)

**Faith in New York supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act (DDDA) improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

As a multifaith, multicultural organizing network of over 100 faith communities across New York City, Faith in New York believes in the sacredness of every voice and the moral imperative to protect and expand democratic participation. This legislation aligns with our mission to build a just and equitable New York by dismantling systemic barriers that marginalize our most vulnerable neighbors—including those currently detained but not disenfranchised. We support this bill because it centers human dignity, confronts voter suppression, and creates accountability in systems that too often ignore those behind bars.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the first weekend of early voting (or the first three days in NYC, for at least 18 hours total) including "Golden Day", so eligible confined citizens and facility staff can conveniently register and vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Faith in New York supports the enactment of S440-2025 / A2121-2025.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2025 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2025, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**MEMORANDUM OF SUPPORT**

**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**Westchester for Change** strongly supports the enactment of the Democracy During Detention Act (S440/A2121) because voting is a fundamental right that should not be denied to eligible citizens simply due to their incarceration status. This legislation ensures that every eligible voter—those detained pretrial or convicted of misdemeanors—can register and cast their ballot fairly and securely.

Right now, access to the ballot for detained citizens is inconsistent and often nonexistent. Many county jails lack clear policies, leaving thousands of eligible voters unable to exercise their rights due to bureaucratic barriers, lack of voter education, or logistical challenges. The Democracy During Detention Act corrects this injustice by:

- Establishing polling places in certain jails to facilitate in-person voting, just as we do for other congregate settings like nursing homes and hospitals.
- Ensuring fair, timely access to absentee ballots for eligible voters in all jails, regardless of location.
- Requiring cooperation between election officials and correctional facilities to remove unnecessary barriers to voter registration and ballot access.
- Providing voter education materials to ensure detained individuals understand their rights and how to exercise them.

The right to vote does not disappear behind bars, yet the communities most affected by voter suppression—primarily Black and Latinx New Yorkers—are also the most impacted by pretrial detention. This is a civil rights issue. This is a democracy issue.

**Our group did voter registration in the Westchester County Jail several times and many of the people who were incarcerated and awaiting judgment did not know they had the right to vote. It was empowering to them to exercise their right to register to vote and then to submit their ballot.**

The Democracy During Detention Act is a common-sense, pro-democracy measure that ensures every eligible citizen has a fair and equal opportunity to vote. **Westchester for Change** urges our legislative leaders to stand on the side of democracy and pass S440/A2121 without delay.

Democracy belongs to all of us. Let's make it real.

**Diane Torstrup**  
**Myra Saul**  
**Susan Van Dolsen**  
**Co-organizers**  
**Westchester for Change**  
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## MEMORANDUM OF SUPPORT

### Democracy During Detention: S440 (Myrie) / A2121 (Walker)

While there has been significant work done to advance voting rights in New York City and New York State, the work is far from over. That's why the **Center for Law and Social Justice at Medgar Evers College** (hereafter "CLSJ" or "the Center") supports the enactment of the **Democracy During Detention Act, S440-2025 / A2121-2025 ("DDDA" or the "Act")**. This Act would codify the right to vote for some of our most vulnerable citizens; those who are detained, but who have not been disenfranchised due to a qualifying criminal conviction. DDDA guarantees fair and *timely* access to voter registration and it would guarantee at least one secure method of balloting for all detained citizens who still possess the right to vote. The Act also improves election oversight, uniformity of elections, quality control and the vitally important intergovernmental cooperation that is needed to better protect eligible citizens' fundamental rights.

Many citizens detained in jails technically still possess the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors). However, their capacity to actually access the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices exposed the nature of this travesty of justice. The report, entitled *Voting in New York State Jails: A Qualitative Analysis of Access*, revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup>

Being detained by the state does not in and of itself disqualify thousands of eligible citizens to vote by absentee ballot. However, if there is no voter access policy that will facilitate voting for these citizens, those ballots will not be cast. Without the Act in place, thousands of New Yorkers will remain disenfranchised. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

This issue is of particular concern for voters of African heritage. For centuries, these voters were intentionally excluded from participating in the American democratic process. Thanks to the Jim Crow-ification of the criminal legal system, many incarcerated Americans have functionally lost the right to vote due to anti Black racism. As noted by *The Marshall Project*, in confederate states like Alabama:

“Unable to explicitly ban [B]lack voters without violating federal law, the resulting state constitution[s] declared persons “convicted of a felony involving moral turpitude” could not vote without having their rights restored.”<sup>4</sup>

While one might take false comfort in relegating these sorts of proactive disenfranchisement schemes to the confederate south, that would be a mistake. According to the ACLU:

“In 1874, New York was the only state that required property ownership for Blacks to vote. This law clearly violated the 15th Amendment prohibition on race-based voting restrictions. A governor-appointed “Constitutional Commission” finally struck down the property law while, simultaneously, quietly amending the New York Constitution to impose felony disenfranchisement. New York could not prevent Blacks from voting because of poverty, so it found a solution in the criminal legal system.”<sup>5</sup>

The criminal legal system’s policy of interpreting penal codes such that they exclude persons convicted of a felony from voting, is a policy born from a desire to prevent communities of African descent from accessing the ballot. This policy is particularly egregious because it also ensnares incarcerated people who still possess the right to vote. CLSJ has worked for decades to reduce barriers for our community members to access the ballot. That is why we strongly support the DDDA and encourage our elected officials to vote for this legislation so that it can be signed into law.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>6</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. This burden on detained individuals is unjust, as they face barriers to the ballot that can prove insurmountable. Voter access can be hindered by seemingly mundane obstacles that can prove to be prohibitive, for example: limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>7</sup>

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<sup>4</sup> Jennifer Rae Taylor, *Jim Crow’s Lasting Legacy at the Ballot Box*, *The Marshall Project* (October 20, 2018), <https://www.themarshallproject.org/2018/08/20/jim-crow-s-lasting-legacy-at-the-ballot-box>.

<sup>5</sup> Jeffery Robinson, *The Racist Roots of Denying Incarcerated People Their Right to Vote* (May 19, 2019), <https://www.aclu.org/news/voting-rights/racist-roots-denying-incarcerated-people-their-right-vote>.

<sup>6</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>7</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>8</sup> persist just as widely within correctional facilities in the current era.<sup>9</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>10</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>11</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>12</sup>

Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of

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<sup>8</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>9</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>10</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>11</sup> N.Y. Elec. Law § 8-407.

<sup>12</sup> Jurisdictions with at least 100,000 registered voters in 2025 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2025, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***the Center for Law and Social Justice at Medgar Evers College*** supports the enactment of S440-2025 / A2121-2025.



## MEMORANDUM OF SUPPORT

### Democracy During Detention Act

#### S440 (Myrie) / A2121 (Walker)

**Vote Early New York strongly supports the enactment of the Democracy During Detention Act (DDDA), S440 / A2121**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all eligible, detained citizens who have not been disenfranchised. DDDA improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails retain the *right* to vote, yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voter access plan for this eligible population that equitably accounts for the circumstances of confinement, ensuring ballots can be timely cast and counted.<sup>3</sup>

Currently, voting is under-prioritized by correctional facility staff, often left to the good efforts and variability of a volunteer coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. Unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3Fmk6lQ> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

Sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within them.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials have the flexibility to deploy a polling place at populous correctional facilities during the first weekend of early voting (or the first three days in NYC, for at least 18 hours) including “Golden Day”, so eligible confined citizens and facility staff can conveniently register and vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for eligible citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter eligibility and education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. **For the foregoing reasons, Vote Early New York strongly supports the enactment of S440 / A2121 (2025).**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/3FdYWGj>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2025 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2025, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



Jewish culture for a just world

**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**The Workers Circle supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

The Workers Circle is a national, secular Jewish social justice organization which was founded 125 years ago by Eastern European immigrants who came to the United States fleeing authoritarian rule and seeking democratic freedoms. That history drives our work for an inclusive democracy and human rights today. The Democracy During Detention Act strengthens democracy by ensuring that citizens detained in jails can exercise their right to vote. Reducing barriers to voter access moves us towards the truly multiracial, multicultural democracy that the Workers Circle strives to create.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **the Workers Circle supports the enactment of S440-2025 / A2121-2025.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**Brooklyn Voters Alliance supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act (DDDA) improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Brooklyn Voters Alliance ("BVA") is an all-volunteer, non-partisan organization that works to protect and expand voting rights in New York State. We believe democracy is strongest when everyone has a voice. We promote voter participation, education, and civic engagement to ensure fairness and equal access to our fundamental right to vote. This includes those who are detained in our jails, who remain part of our community and who should not be left behind as we modernize election administration and expand access to the ballot in this state.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

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<sup>5</sup> *Id.* at 1-3, 9.

color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the first weekend of early voting (or the first three days in NYC, for at least 18 hours total) including “Golden Day”, so eligible confined citizens and facility staff can conveniently register and vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Brooklyn Voters Alliance supports the enactment of S440-2025 / A2121-2025.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2025 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2025, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

MEMORANDUM OF SUPPORT  
Democracy During Detention: S440 (Myrie) / A2121 (Walker)

Freedom Agenda supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act (DDDA) improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Freedom Agenda is a member-led project of the Urban Justice Center, dedicated to organizing people and communities directly impacted by incarceration to achieve decarceration and system transformation. Our members reside throughout New York and have either themselves been deprived of the opportunity to vote while detained in NYC jails, or have experienced a member of their immediate family being similarly deprived. Our members are extremely civically engaged, and are frequently sought after by policymakers for their input and expertise on criminal justice reforms, which only further emphasizes the harms they and their communities were forced to endure by depriving them of the ability to contribute to our democracy through participating in elections while detained.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking

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<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the first weekend of early voting (or the first three days in NYC, for at least 18 hours total) including “Golden Day”, so eligible confined citizens and facility staff can conveniently register and vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Freedom Agenda supports the enactment of S440-2025 / A2121-2025.**

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**Generation Vote**

**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

Generation Vote strongly supports the enactment of the Democracy During Detention Act (S440/A2121) because voting is a fundamental right that should not be denied to eligible citizens simply due to their incarceration status. This legislation ensures that every eligible voter—those detained pretrial or convicted of misdemeanors—can register and cast their ballot fairly and securely.

Right now, access to the ballot for detained citizens is inconsistent and often nonexistent. Many county jails lack clear policies, leaving thousands of eligible voters unable to exercise their rights due to bureaucratic barriers, lack of voter education, or logistical challenges. The Democracy During Detention Act corrects this injustice by:

- Establishing polling places in certain jails to facilitate in-person voting, just as we do for other congregate settings like nursing homes and hospitals.
- Ensuring fair, timely access to absentee ballots for eligible voters in all jails, regardless of location.
- Requiring cooperation between election officials and correctional facilities to remove unnecessary barriers to voter registration and ballot access.
- Providing voter education materials to ensure detained individuals understand their rights and how to exercise them.

The right to vote does not disappear behind bars, yet the communities most affected by voter suppression—primarily Black and Latinx New Yorkers—are also the most impacted by pretrial detention. This is a civil rights issue. This is a democracy issue.

This is also a youth issue.

From 2000 to 2019, the length of pretrial detention for young people aged 18-24 in New York City has nearly doubled<sup>1</sup>. For 18-20 year-olds, the average length of stay surged by 99% from 40 to 80 days, while for 21-24 year-olds, it rose by 96% from 42 to 81 days. While these numbers reflect the experiences of young people detained in New York City, the issue of extended pretrial detention impacts young people in counties across the state, further disrupting their education, employment, and overall stability.

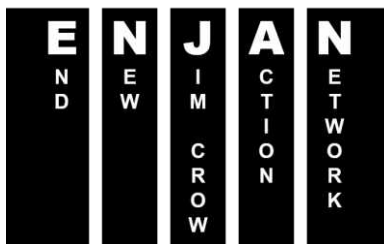
The Democracy During Detention Act would provide a vital mechanism to protect voting rights for young people in pretrial detention—individuals impacted by systemic inequities who deserve the right to

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<sup>1</sup> Tomascak, S., & Scrivener, L. (2021). (rep.). *Data Report: Trends in the Pretrial Jail Population in New York City, 2000–2019* (pp. 1–54). New York City, New York.

participate in shaping their communities, and Generation Vote urges our legislative leaders to stand on the side of democracy and pass S440/A2121 without delay.

Generation Vote  
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**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

***MEMORANDUM OF SUPPORT***

***Democracy During Detention: S440 (Myrie) / A2121 (Walker)***

**ENJAN (End the New Jim Crow Action Network)**, based in Dutchess County, strongly supports the enactment of the Democracy During Detention Act (S440/A2121) because voting is a fundamental right that should not be denied to eligible citizens simply due to their incarceration status.

**ENJAN** is grassroots, volunteer organization made up of Hudson Valley residents committed to fight systemic racism and end the era of mass incarceration in this country. We are committed to helping both those already incarcerated and those who risk incarceration. We drive change at the local, county, and state levels, through education, community involvement and legislative change. ENJAN has chapters in both Dutchess County and Ulster County, with over 150 members from across the Mid-Hudson Valley.

The Democracy During Detention Act ensures that every eligible voter – those detained pretrial or convicted of misdemeanors – can register and cast their ballot fairly and securely.

Right now, access to the ballot for detained citizens is **inconsistent** and **often nonexistent**. Many county jails lack clear policies, leaving thousands of eligible voters unable to exercise their rights due to bureaucratic barriers, lack of voter education, or logistical challenges. The Democracy During Detention Act corrects this injustice by:

- Establishing polling places in certain jails to facilitate in-person voting, just as we do for other congregate settings like nursing homes and hospitals.
- Ensuring fair, timely access to absentee ballots for eligible voters in all jails, regardless of location.
- Requiring cooperation between election officials and correctional facilities to remove unnecessary barriers to voter registration and ballot access.
- Providing voter education materials to ensure detained individuals understand their rights and how to exercise them.

The right to vote does not disappear behind bars, yet the communities most affected by voter suppression – primarily Black and Latinx New Yorkers – are also the most impacted by pretrial detention. This is a fundamental civil rights issue.

The right to vote is at the very core of our democracy in America. At a time when this basic right is under threat from individuals and organizations who wish to undermine our democracy, it has become even more important to protect this right for everyone who is legally eligible to vote.

The Democracy During Detention Act is a common-sense, pro-democracy measure that ensures every eligible citizen has a fair and equal opportunity to vote. The members of ENJAN urge New York State legislative leaders to stand on the side of democracy and pass S440/A2121 without delay.

Democracy belongs to all of us. Let's make it real.

ENJAN (End the New Jim Crow Action Network)  
Dutchess County, New York

To contact ENJAN, please send an email to [ENJAN-Pok@googlegroups.com](mailto:ENJAN-Pok@googlegroups.com)



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**VOICE Buffalo supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

VOICE's mission is to faithfully bring forth racial justice and equity in Western New York through political education and organized collective action. VOICE boldly imagines a society of diverse communities that are empowered, informed, active, and connected to one another, where all people have access to the resources they need to thrive and a voice in the decisions that affect them.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***VOICE Buffalo supports enactment of S440-2025 / A2121-2025.***

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

The New York Civic Engagement Table supports the enactment of the **Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

We believe our poor and working people, and communities of color, should have access to vote to reduce economic and racial inequality while working to create a better democracy that reflects the rich, diverse tapestry of New York.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **the New York Civic Engagement Table strongly supports S440-2025 / A2121-2025.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

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<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

**MEMORANDUM OF SUPPORT**

**S.440/A.2121: Relates to voting rights and access for incarcerated individuals**

We write in strong support of the Democracy During Detention Act (S.440/A.2121). This bill would ensure that New Yorkers who are incarcerated and have not lost the right to vote are able to exercise that right by requiring correctional facilities to provide timely access to voter registration and at least one method of voting.

The Brennan Center for Justice is a nonpartisan law and public policy institute based in New York City that seeks to improve our systems of democracy and justice. We have a long record of supporting efforts to make voting in New York more accessible through research, legislative advocacy, and public education.

Most New Yorkers in jail are entitled to register to vote and vote because they have not been convicted of a felony, and in most cases have not been convicted of any offense at all.<sup>1</sup> Under state law, the only individuals prohibited from voting while incarcerated are those convicted of a felony.<sup>2</sup> State law also explicitly permits individuals who are detained in jail awaiting grand jury action or trial, or incarcerated in jail or prison for a misdemeanor, to vote absentee.<sup>3</sup>

In *O'Brien v. Skinner*, the Supreme Court ruled that eligible detained voters cannot be disenfranchised due solely to their detainment.<sup>4</sup> However, most counties in New York do little to nothing to ensure that eligible detained voters can exercise their right to vote. Indeed, a recent survey by the League of Women Voters of New York found that one-third of the state's 57 counties outside of New York City either have no program in place to facilitate voter registration or voting by eligible detained voters or could not provide any details for such a program.<sup>5</sup> This lack of voting programs disproportionately impacts Black and brown New Yorkers because of bias in the criminal system.<sup>6</sup>

By enacting the Democracy During Detention Act, New York would ensure that the voting rights of *all* eligible voters are fully realized. Among other things, the bill would require large correctional facilities to adopt bipartisan in-person voter registration and absentee ballot collection programs, and would require smaller facilities to facilitate timely voter registration and absentee voting. The bill would allow county boards of elections to establish polling places

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<sup>1</sup> As of March 2023, 11,544 of the 16,138 people detained in New York jails were unsentenced and therefore eligible to vote. League of Women Voters of New York, *Voting in New York State Jails: A Qualitative Analysis of Access*, at 2 (June 2023), <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>.

<sup>2</sup> N.Y. Elec. Law § 5-106.

<sup>3</sup> *Id.* § 8-400(1)(d).

<sup>4</sup> *O'Brien v. Skinner*, 414 U.S. 524 (1974).

<sup>5</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, *supra* note 1, at 6-7.

<sup>6</sup> *Id.* at 2.

at correctional facilities during the first two or three days of early voting, including on “golden day” (the first day of early voting in which New Yorkers can both register to vote and cast a ballot), for eligible detained voters and staff. The bill would also improve accessibility and language access for eligible detained voters, require the State Board of Elections to provide non-partisan voter educational materials for distribution in correctional facilities, and ensure access to registration and voting for eligible voters who are being held in solitary confinement.

By enacting the Democracy During Detention Act, New York would also join the growing number of states that have enacted legislation to ensure meaningful access to the ballot for eligible detained voters. In 2019, Illinois designated the state’s largest jail as a polling place and required other jails to facilitate voter registration and voting by mail.<sup>7</sup> In 2021, Illinois allowed other jails in the state to serve as polling places.<sup>8</sup> Massachusetts, in 2022, required jails to provide locations where voters can complete their mail ballots in private and ensure the timely return of completed ballots.<sup>9</sup> In 2023, Nevada required jails to provide same-day voter registration, allow election officials to collect completed mail ballots, and allow voters to cure signature defects on their mail ballots.<sup>10</sup> And this year, Colorado required jails to provide one day of in-person voting, establish a location for ballots to be returned, and ensure that completed mail ballots are placed in such location.<sup>11</sup> Virginia also required jails to allow eligible voters to vote by absentee ballot and ensure voter’s completed ballots are returned on time.<sup>12</sup>

The right to vote of eligible detained voters in New York has been neglected for far too long. Every eligible citizen, including those who are detained in jail, should have meaningful access to the ballot. For these reasons, we strongly urge the Legislature to approve this important legislation and send it to Governor Kathy Hochul for her signature.

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<sup>7</sup> S.B. 2090, 101st Gen. Assemb., 1st Reg. Sess. (Ill. 2019).

<sup>8</sup> S.B. 825, 102nd Gen. Assemb., 1st Reg. Sess. (Ill. 2021).

<sup>9</sup> S. 2924, 192nd Gen. Ct., 2nd Ann. Sess. (Mass. 2022).

<sup>10</sup> A.B. 286, 82nd Nev. Leg., 1st Reg. Sess. (Nev. 2023).

<sup>11</sup> S.B. 24-072, 2024 Reg. Sess., 1st Reg. Sess. (Colo. 2024).

<sup>12</sup> H.B. 1330, 2024 Reg. Sess., 1st Reg. Sess. (Va. 2024).



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**CCoHOPE Indivisible supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

CCoHOPE Indivisible advocates for extending the franchise wherever it can be done effectively. The right to vote means nothing if the act of voting is made impossible to qualified citizens. The Democracy During Detention Act will give qualified voters in detention the means to access ballots and to mark, cast and have them tabulated privately and securely. As an Indivisible focused in Westchester County, CCoHOPE Indivisible advocates for a large population whose right to participate in elections has often been ignored.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, CCoHOPE supports the Democracy During Detention Act **S440-2025 / A2121-2025**.

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

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<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

**DEMOCRACY DURING DETENTION**

**MEMORANDUM OF SUPPORT**

**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**Sponsor:** Myrie (S440) (A2121 Walker)

**Title of Bill:** An act to amend the election law and the correction law, in relation to voting rights and access for incarcerated individuals

**Purpose:** This bill codifies the right to vote for citizens detained pretrial or for lesser offenses in correctional facilities who have not lost the right to vote, and to provide local officials with authorization and guidance to facilitate timely access to at least one method of effective and secure voter registration and ballot access for all such eligible persons.

**Statement of Support:** Many citizens detained in jails have the right to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their access to the ballot is severely limited due to lack of uniform policy and procedures<sup>1</sup>. A2023 survey of county sheriffs' offices in New York revealed that one-third of New York counties either have no jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup>

This bill provides voting opportunities for an eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted<sup>3</sup>. At present, voting is under-prioritized by correctional facility administrators<sup>4</sup>. Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance<sup>5</sup>.

This bill would require large corrections facilities in New York's most populous counties to be included in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials<sup>6</sup>. Local election boards serving at least 100,000 registered voters would coordinate a similar

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<sup>1</sup>See Madalyn Stewart, Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails, Critique (Spring 2022), <https://bit.ly/46RDujj>.

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<sup>4</sup>Voting in New York State Jails, supra note 2, at 1-3.

<sup>5</sup> Id. at 1-3, 9.



program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation<sup>7</sup>.

Alternatively, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials. The bill also sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. We strongly urge the Senate to swiftly pass this bill.

**PLEASE CONTACT SUSAN LERNER AT (212) 691-6421 WITH ANY QUESTIONS.**

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<sup>6</sup>N.Y. Elec. Law § 8-407.

<sup>7</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, Enrollment By County, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**S440 (Myrie)/A2121 (Walker)**  
**April 24, 2025**

**TITLE OF BILL**

An act to amend the election law and the correction law, in relation to voting rights and access for incarcerated individuals.

**SUMMARY OF PROVISIONS**

This bill, known as the Democracy During Detention Act, provides for several optional voting methods to be provided for eligible voters who are detained in correction facilities.

It would extend the Bipartisan Absentee Ballot Collection Program for large nursing homes and congregate facilities to the largest jail facilities. Under the current program, bipartisan election official teams must visit congregate facilities from which at least 25 absentee ballot applications were submitted. The bill would require the bipartisan teams to visit the largest jails in the most populous counties in the state, and any jail with more than 75 detainees in counties with populations larger than 100,000 people. The bipartisan teams would distribute and collect voting materials.

The bill would also allow local boards of elections to set up an in-person Early Voting polling place in jails instead of deploying the Bipartisan Absentee Ballot Collection Program. If such an option is chosen, the poll site must operate three hours a day during the final weekend before Election Day. The poll site would serve detainees and employees who are registered to vote in the same county as the correctional facility or, in the case of New York City, in the city.

Lastly, the bill would require a statewide standard for detainees who are eligible to vote absentee. It requires they be provided with absentee ballot applications at least 21 days before an election, and voter registration forms through coordination between the jail and boards of elections. Boards of elections must also disseminate nonpartisan voter educational materials in correctional facilities.

Lastly, the bill codifies the right to vote for all eligible American citizens detained in correctional facilities who haven't lost the right to vote and mandates that jail superintendents cooperate with representatives of the board of elections to ensure a plan is implemented that enables at least one method of voter access. It also establishes procedures to file complaints in cases where the right to vote of incarcerated individuals has been violated.

## STATEMENT OF SUPPORT

Citizens Union supports S440 (Myrie)/A2121 (Walker) because it facilitates and improves voting access for eligible voters who are situated in settings that severely impede their access to the ballot. Most individuals behind bars who have not lost their right to vote face numerous obstacles or are completely blocked from voting. New York does not have one clear standard for voting in jails, and no governmental body is assigned that responsibility. The task often falls to sheriffs, corrections staff, or local civic groups, a situation that leads to inconsistencies in providing voting rights. A 2023 survey found that one-third of counties had no jail voting program or could not disclose one.<sup>1</sup> Eligible voters in jails enjoy the same voting rights as eligible voters outside of jails; this right should not depend on the goodwill of local officials or the location in which a person happened to be arrested.

Moreover, this oversight mainly affects low-income individuals and people of color. In 2021, 78% of New York's pretrial population was Black or Latino. They are five times more likely to be incarcerated in New York's jails than white New Yorkers. Many inmates stay in jail for more than 30 days only because they cannot pay bail.<sup>2</sup> Therefore, providing proper voter access to detainees is also a matter of improving voter equity.

S440/A2121 creates several options for local elections boards and correctional officials to ensure detained eligible voters can exercise their vote, bolstered by mandated collaboration agreements between the sides. It provides officials with the flexibility to choose the program that best fits the needs of their community.

This bill is also important for strengthening civic participation and expanding democracy in the long run. Creating noninterrupted voting patterns is crucial for maintaining people's voting "muscle." It also encourages participation in a voter's family and community.

Citizens Union has supported previous legislation to protect the voting rights of justice-involved individuals, including those released from prisons, and legislation ensuring proper access to all eligible voters.

S440/A2121 follows such examples by setting up the rules and requirements to ensure eligible voters in correctional facilities receive the chance to exercise that right. Citizens Union strongly supports this legislation.

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<sup>1</sup> Voting in New York State Jails: A Qualitative Analysis of Access, League of Women Voters of New York 7-8 (June 2023), <https://lwwny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>.

<sup>2</sup> Envision Freedom Fund, "Pretrial Detention in New York," (April 4, 2022).

**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**The Black Institute supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

As an action tank committed to addressing systemic racial, economic, and social injustice, we view this legislation as critical to strengthening democracy and ensuring equitable access to the ballot box. Far too often, individuals in pretrial detention—many of whom have not been convicted of a crime—are stripped of their fundamental right to vote due to unjust barriers created by their detention status. This disproportionately impacts Black, Brown, and low-income communities who are overrepresented in the criminal justice system due to decades of systemic racism and targeted policing. Denying these individuals access to the ballot further entrenches racial disparities, weakens democratic participation, and silences the voices of the very communities most affected by unjust laws and policies.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> (“Legislation is necessary to ensure uniformity in access to the ballot across the state.”).

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **The Black Institute supports the enactment of S440-2025 / A2121-2025.**

Sincerely,

The Black Institute  
470 Vanderbilt Ave, 9<sup>th</sup> Fl,  
Brooklyn, NY 11238  
212-871-6899

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



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**MEMORANDUM OF SUPPORT  
DEMOCRACY DURING DETENTION ACT  
S440 Myrie/A2121 Walker**

**To:** New York State Assembly and Senate

**Date:** April 2025

**Re:** S440 Myrie/ A2121 Walker

**The League of Women Voters of New York State strongly supports passage of the Democracy During Detention Act (S440/A2121)**, which codifies the right to vote for eligible citizens held in New York correctional facilities awaiting trial or convicted of lesser offenses, authorizes counties to choose a population-tailored approach to voting in their facilities, and supports sheriffs in performing their lawful duties of preserving detainees' rights to vote.

According to a June 2023 survey, one-third of NY counties have no jail voter access program or could not provide details of one. Of reported programs, levels of functionality were found to vary widely and depend on individual sheriffs for enforcement.<sup>1</sup> Across NY correctional facilities, including jails, most citizens are eligible to vote as they await trial or serve time for non-felony convictions, yet the lack of effective voter programs prevents many from exercising their rights. The under-prioritization of voter access in correctional facilities strips detainees of their ability to engage in community issues and continues to disproportionately disenfranchise individuals from underserved communities who are incarcerated at higher rates.

The Democracy During Detention Act effectively addresses these “uniformity of access” issues: Election officials are authorized to deploy early voting poll sites and deliver absentee ballots to facilities with at least 25 absentee ballot requests or to facilities of 75 people or more where the local Board of Elections serves at least 100,000 registered voters. Finally, the act improves residual voter registration and absentee ballot access and provides that eligible citizens in correctional facilities must be provided with at least one method of effective voter access.

For the thousands of American citizens detained in NYS jails this year, the lack of a codified approach to voting in jails severely limits and at times fully obstructs the civil rights of one of NY's most vulnerable populations, undermining the state's interest in preparing detained people for a productive life upon release and equitably empowering the voices of all voters.

**For these reasons, the League of Women Voters of New York State strongly supports the**

**Democracy During Detention Act (S440/A2121) and urges the Senate and Assembly to pass the bill this session.**



**Bethlehem Morning Voice  
Huddle**

**([bmvhuddle.org](http://bmvhuddle.org))**

**April 9, 2026**

**MEMORANDUM OF SUPPORT**

**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**The Bethlehem Morning Voice Huddle**, an Indivisible group, strongly supports the enactment of the Democracy During Detention Act (S440/A2121) because voting is a fundamental right that should not be denied to eligible citizens simply due to their incarceration status. This legislation ensures that every eligible voter—those detained pretrial or convicted of misdemeanors—can register and cast their ballot fairly and securely.

Right now, access to the ballot for detained citizens is inconsistent and often nonexistent. Many county jails lack clear policies, leaving thousands of eligible voters unable to exercise their rights due to bureaucratic barriers, lack of voter education, or logistical challenges. The Democracy During Detention Act corrects this injustice by:

- Establishing polling places in certain jails to facilitate in-person voting, just as we do for other congregate settings like nursing homes and hospitals.
- Ensuring fair, timely access to absentee ballots for eligible voters in all jails, regardless of location.
- Requiring cooperation between election officials and correctional facilities to remove unnecessary barriers to voter registration and ballot access.
- Providing voter education materials to ensure detained individuals understand their rights and how to exercise them.

The right to vote does not disappear behind bars, yet the communities most affected by voter suppression—primarily Black and Latinx New Yorkers—are also the most impacted by pretrial detention. This is a civil rights issue. This is a democracy issue.

The Democracy During Detention Act is a common-sense, pro-democracy measure that ensures every eligible citizen has a fair and equal opportunity to vote. **The Bethlehem Morning Voice Huddle** urges our legislative leaders to stand on the side of democracy and pass S440/A2121 without delay.

Democracy belongs to all of us. Let's make it real.

**Bethlehem Morning Voice Huddle**

**Bob Stromberg, Member ([bob.stromberg@gmail.com](mailto:bob.stromberg@gmail.com))**



Alliance of Families for Justice • Bend the Arc: Jewish Action Long Island • The Black Institute • Brennan Center for Justice • Brooklyn Voters Alliance • CCoHOPE Indivisible • Citizen Action NY • Citizens Union • Common Cause NY • End the New Jim Crow Action Network (ENJAN) • Generation Vote • League of Women Voters of New York State • Long Island Social Justice Action Network (LISJAN) • NAACP New York State Conference • New Hour for Women and Children – LI • NYC Bar Association • New York Civic Engagement Table (NYCET) • Parole Preparation Project • South Asian Fund for Education, Scholarship, Training (SAFEST) • The Sentencing Project • Stand Up America • Ulster Activists (U-ACT) • Urban Justice Center – Freedom Agenda • Village Independent Democrats • VOCAL-NY • Voice Buffalo • Vote By Mail in Jail • Women Creating Change (WCC) • The Workers Circle

## **MEMORANDUM OF SUPPORT**

### **Democracy During Detention Act: S440 (Myrie) / A2121 (Walker)**

As organizations committed to strengthening democracy, civic inclusion, and equitable access to the ballot, we collectively support the enactment of the Democracy During Detention Act (S440/A2121). This legislation codifies the right to vote for eligible New Yorkers held in local jails and establishes a clear framework to ensure timely voter registration and access to the ballot.

Every year, thousands of New Yorkers—most of them Black, Brown, and low-income—are detained pretrial or for low-level convictions, yet retain the right to vote. But that right often means little in practice. The DDDA addresses the systemic failure to ensure voting access in jails by placing clear responsibilities on Boards of Elections and correctional facilities, mirroring policies that already work in other congregate settings like nursing homes.

This bill does not require new infrastructure. Instead, it strengthens interagency coordination and builds accountability into a system where voter access has too often relied on informal arrangements or has been absent altogether. A 2023 statewide survey found that many counties lacked any formal jail voting plan, and some could not even describe their current procedures. The result is a patchwork that leaves thousands of eligible voters behind.

Under the DDDA, counties with large correctional facilities must provide in-person absentee voting programs or establish temporary polling places during early voting. All counties must adopt a residual absentee ballot program with voter education and registration processes tailored to the realities of incarceration. The State Board of Elections would also be tasked with producing clear, accessible, and multilingual educational materials.

We believe this bill is a necessary step in advancing New York's democratic commitments. Voting is not a privilege—it is a right, and it should not be suspended at the jailhouse door. The Democracy During Detention Act helps ensure that right is respected and realized.

We urge the Legislature to pass S440/A2121 and affirm that New York protects democracy for all its people, no matter their incarceration status.

Signed,

*See full list of 30 organizations above.*



## MEMORANDUM IN SUPPORT

### Democracy During Detention Act

A2121 (Walker et al.)

S440 (Myrie et al.)

**Memo No. 12: 2025 Session**

Jan 1, 2025

Citizen Action of New York, a membership organization dedicated to social, racial, economic and environmental justice with eight chapters and affiliates across New York State, strongly supports the Democracy During Detention Act, which would establish the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised, as well as improve election oversight, uniformity, quality control, and intergovernmental cooperation to better protect the fundamental rights of eligible citizens.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited. A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have no jail voter access program in place or could not provide details of such a program. While detention qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill provides for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.

Citizen Action is a leader of the fight for the protection and expansion of democracy through fair elections, reducing the barriers to voter access and protection, and ensuring that historically marginalized communities have access to the ballot. We believe mass incarceration has historically and very deliberately marginalized communities. It is time to repair the damage that this has caused and correct the injustices that continue to be foisted on these communities.

At present, voting is given lower priority by administrators of correctional facilities. Without proactive coordination between elections and corrections officials to facilitate voter access, the burden is placed by many counties on detained individuals to sort out eligibility and overcome registration barriers and mail delays. These barriers that can prove insurmountable for detained individuals. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays, or limited language assistance.

*or Bob Cohen, Esq., Policy and Research Director at [bcohen@citizenactionny.org](mailto:bcohen@citizenactionny.org) or at (518) 265-6183.*

Citizen Action Memo in Support, Democracy During Detention Act, April 11, 2024 Page Two

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities persist just as widely within correctional facilities. In 2021, 78% of New York's pretrial population was Black or Latinx.

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous counties to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials. Local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation. Second, instead of an in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before Election Day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to Election Day. As with the general population, return postage for absentee ballots is prepaid. Under the bill, the State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, Citizen Action New York strongly supports this bill.

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*For more information, contact Rebecca Garrard, Legislative Director at [rgarrard@citizenactionny.org](mailto:rgarrard@citizenactionny.org) or at (845) 797-9210, or Bob Cohen, Esq., Policy and Research Director at [bcohen@citizenactionny.org](mailto:bcohen@citizenactionny.org) or at (518) 265-6183.*



**NAACP New York State Conference**  
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**NAACP New York State Conference supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to ensure that all New Yorker's right to vote is protected and that guarantees fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised.

New Yorkers who are being detained in local jails who are serving a sentence for a misdemeanor offense or who are being detained pretrial and who have not yet been convicted of a crime still have the *right* to vote yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While these New Yorkers are otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

The NAACP New York State Conference has worked tirelessly to defend the right of every New Yorker to vote as access to the ballot box remains a cornerstone of our democracy. New York has made significant reforms in recent years by implementing Early Voting, same day voter registration and more. Still, more work needs to be done. The Democracy During Detention Act is a commonsense proposal to ensure that all eligible New Yorkers can participate in our democracy.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, *NAACP New York State Conference* supports the enactment of **S440-2025 / A2121-2025**.



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION  
BY THE ELECTION LAW COMMITTEE AND  
CORRECTIONS & COMMUNITY REENTRY COMMITTEE**

**A.2121  
S.440**

**M. of A. Walker  
Sen. Myrie**

AN ACT to amend the election law, the correction law and the New York City charter, in relation to voting rights and access for incarcerated individuals.

**Democracy During Detention Act**

**THIS LEGISLATION IS APPROVED**

**BACKGROUND**

Many citizens detained in jails have the right to vote (e.g., those detained pre-trial or convicted of misdemeanors), yet their access to the ballot is severely limited and recent research reveals that few of these individuals have been able to effectively cast a ballot.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast.

A modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, while still ensuring ballots can be cast and counted, would remedy the current voter suppression.<sup>3</sup> Without a uniform, minimum voter access policy, the responsibility of facilitating access to the right to vote falls to a coalition of the willing, be it local

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<sup>1</sup> Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ> (All websites last accessed on May 29, 2025).

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://lwny.org/wp-content/uploads/2023/09/LWVNY-S-Voting-in-Jails-Report-1.pdf> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

sheriffs or corrections staff or civic volunteers, rather than bipartisan officials who administer elections. This has led to widely variable access that jeopardizes rights and creates gaps in data and accountability.

At present, voting is simply under-prioritized at correctional facilities.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and jail-mail delays. Voting can be hindered by the limited access to stamps, internet-based resources like online registration or ballot request and tracking tools, and ballot-casting barriers like compromised privacy or limited language assistance.<sup>5</sup> And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely in correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

## REASONS FOR SUPPORT

This proposal codifies the right to vote for the thousands of citizens detained pretrial or for lesser offenses in New York’s state and local correctional facilities who have not lost the right to vote. The bill modernizes the elections and corrections laws, prescribing alternatives for local officials to facilitate timely access to at least one method of effective and secure voter registration and balloting for all such eligible persons, regardless of where they are confined.

The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect the fundamental rights at stake. The State Board of Elections will issue non-partisan materials to clarify voter eligibility, key deadlines, and voting options. The bill requires these materials to be distributed in correctional facilities. Local bipartisan election officials are granted new authority and significant flexibility to design voting programs that best meet local access needs, in coordination with local corrections facilities. This bridges the existing access gap by clarifying the role of bipartisan election officials in election-related tasks and the role of corrections facilities to facilitate effective access to the ballot for eligible citizens in their custody.

Programmatically, the bill improves access to voting for detained eligible citizens, wherever those citizens are held. Large corrections facilities in New York’s most populous counties will be included automatically in the existing bipartisan absentee ballot collection

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<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://www.nysenate.gov/sites/default/files/admin/structure/media/manage/filefile/a/2024-11/c4.-landry-and-berg-impact-of-nys-wrong-church-ballot-rejection-rule-in-the-2020-general-election-may-20-2021.pdf>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://envisionfreedom.org/wp-content/uploads/2022/04/Envision-Freedom-Pretrial-Detention-in-New-York-April-2022.pdf>.

program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities, like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will proactively develop a recurring program with the leadership for populous correctional facilities in their jurisdiction to facilitate both timely registration and voting, reducing the barriers that can unjustly block legitimate political participation.<sup>10</sup> This statutory formula is estimated to cover 21 facilities in 17 jurisdictions that currently house more than 10,000 unsentenced individuals.<sup>11</sup>

If enacted, the bill requires covered boards and corrections facilities to collaborate on written procedures that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials. These procedures will be reviewed for sufficiency and integrity by the State Board of Elections. Bipartisan officials are authorized to offer this program at less-populous facilities if they choose. Additionally, the State Board will develop and issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

Alternatively, in lieu of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities for at least six hours during the first weekend of early voting (or in New York City, for the first three days of early voting, for at least 18 hours total) including “Golden Day,” so eligible confined citizens and facility staff can conveniently vote.

Finally, the bill sets a statewide standard for a “residual” voter registration and absentee ballot access program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, including persons in solitary confinement, no later than 21 days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The bill also, to the extent possible under State law, extends the interlocking programs described above to eligible citizens detained or confined at Federal correctional facilities, pursuant to comparable procedures that may be agreed upon between elections and corrections officials.

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<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2025 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2025, <https://elections.ny.gov/enrollment-county>. If enacted, it is estimated that, initially, 21 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

<sup>11</sup> Division of Criminal Justice Services, *Jail Population in New York State: Average Daily Census By Month*, <https://bit.ly/44nW5BX>. This is based on the number of “Other Unsented” in the New York State Jail Population by Month Report. “Other Unsented” refers to “Individuals who are awaiting arraignment, trial or sentencing by the court or who have violated conditions of parole because they have been re-arrested for a new crime.” We assume that the majority of individuals who are in this category are awaiting arraignment or trial. It is unknown precisely how many presently detained persons meet all of the qualifications to vote. See *Qualifications to Register to Vote*, NYS Board of Elections, <https://bit.ly/44afN4a>.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, the City Bar urges the Legislature to pass A.2121 / S.440 to ensure modern, equitable access to voting for all such eligible persons, and to deliver the bill to the Governor's desk immediately.

Election Law Committee

Corrections & Community Reentry Committee

Reissued June 2025

**Contact**

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# PLAN LEAD

Lawyers for Equal Access to Advocacy & Dignity Incorporated  
Prisoners Legal Advocacy Network  
244 5th Avenue, Suite 2517  
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## MEMORANDUM OF SUPPORT Democracy During Detention: S440 (Myrie) / A2121 (Walker)

***The Prisoners Legal Advocacy Network (“PLAN”) supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025***, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control, and intergovernmental cooperation to better protect eligible citizens’ fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs’ offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Although PLAN operates nationally, as a legal non-profit organization formed and headquartered in New York, the above-referenced issues are of special concern to our community.

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> (“Legislation is necessary to ensure uniformity in access to the ballot across the state.”).

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

The [Prisoners Legal Advocacy Network](#) is a non-profit corporation that provides cost-free civil legal services and support to presently and formerly incarcerated individuals in U.S. adult jails and prisons so that those impacted by the criminal legal system can live with dignity and without fear. PLAN's legal services focus on: 1) assisting incarcerated individuals in challenging allegedly unconstitutional conditions of confinement and 2) expanding and defending the voting rights of presently and formerly incarcerated people.

PLAN is comprised of attorneys, Law Clerks, legal paraprofessionals, directly impacted advocates, and a national community of jailhouse lawyers, prison paralegals, and prison law library clerks. PLAN's [Law Clerkship Program](#) is among the largest in the prisoners' rights bar. PLAN is a host organization for the [New York State Unified Court System's Pro Bono Scholars Program \("PBSP"\)](#). [PLAN's PBSP placements](#) introduce Scholars who are preparing to enter the New York legal profession to civil legal services in the prisoners' rights bar, with emphasis on conditions of confinement legal services and voting rights advocacy for incarcerated people.

Our incarcerated team members bring vital subject matter expertise to PLAN's work. The advocacy provided by PLAN jailhouse lawyers – a service protected by *Johnson v. Avery* – comprises the only access to legal help for many, if not most, incarcerated people. PLAN's incarcerated team members also provide essential witness statements as to conditions of confinement in New York prisons and jails. As advocates for substantial numbers of incarcerated people, they are aware of the alleged conditions experienced by a substantial percentage of people in custody in the state.

PLAN understands from its national community of directly impacted advocates that most carceral law libraries lack any information whatsoever as to voting rights law or voting rights procedures. PLAN is also aware that carceral officials frequently provide eligible incarcerated voters with no information about voting rights, deadlines, or procedures or inaccurate information. These are among the reasons that voting rights initiatives comprises a key priority for PLAN and the 501(c)(3) Prisoners Legal Advocacy Network Foundation.

PLAN is at the forefront of national voting rights advocacy for presently and formerly incarcerated people. PLAN coordinates the [Election Protection Coalition's \("EP"\) Jail & Post-Release Voting Working Group](#) in collaboration with several organizational co-leads. As the Working Group's coordinator, PLAN staffs the national Election Protection Jail & Post-Release Voting Command Center during election periods. It does so in partnership with the more the 300 national, state, and local non-profit organizations that comprise EP, the largest non-partisan coalition in the country that protects, advances, and defends the right to vote. PLAN also hosts the Working Group's [Jail & Post-Release Voting Portal](#) and facilitates the development and ongoing revision of 37 state-based Jail & Post-Release Voting Guides For Presently & Formerly Incarcerated People, including a New York Guide. These Guides often comprise the only voting information that is available to eligible incarcerated voters.

PLAN has extensive experience in jail voting. PLAN recently co-authored jail voting toolkits with the NAACP Legal Defense Fund (“LDF”) to facilitate the development of jail voting programs across the country. The PLAN-LDF Jail-Based Voting toolkit for election officials and jail administrators can be accessed [here](#).<sup>4</sup> The PLAN-LDF Jail-Based Voting toolkit for voting rights advocates can be accessed [here](#).<sup>5</sup> These toolkits are accompanied by an LDF legal brief,<sup>6</sup> co-authored with the Thurgood Marshall Institute. This brief provides analysis as to the voting rights of people incarcerated at the pre-trial stage and the barriers that these eligible voters frequently experience when trying to exercise these rights. PLAN has supported the development of jail voting programs across the country and [participated in jail voting litigation](#) when deemed necessary.

PLAN has both extensive national involvement in, and knowledge of, jail voting issues and also deep ties to the New York community. PLAN is painfully aware of the formidable obstacles that are encountered by eligible incarcerated voters in New York. These barriers thwart the efforts of New York voters in carceral facilities to exercise their franchise on a scale that is remarkable in the national context.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>7</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>8</sup> Mail scanning programs can result in ballots being misdirected to third-party mail digitization facilities and jail mail rooms’ misguided disposal of ballot components as purported contraband can spoil ballots before they ever reach voters.<sup>9</sup>

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<sup>4</sup> NAACP Legal Defense Fund & Prisoners Legal Advocacy Network, *Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail: Toolkit for Elections and Jail Administrators*, LDF THURGOOD MARSHALL INST. (January 2024), <https://tminstituteldf.org/wp-content/uploads/2024/01/2023-09-26-Democracy-Detained-Administrators-final-2-2-1.pdf>.

<sup>5</sup> NAACP Legal Defense Fund & Prisoners Legal Advocacy Network, *Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail: Toolkit for Advocates*, LDF THURGOOD MARSHALL INST. (January 2024), <https://tminstituteldf.org/wp-content/uploads/2024/01/2023-09-26-Democracy-Detained-Advocates-final2-1-1.pdf>.

<sup>6</sup> Christina Das & Jackie O’Neil, *Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail*, LDF THURGOOD MARSHALL INST. 1, 3 (June 2023), [https://tminstituteldf.org/wp-content/uploads/2023/06/Voting-in-Jails-Brief\\_PDF-FINAL-1.pdf](https://tminstituteldf.org/wp-content/uploads/2023/06/Voting-in-Jails-Brief_PDF-FINAL-1.pdf).

<sup>7</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>8</sup> *Id.* at 1-3, 9.

<sup>9</sup> “Deep Dive: Obstacles to Mail-In Voting in Jail,” NAACP Legal Defense Fund & Prisoners Legal Advocacy Network, *Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail Toolkits*, LDF THURGOOD MARSHALL INST. (January 2024), <https://tminstituteldf.org/voting-in-jails/#toolkits>.

Sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>10</sup> occur on the same scale within correctional facilities.<sup>11</sup> In 2021, people of color comprised 78% of New York’s pretrial population.<sup>12</sup>

This bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities.

First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>13</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>14</sup> Following the aforementioned litigation, the State of Delaware implemented an in-person absentee program that reportedly increased the number of ballots cast in that state from zero in 2020 to approximately 300 in 2024.

Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials. PLAN has significant experience in helping to develop and implement in-person jail voting programs and would welcome the opportunity to support such programs in New York at no cost to the taxpayers.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At a minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to Election Day. As with

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<sup>10</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>11</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>12</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>13</sup> N.Y. Elec. Law § 8-407.

<sup>14</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **the PRISONERS LEGAL ADVOCACY NETWORK supports the enactment of S440-2025 / A2121-2025.**

*July 29, 2025*

On behalf of the Prisoners Legal Advocacy Network,



Paul Stanley Holdorf, Esq.  
President & Managing Attorney  
Prisoners Legal Advocacy Network  
*Licensed In New York (Reg. No. 1520709)*



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S440 (Myrie) / A2121 (Walker)**

**Women Creating Change supports the enactment of the Democracy During Detention Act, S440-2025 / A2121-2025**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Women Creating Change supports the Democracy During Detention Act (S440/A2121) because it strengthens democracy by ensuring eligible detained individuals can register, vote, and have their ballots counted. Many face systemic barriers—mail delays, lack of voter education, and limited coordination between corrections and election officials—that effectively disenfranchise them. This disproportionately impacts low-income communities and people of color, mirroring broader voter suppression patterns. By establishing a standardized, accountable voting access framework, this bill advances electoral justice and aligns with our mission to dismantle barriers to political participation for marginalized communities.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> (“Legislation is necessary to ensure uniformity in access to the ballot across the state.”).

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, Women Creating Change **supports the enactment of S440-2025 / A2121-2025.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

## **A NOTE ON BILL NUMBERS**

Some of the materials included in this packet reference bill numbers from prior legislative sessions. As bills are reintroduced each session, their numbers change — but the legislation itself, and the support behind it, has not.

The Democracy During Detention Act is currently introduced as **S440/A2121** in the 2025-2026 legislative session. Previous versions of this bill were introduced under different numbers in prior sessions. Any letter, memo, or organizational endorsement referencing an earlier bill number should be understood as continued support for this legislation as currently introduced.

The policy ask is the same. The coalition behind it is the same. The urgency is the same.

If you have questions about the current bill text or bill numbers, please contact:

**Clyanna Lightbourn** Campaign Director, League of Women Voters of New York State  
clyanna@lwvny.org



## MEMORANDUM OF SUPPORT

### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**Long Island Social Justice Action Network supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Long Island Social Justice Action Network (LISJAN) is a coalition of organizations and community members mobilizing to demand needed criminal justice reforms for Long Island and throughout the state. We aim to organize Long Islanders to demand statewide criminal justice reforms to create more just, safe and effective solutions designed to put an end to mass

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, Long Island Social Justice Action Network **strongly supports S6875-2024/A9612-2024.**

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**The Village Independent Democrats support the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

The Village Independent Democrats are a local Democratic club in Manhattan. As a Democratic club, one of our priorities is making sure people in our district have informed access to vote. Much of our resources go into helping residents of the Village in New York City cast informed votes. As a progressive organization, there is no reason that the privilege of informed voting should be limited to well-resourced neighborhoods, and incarcerated New Yorkers should have the same access to vote that our neighbors in the Village do.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***the Village Independent Democrats support S6875-2024/A9612-2024.***

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

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<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

***Ulster Activists (U-ACT)*** supports the enactment of the **Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited. A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry. While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.

The bill offers another step toward improving voters' rights AND access to voting throughout the state, and is particularly relevant to our region, the Hudson Valley, which is home to a number of jails and correctional facilities.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing. Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities persist just as widely within correctional facilities. In 2021, 78% of New York's pretrial population was Black or Latinx.

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials. If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation. Second, instead of the in-person absentee program, bipartisan county election

officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails.

Accordingly, **U-ACT strongly supports the passage of S6875-2024/A9612-2024.**

**Respectfully,**

**Election Reform Committee on behalf of Ulster Activists**

**Paul Auer  
Keith Girgui  
Elizabeth Lee  
Carol Nolan  
Mindy Ross**



## MEMORANDUM OF SUPPORT

### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**South Asian Fund For Education, Scholarship, and Training, Inc. supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Our Org strongly supports this Detention Act, S6875-2024, We are the South Asian Community and fastest growing population in the NYS. **South Asian Fund For Education, Scholarship, and Training, Inc org was advocated to have better ballot and Vote Better and Queen's 60 polling booths to have Bengali language Ballot paper** .The bill will modernizes the elections and corrections laws, prescribing alternatives for local officials to facilitate timely access to at least one method of effective and secure voter registration and balloting for all such eligible persons, regardless of where they are confined. Our South Asian Community will continue to act for Human Rights which is America's first amendment.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities. This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **South Asian Fund For Education, Scholarship, and Training, Inc S6875-2024/A9612-2024.**

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**VOICE Buffalo supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

We know that the community we serve deserves every right to partake in our democracy no matter what. We find that the blockade to the fundamental rights of the justice impacted population should not continue to face disenfranchisement by laws that are outdated and morally wrong.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

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color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **VOICE Buffalo strongly supports S6875-2024/A9612-2024.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

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<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**The Sentencing Project supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained otherwise voting eligible residents. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible voting eligible residents' fundamental right to cast a ballot.

Many voting eligible residents detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise voting eligible residents to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of voters that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. The Sentencing Project works to advance community safety by guaranteeing full civic participation of all system impacted residents who are eligible to vote.

In practice, the limited efforts to reach voters in jail have encountered logistical complications. Consequently, implementing a voter registration and absentee ballot collection system is a challenge in spaces where many residents are detained for relatively short periods of time. For example, most individuals incarcerated in a jail in the early months of a calendar year will not still be there by the time of a fall election, as they will have either posted bail, been acquitted of their charges, served their jail term, or been transferred to prison following a felony conviction. To improve access to voting, some states require county election officials to develop procedures and plans to deliver ballots to voters in jails. For example, in 2019 the Colorado Secretary of State implemented a rule mandating the state's 64 sheriffs to coordinate with county clerks to facilitate voting in jails.<sup>4</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and voting

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eligible residents of color that are too frequently seen outside of correctional facilities<sup>5</sup> persist just as widely within correctional facilities.<sup>6</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>7</sup>

The bill improves access to voting for detained eligible voters wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>8</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>9</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined voters and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all eligible residents detained in less populous facilities and voters detained outside their home county. At minimum, all such eligible residents must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible voters in jails. Accordingly, ***The Sentencing Project*** **S6875-2024/A9612-2024.**

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<sup>5</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>6</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>7</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>8</sup> N.Y. Elec. Law § 8-407.

<sup>9</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

***Voices of Community Activists and Leaders (VOCAL-NY)*** supports the enactment of the **Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

VOCAL-NY is a statewide grassroots membership organization that builds power among low-income people directly impacted by HIV/AIDS, the drug war, mass incarceration, and homelessness. We accomplish this through community organizing, leadership development, advocacy, direct services, and direct action.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited. A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry. While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.

VOCAL-NY supports the restoration of voting rights for all incarcerated people, including people disenfranchised in New York State prisons. We believe that this bill is a helpful step towards that goal.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing. Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities persist just as widely within correctional facilities. In 2021, 78% of New York's pretrial population was Black or Latinx.

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials. If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation. Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, VOCAL-NY supports **S6875-2024/A9612-2024**.

If you have any questions or concerns, please do not hesitate to reach out to Nick Encalada-Malinowski, Civil Rights Union Campaign Director, VOCAL-NY: [nick@vocal-ny.org](mailto:nick@vocal-ny.org)



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**Vote by Mail in Jail supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast and many do not even make to to eligible voters seeking to participate in their local elections while detained. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Vote by Mail in Jail, a program of Spread The Vote US, was established in 2020 in service of community and facility partners in multiple states including New York as well as Illinois, Indiana, Michigan, Washington, Wisconsin and Virginia. As a result of our national work, we've been able to see a wide range of jailed voter support efforts, the most successful of which involve facility staff who embrace structured efforts in order to educate and motivate jailed voters seeking to participate in local and state elections. Genesee County Jail in Flint, Michigan which wasn't prompted or mandated by the enforcement of any legislation. Our program provides a range of materials including nonpartisan voter guides, election reminder postcards, and mailing materials at no cost to jailed participants. Efforts achieved to assist voters seeking access in jails are as diverse as the different states where incarcerated citizens reside, but some type of consistent and curated effort independent of any single individual's capacity must be maintained in order to be effective. The Democracy During Detention Act achieves this in New York.

At present, voting is under-prioritized by correctional facility administrators and is often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

Sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Therefore, **Vote by Mail in Jail strongly supports S6875-2024/A9612-2024.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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<sup>9</sup> N.Y. Elec. Law § 8-407.

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## Stand Up America

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### MEMORANDUM OF SUPPORT

#### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**Stand Up America supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control, and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Stand Up America is a New York-based national grassroots advocacy organization with nearly two million members nationwide demanding the democracy we deserve. We advocate for reforms at the local, state, and federal level that will expand voting rights and end undemocratic barriers to progress. As members of the Let NY Vote coalition, we are dedicated to policies that amplify the voices of everyday New Yorkers. Our members have driven grassroots actions to pass multiple voting rights and democracy reforms bills in New York, including legislation to end felony disenfranchisement, establish automatic voter registration, and universal vote by mail, and a New York Voting Rights Act.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays, or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

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<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

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And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78 percent of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities.

First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup>

Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid.

The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***Stand Up America strongly supports S6875-2024/A9612-2024.***

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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## MEMORANDUM OF SUPPORT

### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**South Asian Fund For Education, Scholarship, and Training, Inc. supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Our Org strongly supports this Detention Act, S6875-2024, We are the South Asian Community and fastest growing population in the NYS. **South Asian Fund For Education, Scholarship, and Training, Inc org was advocated to have better ballot and Vote Better and Queen's 60 polling booths to have Bengali language Ballot paper** .The bill will modernizes the elections and corrections laws, prescribing alternatives for local officials to facilitate timely access to at least one method of effective and secure voter registration and balloting for all such eligible persons, regardless of where they are confined. Our South Asian Community will continue to act for Human Rights which is America's first amendment.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-

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casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities. This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **South Asian Fund For Education, Scholarship, and Training, Inc S6875-2024/A9612-2024.**

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**The Parole Preparation Project supports the enactment of the Democracy During Detention Act, S6875-2024 / A9612-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

The Parole Preparation Project strongly supports the Democracy During Detention Act (S6875-2024 / A9612-2024) to ensure that detained citizens retain their fundamental right to vote. This legislation addresses critical voter suppression within correctional facilities, where marginalized, low-income, and communities of color are disproportionately impacted by systemic barriers that stifle political participation. Denying these citizens access to the ballot undermines democracy, perpetuates inequality, and silences those most affected by the justice system.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and balloting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

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color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

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This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***The Parole Preparation Project is happy to support S6875-2024 / A9612-2024.***



**Anthony Dixon**

Deputy Director, Parole Preparation Project

October 31, 2024

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



## Alliance of Families for Justice

### MEMORANDUM OF SUPPORT

#### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

#### GOVERNING BOARD MEMBERS

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Pierre Stallings  
Aqirah Stanley  
Kenya Thrope  
Razelle Townsend

**The Alliance of Families for Justice stands in favor of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. This act aims to improve election oversight, uniformity, quality control, and intergovernmental cooperation to safeguard the fundamental rights of eligible citizens.

Despite the right to vote for many detained individuals, including those awaiting trial or convicted of misdemeanors, access to the ballot is severely limited.<sup>1</sup> A recent survey of county sheriffs' offices in 2023 revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill proposes amending the election law to establish a modern voting access plan that addresses the challenges of confinement, ensuring that all eligible citizens can cast and have their ballots counted.<sup>3</sup>

Ensuring adequate access to voting in jails enables individuals to stay connected to their families, communities and stay informed about local developments, including school board decisions affecting their children and mayoral elections impacting their municipality. This bill will cultivate a sense of belonging and civic responsibility, essential elements of a thriving democracy.

Currently, voting in correctional facilities is not a priority for administrators, often relying on the efforts of a voluntary coalition without adequate funding.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. However, unlike the general public, detained individuals encounter significant barriers that can be extremely difficult to overcome. Access to voting can be impeded by restricted access to stamps or internet-based resources, such as online registration and ballot request and tracking tools. Additionally, there are obstacles like compromised privacy, delays in receiving mail in jail, and limited language assistance that further hinder ballot-casting.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist

<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill enhances voting access for detained eligible citizens, regardless of their location, while allowing officials in populous and less populous areas the flexibility to implement tailored programs for their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be overseen by cooperation agreements that ensure registration, balloting, language assistance, and the secure delivery and retrieval of voting materials are conducted in an orderly manner.

Third, the bill establishes a statewide standard for a "residual" voter registration and absentee balloting program. This program ensures that all citizens detained in less populous facilities and those detained outside their home county have access to effective voter registration and absentee ballots, regardless of their confinement location and no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, the **Alliance of Families for Justice strongly supports S6875-2024/A9612-2024.**

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<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

MEMORANDUM OF SUPPORT  
Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

Freedom Agenda supports the enactment of the **Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Freedom Agenda is a member-led project of the Urban Justice Center, dedicated to organizing people and communities directly impacted by incarceration to achieve decarceration and system transformation. Our members reside throughout New York City and have either themselves been deprived of the opportunity to vote while detained in NYC jails, or have experienced a member of their immediate family being similarly deprived. Our members are extremely civically engaged, and are frequently sought after by policymakers for their input and expertise on criminal justice reforms, which only further emphasizes the harms they and their communities were forced to endure by depriving them of the ability to contribute to our democracy through participating in elections while detained.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, ***Freedom Agenda strongly supports S6875-2024/A9612-2024.***

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**The New York Civic Engagement Table supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

We believe our poor and working people, and communities of color, should have access to vote to reduce economic and racial inequality while working to create a better democracy that reflects rich, diverse tapestry of New York.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

<sup>5</sup> *Id.* at 1-3, 9.

color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **the New York Civic Engagement Table strongly supports S6875-2024/A9612-2024.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

## **MEMO OF SUPPORT FOR S6875**

**Sponsor: Myrie (A9612 Walker)**

**Title of Bill:** An act to amend the election law and the correction law, in relation to voting rights and access for incarcerated individuals

**Purpose:** The purpose of this bill is to codify the right to vote for citizens detained pretrial or for lesser offenses in correctional facilities who have not lost the right to vote, and to provide local officials with authorization and guidance to facilitate timely access to at least one method of effective and secure voter registration and ballot access for all such eligible persons.

### **Statement of Support**

The Democracy During Detention Act would codify procedures that guarantee fair, timely access to voter registration and at least one secure method of voting for all detained citizens who have not been disenfranchised.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their access to the ballot is severely limited due to lack of uniform policy and procedures.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup>

This bill provides voting opportunities for an eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup> At present, voting is under-prioritized by correctional facility administrators.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.").

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

registration barriers and mail delays. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

This bill would require large corrections facilities in New York’s most populous counties to be included in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>6</sup> Local election boards serving at least 100,000 registered voters would coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>7</sup>

Alternatively, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

The bill also sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. We strongly urge the Senate to swiftly pass this bill.

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> N.Y. Elec. Law § 8-407.

<sup>7</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.





## Brooklyn Voters Alliance

### MEMORANDUM OF SUPPORT

#### Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**Brooklyn Voters Alliance supports the enactment of the Democracy During Detention Act, S6875-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control, and intergovernmental cooperation to protect eligible citizens' fundamental rights better.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise eligible citizens to vote by absentee ballot, those ballots are not being cast in the absence of a voter access policy that facilitates such voting. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

People detained in jails retain their citizenship and are still part of our community. Yet, their access to the ballot is severely limited by ad hoc election administration that we rely on from the New York City Department of Correction or county Sheriff's offices. No matter how well-meaning these individuals are, their primary responsibility is to provide security, not to protect voters' rights or administer fair elections. We can fix this system by placing the responsibility for voter registration and ballot access where it should be—and properly is everywhere else in the state—with the county Boards of Elections. Engaging the community, no matter where they are, is one of the most fundamental citizenship activities and will strengthen our democracy and our communities.

At present, voting is under-prioritized by correctional facility administrators, often left to the reasonable efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. However, unlike the general public, detained individuals face obstacles that can prove impossible. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request, and tracking tools, as well as ballot-casting barriers like compromised privacy, jail-mail delays, or limited

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> (“Legislation is necessary to ensure uniformity in access to the ballot across the state.”).

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held while preserving flexibility for officials in populous and less populated areas to deploy a program tailored to their communities. First, significant corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to extensive congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements providing orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and outside their home counties. At a minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days before election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Brooklyn Voters Alliance strongly supports S6875-2024/A9612-2024.**

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<sup>5</sup> *Id.* at 1-3, 9.

<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

<sup>7</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJv>.

<sup>8</sup> Envision Freedom Fund, *Pretrial Detention in New York* (April 2022), <https://bit.ly/46DqOfU>.

<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.



**MEMORANDUM OF SUPPORT**  
**Democracy During Detention: S6875 (Myrie) / A9612 (Walker)**

**Bend the Arc: Jewish Action Long Island supports the enactment of the Democracy During Detention Act, S6875-2024 / A9612-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

Bend the Arc is a national organization building a multiracial, multiethnic, intergenerational movement of Jews and allies all across the country who are rising with conviction to build an American future free from white supremacy, antisemitism, and racism. Our Long Island chapter mobilizes over 550 people to advocate for a country built on Jewish values. One of those values is the right to vote, which many Jewish teachings frame not only as a civic duty, but as a mitzvah, a Jewish imperative. The ability to exercise one's right to vote is critical for having a voice in our democratic society, especially to hear those who are often most marginalized and impacted by systems of injustice.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, "many counties place the burden on detained individuals" to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

<sup>4</sup> *Voting in New York State Jails*, *supra* note 2, at 1-3.

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And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of color that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York's pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York's most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a "residual" voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Bend the Arc: Jewish Action Long Island supports S6875-2024 / A9612-2024.**

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<sup>6</sup> See, e.g., Rachel Landy and Jarret Berg, *Impact of New York's "Wrong Church" Ballot Disqualification Rule in the 2020 General Election*, at 6-8 (May 20, 2021), <https://bit.ly/WrongChurchReport>.

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# ALLIANCE OF FAMILIES FOR JUSTICE

## MEMORANDUM OF SUPPORT

Democracy During Detention: S6875 (Myrie) / A9612 (Walker)

**Alliance of Families for Justice supports the enactment of the Democracy During Detention Act, S6875-2024 / A9612-2024**, a proposal to codify the right to vote and guarantee fair, timely access to voter registration and at least one secure method of balloting for all detained citizens who have not been disenfranchised. The Democracy During Detention Act improves election oversight, uniformity, quality control and intergovernmental cooperation to better protect eligible citizens' fundamental rights.

Many citizens detained in jails have the *right* to vote (e.g., those detained pretrial or convicted of misdemeanors), yet their *access* to the ballot is severely limited.<sup>1</sup> A 2023 survey of county sheriffs' offices revealed that one-third of New York counties either have *no* jail voter access program in place or could not provide details of such a program despite persistent inquiry.<sup>2</sup> While detention by the state qualifies thousands of otherwise-eligible citizens to vote by absentee ballot, in the absence of a voter access policy that facilitates such voting, those ballots are not being cast. This bill amends the election law to provide for a modern voting access plan for this eligible population of citizens that equitably accounts for the circumstances of confinement, ensuring ballots can be cast and counted.<sup>3</sup>

The mission of Alliance of Families for Justice is to support, empower and mobilize families and individuals who have been impacted by incarceration so that they can marshal their collective power to improve their lives and their communities. A central focus of our work is to increase the civic engagement of our constituents. Research has shown that civic engagement is disproportionately low in communities and amongst individuals impacted by incarceration. The Democracy During Detention Act is a step in the

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<sup>1</sup> See Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

<sup>2</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3PLJCUh> ("Legislation is necessary to ensure uniformity in access to the ballot across the state.")

<sup>3</sup> Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

right direction to full restoration of voting rights to all citizens without restrictions based on incarceration status.

At present, voting is under-prioritized by correctional facility administrators, often left to the good efforts and variability of an unfunded coalition of the willing.<sup>4</sup> Without proactive coordination between elections and corrections officials to facilitate voter access, “many counties place the burden on detained individuals” to sort out eligibility and overcome registration barriers and mail delays. But unlike the general public, detained individuals face barriers that can prove insurmountable. Voter access can be hindered by limited access to stamps or internet-based resources like online registration, ballot request and tracking tools, and ballot-casting barriers like compromised privacy, jail-mail delays or limited language assistance.<sup>5</sup>

And sadly, the disproportionate impact of voter suppressive policies on low-income voters and citizens of Black and Latinx communities that are too frequently seen outside of correctional facilities<sup>6</sup> persist just as widely within correctional facilities.<sup>7</sup> In 2021, 78% of New York’s pretrial population was Black or Latinx.<sup>8</sup>

The bill improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to their communities. First, large corrections facilities in New York’s most populous counties will be included automatically in the existing absentee ballot collection program that currently directs bipartisan teams of election officials to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>9</sup> If enacted, local election boards serving at least 100,000 registered voters will coordinate a similar program with administrators of populous correctional facilities to provide both timely registration and voting, eliminating many barriers that can unjustly block legitimate political participation.<sup>10</sup> Second, instead of the in-person absentee program, bipartisan county election officials may deploy a polling place at populous correctional facilities during the final weekend before election day, so eligible confined citizens and facility staff can conveniently vote. These programs will be governed by cooperation agreements that provide for orderly and secure registration, balloting, language assistance, and delivery and retrieval of voting materials.

Third, the bill sets a statewide standard for a “residual” voter registration and absentee balloting program for all citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid. The State Board of Elections will

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<sup>9</sup> N.Y. Elec. Law § 8-407.

<sup>10</sup> Jurisdictions with at least 100,000 registered voters in 2023 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 21, 2023, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 22 facilities across the state with custody over 75 or more persons will be automatically covered by this program, improving access for thousands of eligible citizens.

also issue non-partisan voter education materials for mandatory distribution throughout corrections facilities.

This policy rectifies an ongoing injustice and improves parity of access to timely, effective, and secure balloting opportunities for eligible citizens in jails. Accordingly, **Alliance of Families for Justice supports the enactment of S6875-2024 / A9612-2024.**

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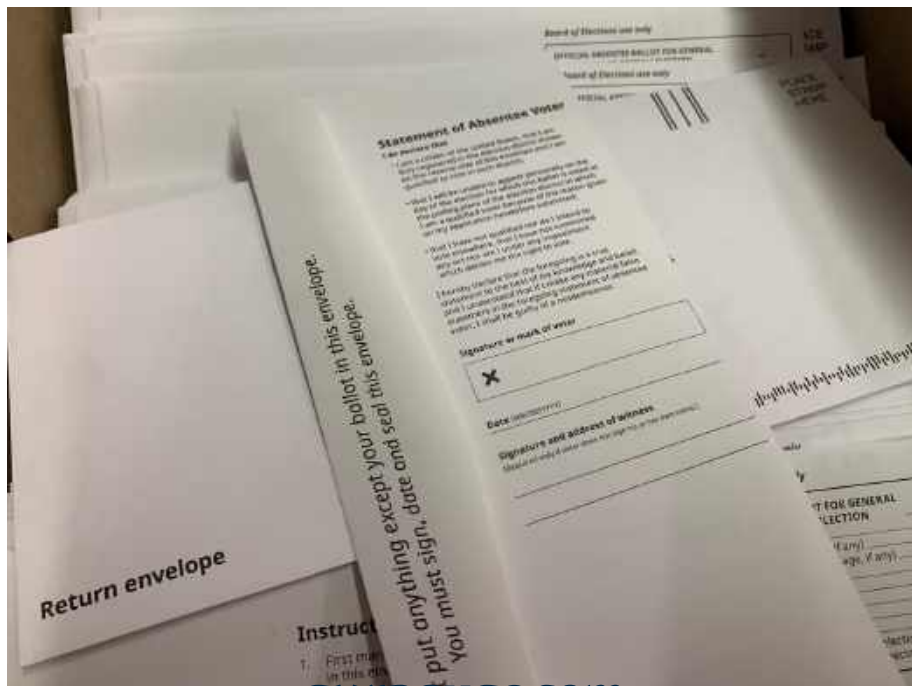
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OPINION

# People held in pretrial detention must be able to vote (Guest Opinion by Rachel Landy & Jarret Berg)

Published: Mar. 13, 2024, 10:58 a.m.



Citizens with the right to vote who are being held in jail cannot easily cure problems with their absentee ballots, including lack of a signature on the ballot envelope, write advocates from Vote Early New York. (Teri Weaver | [tweaver@syracuse.com](mailto:tweaver@syracuse.com)) Teri Weaver | [tweaver@syracuse.com](mailto:tweaver@syracuse.com)



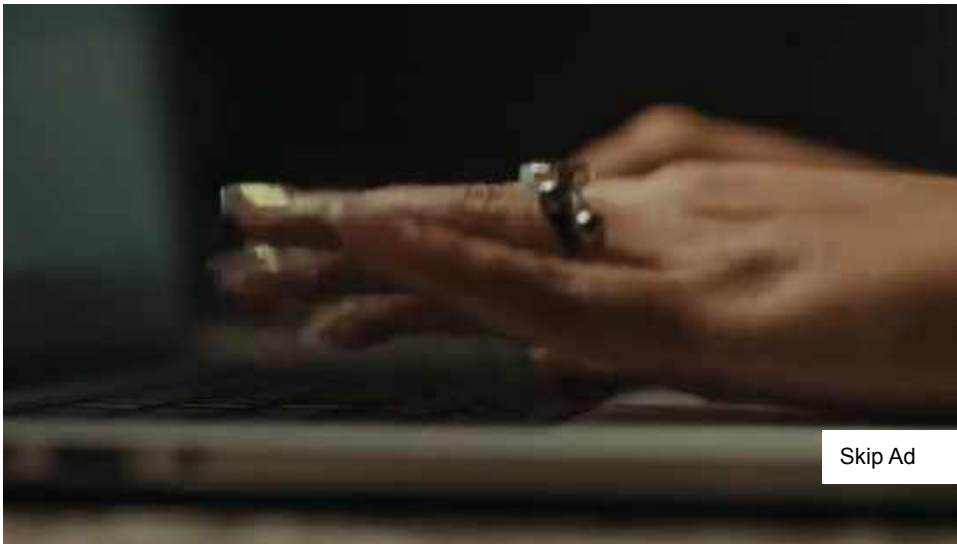
By Rachel Landy & Jarret Berg | Vote Early NY

*[Rachel Landy](#) is a policy advisor to the non-partisan Vote Early New York. [Jarret Berg](#) is a co-founder and voting rights counsel at Vote Early New York. They are based in New York City.*

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As the pivotal 2024 elections approach, lawmakers continue to dismantle hidden voting policies that disenfranchise eligible New Yorkers or needlessly restrict access. One population that uniquely fits both criteria are citizens detained in correctional facilities who have not lost the right to vote, but by virtue of their confinement, are effectively disenfranchised and chronically underrepresented in the electorate.



In New York, citizens are stripped of their voting rights when sentenced for a felony conviction. However, thousands of individuals are held in correctional facilities under various non-disqualifying circumstances, including pretrial detention. Those citizens have the *right* to vote, but as one recent study found, less than 1% actually cast ballots. As the

Legal Defense Fund explains, “having the *right* to vote is different from having the *ability* to vote.” And the status quo perpetuates this injustice: currently, there is no uniform corrections voting policy, nor accountability for facilitating voter access by eligible, detained American citizens.

A 2023 survey by New York’s *League of Women Voters* confirmed that only 11 of the 57 counties outside of New York City had “meaningful and effective programs” to facilitate voting by detained citizens and that “few counties make a serious attempt to enable those within their facilities to exercise this right.” Within New York City, the Marshall Project documented similar findings after the 2022 Midterms, despite laudable efforts by volunteers to enfranchise eligible citizens detained on Rikers Island. To remedy this inequity, Senator Zellnor Myrie has introduced legislation to provide reliable voting access for eligible citizens in jails.

Detained citizens currently have just one way to vote: via absentee ballot. However, these would-be voters typically lack access to the proper safeguards and best practices available to non-detained voters. The general population, for instance, has multiple failsafes that protect ballots from technical disqualification. Non-detained citizens can vote in person during early voting or on Election Day if their initial plan to vote by mail ballot is thwarted by a clerical hurdle, or if their ballot is lost or destroyed. Most voters can also readily access an online ballot tracker to monitor the status of their ballot from application to final disposition. Voters who return ballots with common defects, such as a missing inner affirmation envelope, are given an opportunity to cure them. Voters who are not jailed can also take speedy action to replace a destroyed or lost ballot until the day prior to Election Day.

For detained voting-eligible citizens, the circumstances of confinement can make ordinary access barriers and typical technical pitfalls insurmountable. These citizens have no guarantee that mail will be distributed before disqualifying deadlines. Nor is reliable internet access available to register to vote or request and track ballots or receive cure notices via email. And glaringly, while mail ballots include a postage-prepaid return envelope, downloadable applications to request them do not, nor do paper applications to register to vote.

The new proposal provides election administrators across New York with flexible access options, building upon an existing voting framework at populous nursing homes and VA hospitals. At these facilities — where large volumes of eligible citizens are concentrated — a team of bipartisan election officials distributes absentee ballots to voters who then mark and return them to the election administrators, serving these citizens more efficiently and at scale. By coordinating these visits with facility officials, the benefits to both the voters and the quality of election administration are manifold: Ballots can be marked privately and returned directly to election officials. With trained, bipartisan officials on hand, frequently asked questions can be answered, accommodations for citizens with disabilities or limited English proficiency can be provided, and some common technical errors that disqualify perfectly good votes can be addressed on site, without need for a follow-up cure process.

The Senate legislation automatically applies this program to large correctional facilities in the most populous counties (where bipartisan officials also have the option of deploying a poll site instead). For less populous facilities and counties, the bill formalizes a residual absentee voting program, improving on the voter registration, absentee balloting and educational efforts that currently depend upon a dedicated but amorphous coalition of the willing. Critically, the proposal mandates cooperation between local election and corrections officials to ensure these programs are administered in a comprehensive, secure, respectful and safe manner. And, for the first time, the right of eligible citizens to vote would also be enshrined in the corrections law, akin to the fundamental freedom to worship.

For many voting rights advocates, eliminating blanket disenfranchisement laws is the north star. But there are critical, iterative steps that policymakers can take ahead of another monumental election to ensure that every citizen who has the right to vote can effectively access and exercise that right.

# Making Democracy Work: Democracy during detention – A critical step for voting rights

Arts & Entertainment   Columns   Making Democracy Work

by TBR Staff - Apr 18, 2025



*METRO photo*

**By Clyanna Lightbourn**

In New York State, thousands of eligible citizens are routinely denied access to the ballot—not because of a law, but because of logistical failure and oversight. These are New Yorkers held in local jails—people who have not lost their right to vote under state law but are effectively unable to exercise it. Voter suppression isn't always loud or explicit; sometimes it happens quietly, buried in bureaucracy, process, and inaction.

Most people in jail are detained pretrial or serving time for a misdemeanor—circumstances that do not result in the loss of voting rights. As of January 2025, over 12,700 people held in New York's jails were legally unsentenced and likely eligible to vote, yet very few are able to cast a ballot.

Barriers to voting include a lack of internet access, no access to stamps, minimal information about how to register or request an absentee ballot, and limited or no coordination between jails and Boards of Elections. A 2023 League of Women Voters report found that one-third of counties in New York State either have no jail voter access program or couldn't describe how it worked. These gaps result in ballots not being cast—not because of disinterest, but because of institutional neglect.

In other institutional settings—like nursing homes and veterans' hospitals—Boards of Elections conduct in-person visits to help residents register and vote. But even those programs vary widely. When it comes to jails, the disparity is sharper.

Despite similar absentee voting eligibility, New York State has no consistent jail-based voter access program, unlike what is required in nursing homes under Election Law § 8-407. There are no regular ombudsmen, no uniform voter education, and no state-enforced protocols for voter registration or ballot return. Examples of jail staff coordinating with election officials to deliver and return absentee ballots are rare and highlight the need for uniformity, not ad-hoc goodwill. That's not how democracy should work.

The Democracy During Detention Act (S440/A2121) provides a bipartisan, commonsense solution. Sponsored by New York State Senator Zellnor Myrie and New York State Assemblymember Latrice Walker, and backed by dozens of legislative co-sponsors, the bill would ensure that every eligible voter held in a local jail has a fair and equal path to the ballot.

The legislation requires county Boards of Elections to provide at least one method of jail-based voting access—either through in-person absentee ballot collection visits, or by establishing on-site polling places for early voting. These programs would be governed by formal coordination between local election and corrections officials, much like those already in place for nursing homes and hospitals. The bill also guarantees privacy, ensures language access, and affirms voting rights under the New York Voting Rights Act.

This isn't about changing who can vote. It's about making sure everyone who is already eligible can actually cast a ballot—because voting rights mean nothing without real-world access.

Civic participation also has broader benefits. Research shows that individuals who vote after incarceration are less likely to be rearrested, and more likely to successfully reintegrate. Engagement builds public safety. Exclusion undermines it.

New York has made progress—restoring voting rights to people on parole, expanding early voting—but we've left a glaring gap in our jail system. And that gap has a racial and economic edge: in 2021, 78% of New York's pretrial jail population was Black or Latinx.

The Democracy During Detention Act is more than a policy update—it's a test of our values. It draws a clear line in the sand: Do we believe in equal access to democracy, or do we allow systemic neglect to continue disenfranchising thousands of our fellow New Yorkers? This is a moment for lawmakers—and for all of us—to decide what kind of democracy we're building.

If we believe in a democracy that includes everyone—not just the well-connected or the free—then we must ensure that the right to vote is more than a promise on paper. The Democracy During Detention Act draws a clear line: either we uphold access to the ballot for every eligible New Yorker, or we allow silence and neglect to continue disenfranchising thousands.

This is our moment to choose. Call your lawmakers. Speak out in your community. Join the growing coalition demanding action. Because in a true democracy, no one should lose their voice just because they lost their freedom.

*Clyanna Lightbourn is Campaign Director, Democracy During Detention Act for LWVNY. For more information or sources contact [Clyanna@lwvny.org](mailto:Clyanna@lwvny.org)*



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**OPINION** This piece expresses the views of its author(s), separate from those of this publication.

# New York bill aims to protect voting rights for people in jails | Opinion

Your Turn **Carla Michalak** Guest Columnist

March 6, 2026, 4:33 p.m. ET



Across the country, access to democracy is under sustained attack. Voting rights are being narrowed, administrative barriers are multiplying, and entire communities are being pushed further from political participation. In this moment, states like New York have a responsibility to do more than signal support for democracy — they must actively protect it.

That responsibility includes people held in local jails.

Under New York law, many people detained in county jails retain their right to vote. Some are awaiting trial and have not been convicted of any crime. Others are serving misdemeanor sentences that do not affect their eligibility. Yet in practice, access to the ballot while detained remains inconsistent and unreliable, particularly outside major metropolitan areas.

In Broome County, there is already a jail-based voting program coordinated by the local League of Women Voters. That matters. It shows that participation is possible even in a custodial setting. But recent experiences also reveal the limits of programs that rely on informal processes rather than clear, enforceable standards.

There have been instances where people detained in the Broome County Jail registered to vote but never received a ballot. When that happens, the failure is not abstract. It is concrete. An eligible voter attempted to participate in democracy and was shut out by a system that did not follow through.

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This is not about individual bad actors or isolated mistakes. It is about structure.

Jail-based voting is treated as optional rather than as a core responsibility of election administration.

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When responsibility is unclear, accountability is weak. And when accountability is weak, people who are already marginalized become invisible.

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The Democracy During Detention Act (DDDA) is designed to address this gap.

The bill does not expand who is eligible to vote. It does not create new rights. It ensures that existing constitutional rights are carried out by placing responsibility for voter registration and ballot access in local jails with Boards of Elections — the entities already charged with administering elections fairly and consistently.

For counties that already have jail-based voting programs, the Democracy During Detention Act would strengthen and stabilize that work. For counties where access remains inconsistent or incomplete, it would establish a clear, uniform framework. In either case, it reduces the likelihood that eligible voters are registered but never receive a ballot.

If passed, the Democracy During Detention Act would ensure access to the ballot for all. People do not lose their voice simply because they are behind bars. The DDDA creates a mechanism for accountability that connects people in custody to the communities they come from and will return to.

The Democracy During Detention Act is a practical step toward ensuring that access to democracy does not depend on geography, detention status or political climate.

Contact your state legislators and ask them to vote yes for Democracy and to ensure ballot access for those detained in jails across New York.

*Carla Michalak is Vice President of the League of Women Voters of Broome and Tioga Counties.*



## Opinion: New York must lead the fight for democracy in 2025. Here's how we do it.

The state Legislature has several bills it should pass to bolster voting access.



President Donald Trump is rolling back Biden-era voting rights initiatives. HILL STREET STUDIOS/GETTY IMAGES

By LATRICE WALKER AND KARINES REYES | MARCH 19, 2025

As President Donald Trump's administration ramps up its attacks on hard-won freedoms, New York leaders face a critical choice: Will we allow assaults on our democracy to undermine our voting system, particularly for communities of color? Or will we take bold, decisive action to protect and expand the right to vote for all New Yorkers?

The stakes couldn't be higher. Trump has already rolled back President Joe Biden's [executive order](#) on voting rights, signaling that more aggressive moves are coming. The administration won't stop there.

Fortunately, New York has a playbook to defend democracy – if we have the will to use it. Rather than sitting back and allowing Trump to attack our voting rights, we can act now to defend voting rights for eligible New Yorkers in detention, expand voter access through enhanced automatic voter registration and fully fund our election systems to empower every eligible voter in our state.

### Protecting voting rights for detained New Yorkers

The right to vote does not disappear simply because someone is detained pretrial or convicted of a misdemeanor. Yet, New York's current system makes it nearly impossible for these eligible individuals to exercise their fundamental rights – an injustice that has stained our democracy for decades. The Democracy During Detention Act ([S440/A2121](#)) would correct this by establishing the infrastructure needed to facilitate voting for eligible detainees.

This issue is urgent. With Trump's promise of mass deportations, thousands of eligible New Yorkers – primarily Black and brown New Yorkers – could be mistakenly detained and effectively stripped of their voting rights. Even now, detained people struggle to exercise their rights, and the threat of mass detentions only amplifies the need for immediate action. With the looming threat of detention ensnaring thousands of New Yorkers, we must now ensure that eligible detained New Yorkers retain their right to vote.

### Expanding voter access with enhanced automatic voter registration

While we address current threats, we must also prepare for the long-term fight to preserve democracy. The most effective step we can take is to expand the electorate, and make sure that as many New Yorkers as possible are enfranchised and given the power of the ballot. The Enhanced Automatic Voter Registration bill (S88) would bring more than 2 million eligible but unregistered voters into our democracy – voters who are disproportionately low-income people of color.

The bill would work by automatically registering eligible voters during interactions with key state agencies, including the Department of Motor Vehicles, the Department of Health and public assistance offices. Importantly, the bill would improve election security by using automated verification to prevent errors that could inadvertently register ineligible individuals. It also helps keep voters registered when they move, which is crucial in a state where rising housing costs force many New Yorkers to relocate – particularly Black and brown New Yorkers facing gentrification and at risk of having their registration status not being updated.

Legislation alone isn't enough; we need to put our money where our mouths are. New York has historically ranked near the bottom for voter participation, and our reforms won't reach their full potential without robust voter education and outreach. That's why the state must allocate at least \$10.8 million in the upcoming budget to ensure that government agencies – including SUNY, the state Department of Corrections and Community Supervision, and the New York City Housing Authority – have the resources needed to inform New Yorkers of their rights and assist them in registering to vote.

These funds would directly support outreach to marginalized communities, low-income residents and students, helping bridge the gap between voter eligibility and actual voter participation.

### New York must set the standard

With the potential for a hostile administration that is eroding rights at a breakneck pace, New York must take the lead. By passing Enhanced Automatic Voter Registration, enacting the Democracy During Detention Act and providing critical funding for voter outreach, we can protect and bring the power of the ballot to millions of New Yorkers.

We cannot afford to be complacent. New York has a responsibility to set the standard and ensure that every eligible voter – regardless of income, race or even incarceration status – can make their voice heard. Now is the time to act.

*Latrice Walker represents Assembly District 55 in Brooklyn and chairs the Assembly Election Law Committee. Karines Reyes represents Assembly District 87 in the Bronx.* [c](#)

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Opinion: Attacks on voting rights have begun – New York must be bold and fight back  
Now is the time for Albany to pass voting rights bills and devote more resources to voter outreach and education.



Murad Awawdeh, president and CEO of the New York Immigration Coalition, and L. Joy Williams, president of the New York State Conference of the NAACP. NYIC AND KRISTEN BLUSH

By Murad Awawdeh and L. Joy Williams | APRIL 2, 2025

President Donald Trump continued his unconstitutional campaign to dismantle American democracy last week, this time issuing an executive order that will disenfranchise millions of eligible voters. We should be honest about what is really happening here. Trump claimed the executive order is intended to prevent noncitizens from voting. In reality, because it is already illegal for noncitizens to vote in federal elections, [it almost never happens](#).

What's really happening (under the details) is the most significant attack on the right to vote in years and meant to throw up new obstacles to voter registration and voting for millions of eligible voters. That's why the order was widely condemned by numerous state election officials, and groups like the ACLU, [which have threatened legal challenges](#).

But it's also clear after the U.S. Supreme Court rolled back the precedent in *Roe v. Wade* that we can no longer rely on it to respect precedent and protect our rights. There's never been a more critical time for lawmakers in Albany to step forward.

Now is the time for Albany to defend the right to vote for all eligible New Yorkers in detention, expand voter access with enhanced automatic voter registration and support our election officials and state agencies with the resources to ensure all eligible voters in New York know about their voting options.

While the current administration is seeking to limit the right to vote, New York should fight to ensure that as many New Yorkers as possible are given the power to vote. The Enhanced Automatic Voter Registration (S88) bill would bring in more than 2 million eligible but unregistered voters – including many New Yorkers who are low-income people of color who have been excluded from participating in our democracy.



We also know that even under our current system it is in practice nearly impossible for eligible voters who are detained in jails and other detention facilities to exercise their right to vote. The Democracy During Detention Act (S6875/A9612) would correct this injustice by establishing the infrastructure needed to facilitate voting for eligible detainees.

Voting rights bills can't live up to their potential if state agencies are not informing people of their rights. That's why the state must allocate at least \$10.8 million in the upcoming budget for implementation of these bills and voter outreach and education.

As legislators in Albany work on the state budget, these common-sense reforms on voting should be incorporated into the budget. These attacks on voting from Washington, D.C. make clear that we are again living in a time when the fierce urgency of now demands action.

**L. Joy Williams is a seasoned political strategist, civic leader, and speaker. She serves as President of the New York State Conference of the NAACP. Murad Awawdeh is a Staten Island resident and Arab-American Muslim son of immigrants. He is the President and CEO at the New York Immigration Coalition (NYIC). He serves as a member of the Justice 2020 Committee, and as Commissioner of the New York City Civic Engagement Commission.**

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Over fifty years ago, the United States Supreme Court ordered New York State to amend its absentee ballot qualifications to provide access to the ballot for those citizens who are detained pretrial, awaiting grand jury action, or serving a misdemeanor sentence.<sup>1</sup> The New York State legislature complied, and amended the qualifications to include voters: in jail or prison for any reason other than a felony conviction. This includes anyone who is awaiting grand jury action, awaiting trial, or serving a sentence for a misdemeanor.

However, true access to voter registration, civic education, non-partisan candidate and issue information, and absentee ballots remains elusive.

We know this because in 2023, the League of Women Voters of New York [LWV NY], through its Criminal Justice Reform Committee, conducted a statewide survey of county sheriffs' offices to determine the status of voting. I am the person who conceived and conducted that survey, and wrote the report, **Voting in New York State Jails: A Qualitative Analysis**, June 2023.<sup>2</sup>

We know that our conclusions about the status of voting in jails are accurate and complete. We had an astounding 78.9% response rate from the sheriffs' offices. Upon publication of the report in June 2023, the LWV NY was invited to speak to the New York State Sheriffs Association at its annual meeting in January 2024. No one has disputed our findings.

***Statewide what we learned from the survey is that the availability of voting depends on the authority of the sheriff, not on the current law.***

Eleven (11) counties and New York City Department of Corrections [NYC DOC] have some form of voting program that includes offering voter registration materials, designating an officer or staff person to be responsible for distributing timely information, and sometimes working with outside organizations like the LWV or local community-based or faith-based organizations to offer voter registration services.

However, the extent of these efforts varies greatly. Most jails do not record the number of registrations or requests for absentee ballots. One jail relied on the local LWV to maintain those records. Two (2) other counties said they maintained records, but that registration and voting were rare. Although these jails provide information on registration and voting in handbooks, electronic tablets, or on electronic kiosks, we do not know whether this information is highlighted and appropriately updated, or whether and how registration and voting are actively solicited. In smaller county jails, the registration and voting process can be as simple as a quick canvas around the jail to see if anyone is interested in voting. Many counties expressed that voting has never been requested in its facilities, implying a lack of awareness of detained individuals.<sup>3</sup>

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<sup>1</sup> O'Brien v. Skinner, 414 U.S. 524 (1974).

<sup>2</sup> <https://lwvny.org/wp-content/uploads/2023/09/LWVNYS-Voting-in-Jails-Report-1.pdf>

<sup>3</sup> *Id.* at p.3.

We did not survey voting at Rikers Island because the LWV NYC is a member of the Vote in NYC Jails Coalition<sup>4</sup> [Coalition] and had knowledge of the collaboration between members of the Coalition and the NYC DOC staff. Although the NYC DOC had hired a staff member to coordinate efforts between the Board of Elections and the Coalition to register voters, provide accurate and timely information about candidates and issues on the ballot, and provide civic education, as other members of the Coalition will testify to, those efforts have not succeeded. The Rikers program is the most extensive program the LWV NY found within New York State, yet it falls short.

We need statewide legislation to ensure consistent access to the ballot for this isolated population of citizens who are entitled to exercise their right to vote in all elections. The most effective way to bring the ballot into Rikers Island is to establish a polling site there for both staff and residents.

Five years of experience working on voting issues at Rikers Island has revealed the barriers to an effective program that provides voter registration, nonpartisan voter information, civic education, access to the ballot, and an opportunity to cure absentee ballot issues, as required by law. Some of these barriers include:

**Limited Access to Rikers Facilities:** There has never been a comprehensive plan to reach all of the facilities at Rikers where potential voters reside. During the bi-monthly visits, Coalition volunteers are often visiting the same buildings and not expanding access to other potential voters in other buildings.

**Consistent Publicity About Voter Registration Activities:** The Coalition has been working with the NYC DOC to improve notification of when voter registration volunteers will be visiting Rikers, however, that publicity is often inconsistent. Posters, oral announcements, and notification on tablets are required before each visit, due to changing populations and individual reliance on different forms of notification.

**Opportunity to Cure Voter Registration and Absentee Ballot Applications:** Ordinary voters have an opportunity to cure voter registration forms and absentee ballot applications. That correction process is not available to Rikers voters. To facilitate correcting these forms, the registration forms and applications for an absentee ballot should be timely returned to BOE with a method for conveying the necessary corrections to the individual registrants. That method does not now exist.

**Opportunity to Cure Absentee Ballot Errors:** From the figures received in 2024, there does not appear to be an opportunity for Rikers voters to cure any ministerial errors on the ballots, as required by law. The absentee ballot is notoriously complex, often requiring

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<sup>4</sup> The Legal Aid Society, The Office of the Public Advocate, Latino Justice, NYCLU, Freedom Agenda, PROP, National Action Network, Legal Action Center, League of Women Voters of NYC, and Halt Solitary.

help in completing correctly. There is no access to non-partisan, non-DOC personnel to help Rikers residents with completing the ballot. We learned this year that residents are presented with their ballots and required to immediately complete them, without privacy, the time needed to thoughtfully cast a vote, and at a time when other activities might be conflicting. Rikers residents need a quiet, private place, and a time of their choosing, in order to meaningfully exercise their right to vote.

**Timely and Comprehensive Data Collection:** Meaningful access to accurate numbers of voter registrations, requests for absentee ballots, absentee ballot submissions, rejection rates, and opportunities to correct are necessary in order to oversee and improve voting on Rikers Island. The Coalition has not always had timely access to these figures despite election certification deadlines.

**Meaningful Civic Education:** Access to the ballot without meaningful civic education creates a hollow right. This past year the Coalition was able to provide information to the DOC for uploading onto the tablets and for distribution to potential voters during voter registration drives. However, there is a need to provide non-partisan civic education to this population of potential voters throughout the year so that there is an understanding of the issues, the candidates, and most importantly, how meaningful access to the ballot strengthens our democracy and Rikers residents' roots in their communities.

Denying access to the ballot to detained citizens at Rikers Island is a denial of an essential right of citizenship. It is also a missed opportunity to encourage behaviors that have been linked to better reintegration back into society and reduced recidivism. Although there is not a lot of research on the relationship between voting and recidivism, we do know from limited studies that “ex-felons who are able to re-enter society with stable work and familial relationships are less likely to engage in criminal activity.”<sup>5</sup> Furthermore, research has demonstrated that “active participants in the democratic process are more likely to adopt the shared values of their broader community.”<sup>6</sup> Most importantly, listen to the men and women who have been justice impacted who know from their experiences how essential access to the ballot can be to reestablishing identity and a meaningful life.

Respectfully submitted,

Hazel Weiser  
Member of the League of Women Voters of NYC and NY

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<sup>5</sup> Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 COLUM. HUM. RTS. L. REV. 193, 196 (2004), cited in Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 LA RAZA L.J. (2015).

<sup>6</sup> *Id.* at p. 198.



April 14, 2026 Testimony of Kai Rosenthal, League of Women Voters of the City of New York

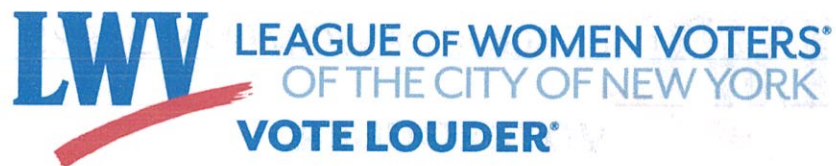
Thank you Chairs Brewer and Brooks-Powers, and members of both Committees, for convening this hearing today.

I am Kai Rosenthal, Co-President of the League of Women Voters of the City of New York — a nonpartisan, grassroots, volunteer-led organization committed to civic participation and voting rights, and a proud founding partner of the Vote in NYC Jails Coalition.

The League is here today with our Coalition partners to bring to the forefront priority issues of accessing the vote at Rikers. Today I want to focus on voter education. The people detained at Rikers have a uniquely large and dramatic stake in how this city is governed. They are more directly affected by decisions made about courts, public defense, housing, health care, policing, and pay equity than almost any other single population. The vast majority of people detained there are pretrial and retain their full right to vote. They are not outside our democracy. They are part of it.

The League has spent over a century doing the work that transforms a legal right into an exercised one — helping people understand what is on their ballot, which issues affect their lives, how government works, and why their participation matters. That work requires sustained civic education. At Rikers, it is almost entirely absent.

The Department of Correction devotes one staff role, at half-time, to civic engagement for the entire population, about 7000 people. The approved civics presentation is outdated and rarely reaches those who need it. Tablets — the primary vehicle for sharing information — are unevenly distributed and frequently broken. Through the Coalition's efforts, the 2025 Mayoral debates and the League's civic explainer, Who Makes NYC Run, were made available on those



tablets. But access remains inconsistent. At one of the Coalition's monthly voter registration days at Rikers last week, people were hungry for basic information: Who is on the ballot? What do they stand for? What do these offices do? Why does my vote matter? Those are not complicated questions. They are exactly what civic education is supposed to answer — and the DOC is not answering them.

We welcome the DOC's plan to add two external civic programming staff. It is a step in the right direction, but it is absolutely not enough.

Civic education may not be a legal requirement, but the League believes it is a government obligation. Democracy does not sustain itself — it requires investment, especially in the communities most often excluded from it. Volunteers and coalition partners should not be the last line of defense against systematic disenfranchisement and engagement. An educated voting population requires regular access to the internet, as well as public community forums and events. Voters at Rikers lack these opportunities to obtain voter information that you and I enjoy year round. The city's charter and local laws list many affirmative requirements for agencies around voter registration. The city should enact the same type of affirmative requirements to ensure and protect a person's right to voter education and information.

We are calling for a comprehensive civic education program at Rikers: sustained, multilingual, and properly resourced — not a pamphlet, not a one-time presentation, but regular, frequent programming that prepares detained New Yorkers to participate meaningfully in our democracy. We are also asking for a polling site at Rikers which is essential to protecting voting rights of this community.

The League and Coalition stand ready to work with the Council to make this a reality. Thank you.

**From:** [NYSNAACP Civic Engagement](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] NAACP Testimony: Voting on Rikers, Joint Hearing of the Committees on Governmental Operations, State and Federal Legislation, and Criminal Justice  
**Date:** Wednesday, April 15, 2026 9:27:30 AM

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[REDACTED]

The Political Action Chair of NAACP New York State Conference submits this testimony in support of the Democracy During Detention Act, S440/A2121, and urges the New York City Council to pass a resolution calling on the State Legislature to enact it this session. The NAACP is committed to protecting civil rights, equal political participation, and full access to democracy for Black communities and all New Yorkers.

New Yorkers held in local jails while awaiting trial or serving misdemeanor sentences have not lost their right to vote. Yet in practice, that right often goes undelivered. A 2023 League of Women Voters survey found that one-third of New York counties either had no jail voting policy or could not describe their practices. The problem is especially urgent at Rikers Island. Public reporting in 2024 showed that the Board of Elections had received absentee ballot applications from only about 8% of the roughly 6,000 people detained there, and Council proceedings this spring similarly described only about 8% of the Rikers population as voting while the jail population had climbed toward 7,000. The current model relies heavily on correctional staff and ad hoc coordination to move forms and ballots between the jail and the Board of Elections, rather than a fully administered election-access system led by election officials. It shows.

That failure falls hardest on Black and Brown communities that are already disproportionately impacted by detention, criminal legal system contact, and civic exclusion. When the right to vote exists on paper but cannot be effectively exercised, democracy is diminished. The Democracy During Detention Act is a commonsense fix because it places responsibility where it belongs—on election officials and the institutions charged with administering access to the ballot—while creating a more uniform, workable framework for voter registration, ballot access, and voter education for eligible people in custody. So again, we urge the Council to pass a resolution supporting S440/A2121 and to communicate that urgency directly to Albany. Democracy should not stop at the jailhouse door for people who still have the right to vote.

Respectfully submitted,

Charles Johnson Esq.  
*Political Action State Chair*  
**NAACP NYS Conference**

[REDACTED]



**TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE**

**before the**

**Committees on Governmental Operations, State & Federal Legislation, and Criminal  
Justice**

**IN RELATION TO**

**Voting on Rikers Island; Ints. 0786-2026 and 0797-2026**

**by**

**Elizabeth Bender**

**Senior Policy Counsel, Criminal Defense Practice**

**April 14, 2026**

Dear Chairs Brewer and Brooks-Powers:

I am Elizabeth Bender, Senior Policy Counsel with the Criminal Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan. Each year, our attorneys represent nearly 8,000 clients in New York County's criminal, housing, and family court systems, and in federal immigration courts. Our social workers and advocates support clients by providing referrals to services, connections to benefits, and support throughout their legal cases.

NDS writes to urge the City to prioritize increasing voting access for everyone at Rikers Island, and in support of Ints. 0786-2026 and 0797-2026. These bills are important steps towards ensuring that voting is easier for people at Rikers Island, and that their votes are counted.

We want to share the experiences of our staff who have registered people at Rikers Island and suggest ways the Department of Correction, the Board of Elections, and the City can improve that process. Most importantly, we want to underscore one of the Committee's findings in its Report for today's hearing: there are too many opportunities for a person in custody at Rikers Island to be unsuccessful at voting. The Board and the Department must work together to ensure that every eligible voter at Rikers Island has the opportunity to vote—and at Rikers Island, almost everyone is eligible, since the majority of people are held pretrial—and that their votes are counted. Allowing people to vote on-site at the facility where they are detained must be the goal. But until then, the Department and the Board must provide robust access to registration and absentee ballot support.

Our staff's experiences volunteering to register people to vote at Rikers Island have been very positive. Volunteers meet with people in custody in their housing areas and spent an hour or two talking together. For an afternoon, the seclusion of Rikers Island gave way to community and conversation. There is great value in this part of the process: bringing the outside world, and outside eyes and ears, into our City's jails. The Department staff who facilitated these events were enthusiastic and grateful to the

volunteers. The Department provided travel from the Bulova building directly to the facility, which saved the volunteers hours of time waiting for the Rikers buses. Once the volunteers arrived at the facility, Department staff made sure they met with people in custody who had expressed an interest in registering.

There are several ways the Department could improve its registration drives. First, the Department should alert people in custody in advance about registration drives. Our staff reported that the people in custody did not know that volunteers were coming to the facility to register people to vote that day. If more people in custody knew about the drive, more people could have registered.

Second, the Department and the Board of Elections should have staff available to answer questions throughout the drive. People in custody asked the volunteers many good questions about voting: when will my absentee ballot arrive? Who do I give it to when I'm done? How will I know it's been counted? But volunteers had not been trained on these questions, and Department staff were not available to answer them. At a minimum, the Board should create a guide on voting while incarcerated to ensure that people in custody have accurate information. In particular, people in custody wanted to know how they can be sure their votes would actually be counted, perhaps reflecting skepticism of the voting process. Such skepticism is not unfounded: the Committee Report for today's hearing found that only 72 absentee ballots cast by people in custody were returned and actually counted in the June 2024 primary.<sup>1</sup>

Third, the Department should create regular opportunities for registering to vote and requesting absentee ballots in all facilities. People in custody at Rikers move around frequently: they are transferred to other facilities on the island, they go to court, they have programs and medical appointments. Holding sporadic, unannounced registration drives in the facilities is not enough to ensure every eligible voter can register—there are too many ways for a person in custody to miss the opportunity.<sup>2</sup> The Department

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<sup>1</sup> New York City Council, Committees on Governmental Operations, State and Federal Legislation and Criminal Justice, Committee Report of the Legislative Division, *Oversight: Voting on Rikers*, Apr. 14, 2026, p. 11.

<sup>2</sup> This is also borne out by the Committee's report: only 364 people held at Rikers requested absentee or early ballots for the June 2024 primary. *Id.* at 11; see also p. 10 ("DOC selects the facility to visit [for registration drives], and given the limited number of visits for a facility as physically large and populous as Rikers, it is unclear how often any given housing unit is visited in a year to register voters.").

should either schedule more regular volunteer drives, train facility staff in registration and absentee ballot request procedures, or both.

Finally, we write in support of Ints. 0786-2026 and 0797-2026. The bills are crucial first steps towards greater enfranchisement for people held at Rikers Island. Data on registration activities and ballot curing is essential to better diagnose and eliminate the barriers to voting on Rikers. We suggest that both bills be amended to require data from the Board of Elections in addition to the Department of Correction.

Thank you for the opportunity to provide testimony. Please contact me with any questions.

Good afternoon chairs Brewer & Brooks-Powers the members of the committees. My name is Pharein Griffith and I am the Chair of Civic Engagement at the New York branch NAACP, the first chartered branch of the oldest civil rights organization in the country, that has championing voting rights since its inception, and I am/we are a member of the Vote in NYC Jails coalition. On behalf of the NAACP NYS Conference, thank you for hosting this hearing and the opportunity to testify today.

Although New York state has NOT taken away the voting rights of those awaiting trial, it sure seems that way. When there isn't a meaningful or permanent way for eligible voters who are incarcerated for non felony convictions or awaiting trial to exercise their right to vote. We understand as with nursing homes, eligible incarcerated voters would vote via the absentee ballot. However, the absentee ballot voting process is less of a permanent way of voting and less engaging with the voters with results like 335 voted out of nearly 7,000 housed on Rikers Island, and that's only due to the work of Vote in NYC Jails Coalition. Only one name/person can be authorized to pick up or receive Absentee Ballots on behalf of a voter based on election law, so if the designated person is out on vacation or out sick, voters can't receive their absentee ballots. Which means, they can't vote!

As of recently, there were special elections in February for 2 districts in Manhattan and 1 in Queens, but no one housed on Rikers voted or knew about them. Mainly because the designated person now works alongside the commissioner. How are voters to know there are elections if the DOC is in control of voting?

Interestingly, DOC testified to having had a working relationship with the BOE for years. The BOE entered the conversation, only after I brought in BOE while I worked at the Public Advocate 's office as Civic and Community Empowerment Organizer due to the DOC false account of absentee ballot pick up & drop off process. Saying "the BOE calls the day before and expects me to run around to each borough to pick up ABs". Which is untrue.

In 2024, the coalition asked for more voter registration days due to the 4 elections and party enrollment change deadline, and had to explain why it was important for those extra voter registration days. If the DOC had a working relationship with BOE, they would have known about the presidential primary, federal & state primaries, and general election that took place that year. The DOC wouldn't have a set amount of days (16) for voter registration, the days would coincide with elections.

The Vote in NYC Jails coalition can only conduct voter registration drives on the designated days set by the DOC. Even after special identification cards were issued to a few coalition members to conduct voter registration drives on any day of the week, without escorts, and as long as they presented their ID. This hasn't been honored in a couple of years. Then DOC put a limit on the amount of volunteers. Which limits the amount of outreach. The DOC is not consistent in any way to provide full access to voting, and makes up the rules as they go along.

How would the DOC protect voter's rights and privacy? They don't! As far as DOC is concerned those housed on Rikers Island don't have any privacy or rights. Which is evident by the hostile environment on the island. A voter's privacy is very important, to avoid voter intimidation, fraud, and to encourage participation.

The Board Of Elections oversees elections for all voters NOT housed at Rikers Island, so why wouldn't the BOE oversee elections on Rikers Island? A civilian employee on Rikers Island oversees the voting. An employee who doesn't know or understand election laws, voting rights, an employee who may not be an avid voter themselves, who may not care if those housed on Rikers even vote. The civilian isn't necessarily a full-time employee.

Vote in NYC Jails coalition has worked very hard to establish a working relationship with DOC to make sure the eligible voters get to exercise their vote. However, it's the DOC who determines the days the coalition gets to engage with eligible voters. In addition to voting, there is voter education, and voters should know which elected office(s), candidates they are voting for and ballot measures. The coalition's partnership with CFB/NYC Votes makes what little education that takes place possible.

The coalition also hosts monthly meetings for years with DOC, CFB, CEC, Elected officials, Civil Rights organizations, and the Queens Public Library to commit to providing full voting access to the eligible voters on Rikers Island. BOE has recently joined the meeting. Why would there be a contract for an outside organization, Empower, Assist, and Care to now come in to conduct the work that the coalition has been doing? Why wouldn't the contract be offered to one of the orgs in the coalition like, NAACP (NY Branch), League of Women Voters, Latino Justice, the Queens Public Library, or a civic group?

NYC has agencies to educate voters, why isn't there a mandate for CFB and CEC to conduct voter education workshops on Rikers Island? With a polling site on Rikers Island, the three city agencies, BOE, CFB/NYC Vote & DOC would establish an ongoing working intergovernmental partnership/collaboration.

Thank you, again for the opportunity to testify.

In Community,  
Pharein Griffith  
Steering Committee member  
Vote in NYC Jails Coalition

Executive Committee member &

Chairwoman,  
Civic Engagement committee  
New York Branch NAACP

**April 14, 2026**

**Committee on Criminal Justice, Jointly with the Committee on Governmental Operations, State & Federal Legislation**

**Oversight – Voting on Rikers**

Jill Anderson

Prison, Jails, and Reentry Services Assistant Director  
Queens Public Library

Chair Brooks-Powers, Chair Brewer, and members of the Committees on Criminal Justice and Governmental Operations, State & Federal Legislation:

Queens Public Library (QPL) is committed to our vision of a vibrant, informed, cohesive, and empowered society. System-wide, we educate and support New Yorkers by providing resources on voter registration, the voting process, voter rights, civic engagement, and more. Additionally, we partner with the NYC Board of Elections to have our branches serve as polling sites and with NYC Votes to distribute their materials, such as voter guides, and host their educational programs. As part of this work, Queens Public Library is a member of the Rikers Voting Coalition.

QPL has been a part of the Coalition since January 2022, when the NYC Department of Correction (DOC) invited us to participate. In the four and a half years since, QPL staff have attended Coalition meetings, created dozens of voting and candidate guides for paper distribution and for the tablets used by detainees, created custom posters outlining specific voting deadlines, and distributed Coalition publications and other civic engagement materials to thousands of detainees at Otis Bantum Correctional Center (OBCC) during our twice-weekly library service on Rikers. Furthermore, we continuously promote the importance of voting and democratic engagement within our jail population to our internal and external partners.

Queens Public Library supports actions that create a more informed, civically-engaged population throughout the five boroughs, including at Rikers Island.

Thank you for the opportunity to testify on this important matter.



Legislative Affairs  
125 Broad Street, 19<sup>th</sup> Floor  
New York, NY 10004  
212-607-3300  
www.nyclu.org

**Testimony of the New York Civil Liberties Union  
to  
The New York City Council Committee on  
Governmental Operations, State & Federal Legislation**

**April 14, 2026**

The New York Civil Liberties Union (NYCLU), the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and over 100,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, through an integrated program of litigation, legislative advocacy, public education, and community organizing.

Protecting and upholding the fundamental right to vote—a right recognized as essential in the preservation of other rights—is core to our organization’s mission. To this end, the NYCLU respectfully submits the following testimony to the New York City Council Committee on Governmental Operations, State & Federal Legislation regarding voting in City jails.

**I. Eligible, Detained Voters Are Casting Ballots at Low Rates in New York City.**

In New York, individuals who are detained but being held pretrial or on a misdemeanor conviction retain their right to vote.<sup>1</sup> However, many eligible voters detained in jail are either unaware of this fact or face barriers in casting a ballot.<sup>2</sup>

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<sup>1</sup> N.Y. Elect. Law § 5-106(2)-(5); *see also O’Brien v. Skinner*, 414 U.S. 524 (1974) (case originating in New York recognizing that eligible, detained voters must be afforded the right to vote an absentee ballot like others who are unable to vote in person).

<sup>2</sup> For examples of the types of barriers that can exist preventing individuals from successfully casting a ballot from jail, *see* Naila Awan & Shruti Banerjee, *How to End De Facto Disenfranchisement in the Criminal Justice System*, Demos, May 20, 2020, <https://www.demos.org/policy-briefs/how-end-de-facto-disenfranchisement-criminal-justice-system>; Ginger Jackson-Gleich & Rev. Dr. S. Todd Yeary, *Eligible, but Excluded: A Guide to Removing the Barriers to Jail Voting*, Prison Policy Initiative, Oct. 2020, [https://www.prisonpolicy.org/reports/jail\\_voting.html](https://www.prisonpolicy.org/reports/jail_voting.html).

This is true in New York City, despite concerted efforts since 2020 that have aided individuals detained at Rikers in registering and requesting a ballot.<sup>3</sup> Reporting indicates that in recent elections voting in City jails has ranged from approximately 5 to 8 percent.<sup>4</sup> And these numbers should not be discounted based on the idea that there is, perhaps, just a lack of interest.

Indeed, when jails have made voting more accessible, through not only dedicated outreach and education efforts, but by allowing eligible detainees to cast ballots in-person whether through absentee voting procedures or at polling booths, there is often a notable increase in participation.<sup>5</sup> There have even been times when these efforts have resulted in eligible voters in jail casting ballots at a higher rate than the general public.<sup>6</sup>

## II. Current Procedures Create Hurdles in Exercising the Right to Vote in New York City Jails.

As noted in *The City*, at present, detainees can only vote if they request a ballot “via snail mail or an online portal.”<sup>7</sup> These ballots are delivered “through the mail or by correction staff,” with the time it can take to process mail potentially dragging on for weeks.<sup>8</sup>

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<sup>3</sup> Press Release, *On Election Day, Vote in NYC Jails Coalition and Electeds Demands Polling Sites and Equal Access to the Ballot for Incarcerated New Yorkers*, The Legal Aid Society, Nov. 4, 2025, <https://legalaidnyc.org/wp-content/uploads/2025/11/On-Election-Day-Vote-in-NYC-Jails-Coalition-and-Electeds-Demands-Polling-Sites-and-Equal-Access-to-the-Ballot-for-Incarcerated-New-Yorkers-.pdf> (describing the work of the Vote in NYC Jails Coalition since 2020).

<sup>4</sup> See, e.g., CityMeetings.NYC, *Q&A: Comparison of Voting Rates Between Rikers Island and General Public*, Committee on Governmental Operations, State & Federal Legislation, Mar. 21, 2025, <https://citymeetings.nyc/meetings/new-york-city-council/2025-03-21-1000-am-committee-on-governmental-operations-state-federal-legislation/chapter/comparison-of-voting-rates-between-rikers-island-and-general-public/> (noting only about 8 percent of the Rikers population had voted in the most recent general election); Isabella Gallo, *Advocates, City Council Push for Polling Place on Rikers as Elections Board Says Hands Tied by State Law*, amNY, Apr. 14, 2026, <https://www.amny.com/new-york/advocates-push-rikers-polling-place/> (noting that 92 percent of individuals detained at Rikers are eligible to vote, but less than 5 percent cast a ballot); Reuven Blau, *Ballots Behind Bars: Council Pushes Rikers Island Voting Overhaul*, The City, Apr. 14, 2026, <https://www.thecity.nyc/2026/04/14/incarceration-voting-rights-ballot-rikers-island-elections/> (noting that “just 335 of roughly 6,000 eligible detainees cast absentee ballots in the last general election”).

<sup>5</sup> See, e.g., Naila Awan, *Jail-Based Polling Locations: A Way to Fight Voter Disenfranchisement*, Prison Policy Initiative, Oct. 25, 2022, [https://www.prisonpolicy.org/blog/2022/10/25/jail\\_voting/](https://www.prisonpolicy.org/blog/2022/10/25/jail_voting/) (examining turnout at seven jails across the country offering polling locations or on-site absentee voting).

<sup>6</sup> *Id.* (“In the June 2022 primary, roughly 25% of people detained at the jail (1,384 of the 5,560 people) cast their ballots. This location was so successful that people at the jail actually voted at a higher rate than registered voters in the city of Chicago (20%).”).

<sup>7</sup> Blau, *supra* note 4.

<sup>8</sup> *Id.* Delays with the jail-mail process can result in individuals being unable to meet election deadlines.

There are numerous efforts elections administrators and jails can undertake to improve these and other processes<sup>9</sup>—including by expediting the treatment of election mail; ensuring timely in-person drop-off, pick-up, and transmittal of election-related materials; and making sure that those detained are offered a meaningful opportunity to cure any errors with absentee ballots. With the NYC Department of Correction noting that efforts to facilitate voting and ensure the timely receipt of election materials are undertaken by the “Department’s Civic Engagement Coordinator and Programs Division,” in some instances in collaboration with the Board of Elections,<sup>10</sup> the NYCLU urges a close examination of current practices and an assessment where the City is able to reduce barriers in order to prevent eligible voters from being disenfranchised. Our organization would be happy support these efforts and further discuss mechanisms for improving current practices.

Further, we support efforts to bring greater transparency and understanding to the jail voting process, like that proposed by Int. 797. Such measures can aid in better understanding how the current system is working and where improvements must be made. To aid in this objective, we would encourage that, in addition to the items Int. 797 requires be reported, several others datapoints also be gathered, disaggregated by facility. The additional data points the NYCLU would suggest including are:

- the number of absentee ballots returned by detainees;
- the number of absentee ballots returned that were counted; and
- the number of absentee ballots returned that were not counted, with the reason why tabulated (i.e., the number of ballots not counted because they were not returned by the deadline, there was an issue needing cured, etc.).

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Our City must do better to ensure that eligible voters who are in detention are not prevented from exercising their right to vote. The NYCLU deeply appreciates that the Committee is examining this issue and is happy to serve as a resource as these efforts move forward.

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<sup>9</sup> See, e.g., *supra* note 2.

<sup>10</sup> NYC.gov, *NYC Department of Correction Gets Out the Vote*, NYC Department of Correction, <https://www.nyc.gov/site/doc/media/doc-vote.page> (last visited Apr. 14, 2026).



## Jail-based Voting in NYC

Bob Libal

Senior Organizing Strategist  
The Sentencing Project

April 14, 2026

Written Testimony to Joint Hearing of  
NYC Government Operations  
Committee and Corrections Committee

Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. For more than a decade, we have produced research on disenfranchisement due to a felony conviction and advocated for rights restoration and the expansion of facility-based voting for eligible voters behind bars.

We are thankful for this opportunity to submit testimony on jail-based voting in New York City. We thank Chair Brooks-Powers and Chair Brewer for their attention and leadership on this issue. We are further grateful to our partners who continue to advocate for strengthening democracy by expanding ballot access to all eligible voters, including those who are in New York City jails.

The Sentencing Project urges the New York City Council to support the Democracy During Detention Act, NY State Senate Bill 2025-S440<sup>1</sup>, to ensure that all eligible New Yorkers held in local or state jails are able to register and vote. We further encourage the Council to enact city legislation to ensure there is proper infrastructure for all eligible voters to cast a ballot at the New York City jail complex on Rikers Island and in new borough-based jails.

## **ENFRANCHISEMENT IS A DEMOCRATIC RIGHT AND A RACIAL JUSTICE ISSUE**

For individuals in jail, if they are pre-trial, not yet sentenced for a felony conviction, or serving a sentence for a misdemeanor offense, they are eligible to vote. Nationwide, around 657,500 people are incarcerated in jails and 69% of those individuals are not yet convicted of a crime.<sup>2</sup> This means they retain their voting rights. Yet, research finds that when community members spend time in jail, voter participation declines. Both in New York and nationally, this disproportionately affects people of color and those with less financial resources.

In New York City, 84% of the more than 6,600 people incarcerated at Rikers are detained pre-trial.<sup>3</sup> Most New Yorkers in jails should therefore be able to vote. Strikingly, 93% of people in detention at Rikers are people of color.<sup>4</sup> Due to the disproportionate incarceration rates of Black and Latino New Yorkers,<sup>5</sup> voting from jail is a pressing racial

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<sup>1</sup> S. 440, New York State Senate, 2025-2026 Reg. Sess. (N.Y. 2025).  
<https://www.nysenate.gov/legislation/bills/2025/S440>

<sup>2</sup> Zeng, Z. (2025). Jails report series: 2024 preliminary data release. Bureau of Justice Statistics.

<sup>3</sup> Data Collaborative for Justice. (n.d.). [New York City jail population tracker](#). Retrieved April 5, 2026.

<sup>4</sup> Data Collaborative for Justice. (n.d.). New York City jail population tracker. Retrieved April 5, 2026, from <https://nyc-jail-population-tracker.datacollaborativeforjustice.org/>

<sup>5</sup> Napal, D., & Budd, K. M. (2025). [New York should restore voting rights to over 33,000 citizens](#). The Sentencing Project.

justice issue. Jail should not lock Black and Latino New Yorkers out of the democratic process.

Voting from jail is also an economic justice issue. According to the The United States Commission on Civil Rights, “more than 60% of inmates are detained prior to trial due to an inability to afford posting bail.”<sup>6</sup> A poverty penalty results in lack of access to one’s voting rights. As researcher Ariel White has found, “pretrial incarceration reduces voting, especially among people who are Black and/or low-income.”<sup>7</sup>

## **JAIL-BASED VOTING PROGRAMS ARE SUCCESSFUL**

There are models of voter engagement throughout the country that have increased voter participation among people held in local jails. In some places, robust jail-based voting programs, including the development of polling locations inside the jail, have resulted in higher voter participation amongst eligible voters in the jail than in the broader community.

- In Chicago, the Cook County Jail established its first jail-based polling location in 2020. Before polling stations were established in jail, voter turnout was less than 7% by absentee ballot. By contrast, during an election in 2023, voter participation increased to over 50% of eligible voters — the highest rate of participation of any polling location in Chicago.<sup>8</sup>
- In Colorado, in 2024, at least 2,332 people voted from jails across Colorado, representing approximately 25% of the jail population. This was an increase from 380 people voting in 2020, around 4%.<sup>9</sup> This expansion in voting access followed the passage of SB 24 in 2024, which requires in person voting in county jails and for county clerks and recorders to coordinate with sheriffs to facilitate voting for eligible incarcerated people.<sup>10</sup>

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<sup>6</sup> Wang, T. (2024). [Jail Based Voting in Washington, DC](#). Ash Center at Harvard University.

<sup>7</sup> White, A. (2022). Political participation amid mass incarceration. *Annual Review of Political Science*, 25.

<sup>8</sup> Sheridan, J. (2023, April 3). [As city’s most active voting precinct, Cook County inmates vote with help from jail and advocates](#). *Chicago Tribune*.

<sup>9</sup> Burness, A. (2025, March 4). [Jail voting soars in Colorado after state mandates polling places in county lockups](#). *Bolts*. Office of Research & Statistics. (n.d.). *Jails & corrections - jail data population*. Colorado Division of Criminal Justice. Retrieved January 7th, 2026, from <https://dcj.colorado.gov/dcj-offices/ors/dashb-jcs-jailpop#>.

<sup>10</sup> Voting for Confined Eligible Electors, S.B. 24-072, 74th Gen. Assem., 2nd Reg. Sess. (Colo. 2024). <https://leg.colorado.gov/bills/sb24-072>

- In Denver County, Colorado, during the November 2023 coordinated election, turnout rate for Denver County Jail and Denver Detention Center was 43%, compared to 37% of all registered eligible voters state-wide.<sup>11</sup>
- In Washington DC, advocates and officials undertook a decades-long effort to expand voting rights for incarcerated people.<sup>12</sup> They can now vote in person in the jail or vote by mail. During the November 2024 general election, 83% of the jail-based registrants cast their vote. By comparison, 71% of community-based registrants cast their vote.<sup>13</sup>

Jail-based voting programs have also taken hold in communities in California, Nevada, and Texas among other states around the country. As the Prison Policy Initiative puts it, “Jail-based voting locations are not only feasible; they’re effective: when people know they can vote from jail, they will vote.”<sup>14</sup>

## **VOTING MATTERS FOR BETTER PUBLIC SAFETY OUTCOMES**

Encouraging voting amongst justice-impacted people has a positive relationship to improved public safety. Retaining one’s voting rights regardless of involvement in the criminal legal system can be viewed as a public safety strategy.

Research supports the link between justice-impacted individuals having the right to vote and voting to reduce recidivism. Research in Minnesota demonstrated that those with a criminal history were significantly less likely to be re-arrested if they voted in a presidential election. Furthermore, research shows that voting helps keep justice-impacted citizens connected to their communities and bolsters their civic identity.<sup>15</sup>

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<sup>11</sup> Wang, T. (2024). [Jail-based voting in Denver: A case study](#). Ash Center for Democratic Governance and Innovation, Harvard Kennedy School.

<sup>12</sup> Wang, T. (2024). [Jail-based voting in the District of Columbia: A case study](#). Ash Center for Democratic Governance and Innovation, Harvard Kennedy School.

<sup>13</sup> DC Corrections Information Council (CIC) & DC Board of Elections (BOE). (2025). [Thematic report: Implementation of recommendations regarding Restore the Vote Amendment Act 2020 as of 2024 general election](#). DC CIC & DC BOE; DC BOE. (2024, December 2). [General election 2024 - certified results](#). DC BOE.; 2024 General Election for the DC jail only: 655 registered voters. Of those, 544 people voted.

<sup>14</sup> Awan, N. (2022, October 25). [Jail-based polling locations: A way to fight voter disenfranchisement](#). Prison Policy Initiative.

<sup>15</sup> Budd, K. & Monazzam, N. (2023, April). [Increasing Public Safety by Restoring Voting Rights](#), The Sentencing Project.

The Sentencing Project applauds New York City for taking up the issue of voting at Rikers. We encourage city leaders to expand access to the vote for eligible incarcerated voters at Rikers and any new city detention facilities and to encourage statewide passage of the Democracy During Detention Act.

A handwritten signature in black ink that reads "Bob Libal". The signature is written in a cursive, slightly slanted style.

Bob Libal  
Senior Organizing Strategist  
The Sentencing Project  
[blibal@sentencingproject.org](mailto:blibal@sentencingproject.org)

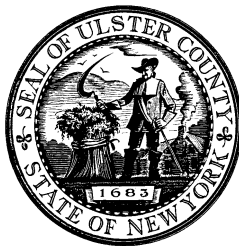
# ULSTER COUNTY BOARD OF ELECTIONS

**ASHLEY TORRES**

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## **Testimony of Ashley Torres**

Commissioner, Ulster County Board of Elections

Before the New York City Council

Hearing on "Voting on Rikers"

April 14, 2026

Chair and members of the Council,

My name is Ashley Torres, and I serve as a Commissioner of the Ulster County Board of Elections. Thank you for the opportunity to submit written testimony on expanding access to voting for individuals detained at Rikers Island.

I am writing to share our direct experience implementing a jail-based voting program in Ulster County, and to underscore a simple but critical point: this is not complicated, it is not costly, and it does not require building a new system. It is fundamentally a matter of coordination and commitment.

Most people detained in jail still have the right to vote. Yet in practice, those voters face significant barriers. In New York, eligible detained individuals must vote by absentee ballot, a process that requires multiple steps; requesting, receiving, completing, and returning a ballot, often within tight timelines and under difficult conditions.

We found that each of those steps poses significant obstacles to detained citizens, whose mail service is not reliable or prompt and who lack regular access to online registration, ballot request and tracking tools that have been launched over the last few years.

Rather than accept those barriers, we took a straightforward approach: we brought the process directly to the voters.

In partnership with our county jail, we conducted an on-site visit with bipartisan staff and trained volunteers. We brought voter registration forms, absentee ballot applications, and ballots themselves. With appropriate safeguards in place, we worked directly with eligible individuals to ensure they could participate in the election.

The results were immediate and meaningful. During a single visit:

- Individuals were registered to vote for the first time
- Absentee ballot applications were completed and processed on site

- Ballots were completed and returned directly to our office

Just as importantly, voters were able to ask questions, receive guidance, and engage directly with election officials, something many had never experienced.

This model works because it removes friction from a process that is otherwise inaccessible in a detention setting. We were able to avoid many common issues with the ballots on the spot, eliminating the need for subsequent back and forth to cure defects that can disqualify valid ballots.

I want to emphasize: nothing about this program required new infrastructure.

In fact, this approach mirrors a system that already exists in New York State. State election law already requires that we make similarly bipartisan visits to facilitate in-person absentee voting at nursing homes and Veterans Administration hospitals for each election. That system has been in place since 1988 and has proven to be both effective and scalable.

Extending that same framework to correctional facilities is a logical next step.

From an administrative standpoint, this is straightforward:

- Boards of Elections already manage absentee voting
- Staff are already trained in bipartisan procedures
- Ballot handling, chain of custody, and scanning processes already exist
- Coordination with facility staff is operational, not structural

From a cost perspective, the program is minimal. It primarily involves staff time and coordination, resources that Boards of Elections already deploy for other legally mandated outreach.

From a policy perspective, it ensures that eligible voters are not effectively disenfranchised due to logistical barriers.

Most importantly, it fulfills our responsibility as election administrators. We have a duty to ensure all eligible voters – including voters detained in jails – can exercise their right to the franchise, and sometimes that means taking access to the franchise to them.

The experience in Ulster County demonstrates that this can be done efficiently, securely, and in a fully bipartisan manner.

For New York City, the opportunity is even greater. With coordination between the Board of Elections and the Department of Corrections, a program like this could be implemented at scale, building directly on systems that already exist.

This is not about creating something new, it is about making sure the systems we already have reach everyone they are intended to serve.

Thank you for your time and for your leadership on this issue. I am happy to answer any questions, please feel free to contact me directly either by phone or email.



# **Testimony of Vote Early NY**

at the

## **Oversight Hearing on Voter Access on Rikers**

Presented to the

### **New York City Council Committees on Criminal Justice and Governmental Operations, State & Federal Legislation**

**April 14, 2026**

**Contact:**

Jarret Berg, Co-Founder and Voting Rights Counsel, VoteEarlyNY  
[Jarret.berg@VoteEarlyNY.org](mailto:Jarret.berg@VoteEarlyNY.org)

Good Afternoon Chairs Brooks-Powers and Brewer and Members of the New York City Council Committees on Criminal Justice and Governmental Operations, State & Federal Legislation. Thank you for hosting this important oversight hearing on effective voter access on Rikers.

My name is Jarret Berg, Co-Founder and Voting Rights Counsel at VoteEarlyNY, a nonprofit created by voting rights advocates to educate and inform New Yorkers about their voting rights and ensure that much-needed election reforms are designed and implemented responsibly, in the spirit with which they were enacted, and made accessible to all New York voters.

I am here today to highlight the glaring voter access injustice burdening thousands of our fellow citizens detained pretrial and presumed innocent or serving for misdemeanor offenses who retain their fundamental right to vote; share what I've observed about the slow-but-steady quest to overhaul and modernize the worst attributes of New York election law, improve access and quality of administration, and shield voters from its harshest impacts; and to urge the New York City Council to pass a resolution calling on Albany lawmakers to enact the Democracy During Detention Act (DDDA) (S440 (Myrie) / A2121 (Walker)), along with Intros 786 and 797.

This comprehensive framework has the potential to significantly improve equitable and effective access to the ballot for more than 12,000 New Yorkers in custody who we estimate are eligible to vote, roughly half of whom are held in New York City facilities. The DDDA codifies the right to vote for detained citizens who have not been disenfranchised and requires local election and correction officials to put together a robust, well-resourced voter registration, language access, and balloting program for Rikers and successor facilities ahead of elections.<sup>1</sup>

To date, the DDDA proposal championed by former Senate Elections Chair Myrie and Assembly Election Law Chair Walker has garnered support from more than 30 local, state, and national voting and civil rights organizations. The bill is backed by 18 Senate Sponsors and 33 Assembly Sponsors; is a 2026 priority of both the Let NY Vote Coalition and the BIPOC Democracy Table; and, is included as a 2026 legislative priority of the Democratic Election Commissioner's Caucus of the state Election Commissioners Association (NYSECA).<sup>2</sup>

### **Race, Rights, Equity and the Voter Access Disparity in Jails**

According to the Vera Institute's April 10, 2026 *Snapshot of the NYC Jail Population*,<sup>3</sup> of the 6,631 persons in custody on Rikers and other facilities, more than 88% of the population is Black or Latinx and the vast majority (5,681 persons or more than 85%) are being held pretrial.

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<sup>1</sup> *Democracy During Detention Act*, S440 / A2121 (N.Y. 2026) §§ 2 and 4 ["DDDA"], <https://bit.ly/47TP7J2>.

<sup>2</sup> Press Release, *New York's Democratic Election Commissioners Back Democracy During Detention Act (DDDA) As 2026 State Legislative Priority*, League of Women Voters of NYS, Jan. 26, 2026, <https://bit.ly/424WDxb>.

<sup>3</sup> *Snapshot of the NYC Jail Population (4/10/2026)*, New York Criminal Legal System Data Hub, Vera Institute for Justice, <https://www.vera.org/ny-data-hub/jail>.

This is not an aberration, the data is frustratingly persistent. In June 2024, 88.6% of the people in custody at Rikers reportedly were African American and Hispanic.<sup>4</sup> Despite recent criminal justice reforms, Black New Yorkers were reportedly admitted to Rikers at more than 11 times the rate of White New Yorkers in 2021 and Black and Hispanic people accounted for almost 90% of jail admissions coming out of the Pandemic, while comprising just 52% of the City’s population.<sup>5</sup> For decades, these communities have been disproportionately represented in New York City jails.<sup>6</sup>

In addition, because of New York City’s incredible language diversity, the absence of a modern voter access program for Rikers and successor facilities perpetuates a significant additional barrier to participation among citizens in DOC custody with limited english proficiency.<sup>7</sup>

When enacted, the DDDA will bring language-related assistance in voting to the extent required by the New York Voting Rights Act (NYVRA) to Rikers, as well as coordination with the Civic Engagement Commission’s poll site language assistance program prescribed by the Charter, to the extent justified by the needs of the voters actually in DOC custody.<sup>8</sup>

Additionally, a DDDA-compliant voter access plan must include planning for and allocation of resources like assistive devices and reasonable accommodations for persons with disabilities, consistent with that provided to voters who are not detained.<sup>9</sup>

In New York, individuals are stripped of their right to vote while serving a sentence for a felony conviction. Citizens detained pretrial or serving time in jail for a misdemeanor have not lost their *right* to vote, yet their *access* to the ballot is severely limited, if not obstructed entirely.<sup>10</sup>

For context, this is a glaring statewide challenge. A 2023 survey by the *NYS League of Women Voters* revealed that only 11 of the state’s 57 counties outside of New York City had “meaningful

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<sup>4</sup> Alice Finno, *Incarcerated People on Rikers Island Face the Risk of Systematic Disenfranchisement*, Colum. News Serv. (Nov. 3, 2024), <https://bit.ly/4tKGnx1>.

<sup>5</sup> Reuven Blau, *Racial Gap in City Jails Has Only Gotten Worse, John Jay Study Finds*, The City, Mar. 2, 2023, <https://www.thecity.nyc/2023/03/02/racial-gap-nyc-jails-got-worse/>

<sup>6</sup> Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, Data Collaborative for Justice (Feb 2023), <https://bit.ly/3RrzsJy>.

<sup>7</sup> Alice Finno, *Incarcerated People on Rikers Island Face the Risk of Systematic Disenfranchisement*, Colum. News Serv. (Nov. 3, 2024), <https://bit.ly/4tKGnx1>.

<sup>8</sup> DDDA, S440 / A2121 (N.Y. 2026) §§ 4, 7, and 14. See NYC Charter § 3202(a)(4)(a); N.Y. Election Law § 17-208. DDDA extends the NYVRA’s enhanced language-related assistance requirement to populous correctional facilities when more than 2% (but not less than 300 individuals) are members of a single language-minority group and are limited English proficient. See N.Y. Election Law § 17-208.

<sup>9</sup> DDDA, S440 / A2121 (N.Y. 2026) §§ 2, 4, and 5. See N.Y. Election law § 4-104(1-a).

<sup>10</sup> Madalyn Stewart, *Voting Rights Behind Bars: Election Accessibility for Voting-Eligible Populations in New York Jails*, Critique (Spring 2022), <https://bit.ly/46RDujJ>.

and effective programs.”<sup>11</sup> Without a clear policy, voter access for these eligible voters is inconsistent, falling to local sheriffs, corrections staff, and civic groups, none of whom are actually tasked by state law to administer or facilitate access to voting.

While detention by the state technically permits New Yorkers to vote by absentee ballot, the failure, over decades, to develop, fund, and facilitate a reasonable voter access program for the thousands of eligible New Yorkers detained in jails is a form of structural voter suppression by process (or the lack thereof). It may operate through institutional neglect instead of a disenfranchisement statute, but for too many citizens in jails, the outcome is effectively the same.

For many election cycles, a dedicated New York City coalition of the willing made up of lawyers and civic volunteers from an array of critical non-profits has helped fill this void, providing ad hoc support in the form of people-powered monthly registration and ballot application visits.

This substitute for a modern, properly funded and resourced, government-led voter access plan for thousands of eligible voters confined in jails is, as one leader described it, “a band aid in a flood.”<sup>12</sup> This is wholly inadequate to reach the thousands of eligible voters held across nine facilities spanning more than 400 acres.

Despite the noble commitment by local volunteers, the low participation rate and substantial attrition at each stage confirm the need for a modern overhaul, which must include changes to the election law. Toward that end, this Council can help by passing a resolution calling on Albany lawmakers to enact the Democracy During Detention Act (DDDA) (S440 (Myrie) / A2121 (Walker)) before they depart in June.

### **Section 1057-a. Agency Based Voter Registration and its Limitations**

As noted in the *Committee Report*, more than 25 years ago, Local Law 29 (2000) made the DOC a participating agency for agency-based voter registration, requiring it to offer voter registration, provide assistance in completing forms, and transmit completed registration forms to NYCBOE.<sup>13</sup>

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<sup>11</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 7-8 (June 2023), <https://bit.ly/3N0LEUJ>. (“Legislation is necessary to ensure uniformity in access to the ballot . . .”).

<sup>12</sup> Brigid Bergin, *Most People on Rikers Island are Eligible to Vote. Thousands Don't Get to*, Gothamist, Sept. 19, 2024, <https://gothamist.com/news/rikers-island-voting-election-2024>.

<sup>13</sup> New York City Charter §1057-a (“Each agency designated as a participating agency . . . shall implement and administer a program of distribution of voter registration forms . . . Such agencies shall also receive and transmit the completed application form from any applicants . . . to the board of elections for the city of New York.”). “Participating agencies shall adopt such rules and regulations as may be necessary to implement this section.” *Id.* at (1). “Participating agency staff shall provide assistance in completing these distributed voter registration forms, . . .” *Id.* at (2). Agencies must also timely transmit completed forms to the board of elections. *Id.* at (3)(c). Participating agencies must “prominently display promotional materials designed and approved by the board of elections”, and submit semi-annual reports on implementation of their program. *Id.* at (7) and (8).

Generally speaking, agency-assisted voter registration is sound policy. The statutory registration requirement is imposed by the state and is a regulatory barrier to accessing our fundamental right to vote, ostensibly balancing integrity concerns.<sup>14</sup> By designating and directing a wide swath of government agencies to support a policy of expanding voter registration to all who are eligible and by creating registration opportunities when New Yorkers interact with government (e.g. ACS, the city clerk, community boards, departments for the aging, health and mental hygiene, and homeless services, TLC, etc.), the registration access barrier can be significantly overcome.

In addition to the general requirements placed on all participating agencies, the department of correction has additional voter access responsibilities placed upon it, in light of their control over the literal freedom of the eligible detained citizens in their custody, and due to heightened logistical barriers to voting that result from the circumstances of their confinement.<sup>15</sup> These duties extend to election administration tasks that are more appropriately placed upon trained bipartisan election officials and poll workers, to ensure effective access to voting at other types of large congregate facilities like nursing homes and VA hospitals.<sup>16</sup>

The additional duties require the department to “implement and administer a program of distribution and submission of early mail and absentee ballot applications, and subsequently received early mail or absentee ballots, for eligible incarcerated individuals.” This requires the department to “offer, to all incarcerated individuals who are registered to vote, early mail and absentee ballot applications, and a means to complete them,” in the run up to a primary, special, or general election “until two weeks prior to any such election” and then provide any ballots received from the board of elections to the relevant voters. DOC must also “provide assistance” in filling out applications or ballots upon request and timely transmit completed applications and ballots to the board of elections.<sup>17</sup>

Despite these heightened requirements, current voter access at DOC facilities is largely *ad hoc*, based on good will and good graces and spotty access, rather than law, comprehensive policy, adequate training, staffing and budgets.

Rather than coordinating with Board of Elections officials on a comprehensive, proactive annual voter access plan for the thousands of citizens in their custody, as the Committee Report notes, “DOC officials rely on volunteers and community groups to help incarcerated individuals fill out voter registration forms and absentee and early mail voting requests” and “a single person

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<sup>14</sup> N.Y. Const. Art. II §§ 5 and 6; EL § 5-100.

<sup>15</sup> See New York City Charter §1057-a (9); Local Law 138 of 2016.

<sup>16</sup> See EL §§ 8-406 and 8-407.

<sup>17</sup> New York City Charter §1057-a (9). For completeness, during intake the department of probation must distribute a written notice on the voting rights of persons sentenced to probation, and upon release, DOC must distribute a notice on the voting rights of formerly incarcerated persons, and offer a voter registration form. *Id.* §1057-a (10) and (11).

responsible for ensuring that the forms for anyone held on Rikers Island are delivered to the Board of Elections,” and “for delivering all the absentee ballots completed” to the Board.<sup>18</sup>

The result is that today there are “several points at which a ballot request or ballot is handed off or placed in the mail prior to entering NYCBOE custody” creating opportunities for an otherwise-eligible voter to be unsuccessful in voting. The Committee Report explains:

Available data further shows substantial attrition at each stage of the voting process, including applications that are not processed, ballots that are not delivered, completed ballots that are not returned, and returned ballots that are ultimately not counted. This pattern indicates systemic breakdowns across multiple points in the voting process rather than isolated issues.<sup>19</sup>

In light of this frustrating reality, a comprehensive overhaul of state law regulating this voter access challenge is needed to properly address this injustice. Although persuading BOENYC to lead a robust, effective voter access program in line with the DDDA framework may necessitate action from Albany, voluntary pilot programs in competitive bell-weather counties modeled on the election law’s program for populous nursing homes and VA hospitals provide insight into how such a program can work in practice (albeit on a smaller scale).<sup>20</sup>

For example, in Ulster County, where bipartisan election officials have voluntarily conducted in-person voter registration and absentee balloting visits at their local jail for several years, the BOE officials provide voters with “ballots to complete on-site so that they could be scanned at the Board’s office without delay. That means there was no drop-off between the people who sought and received ballots, and those who actually voted.” Reflecting on this BOE-led voter registration and absentee ballot collection program, Ulster Commissioner Torres said: “We found the addition of the jail to our absentee outreach to be incredibly easy to integrate.”<sup>21</sup>

### **How the Democracy During Detention Act (DDDA) Framework Can Help**

The DDDA establishes a modern framework that improves access to voting for detained eligible citizens wherever they are held, while preserving flexibility for officials in populous and less populous areas to deploy a program tailored to the needs of their communities.

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<sup>18</sup> Committee Report of the Legislative Division, New York City Council, *Oversight: Voting On Rikers*, 4-5, Apr. 14, 2026, <https://bit.ly/4vstw4p>.

<sup>19</sup> *Id.* at 10-12.

<sup>20</sup> See N.Y. Election Law § 8-407.

<sup>21</sup> Brigid Bergin, *Most People on Rikers Island are Eligible to Vote. Thousands Don't Get to*, Gothamist, Sept. 19, 2024, <https://gothamist.com/news/rikers-island-voting-election-2024>.

One premise underlying the DDDA framework is that the chief structural obstacle to equitable and effective voter access for eligible New Yorkers detained in jails is the literal absence of *any* policy in state election or correction statutes codifying the right to vote for jailed citizens, and prescribing minimum access standards and safeguards for a program that takes into account the heightened barriers to voting resulting from the circumstances of confinement. In light of the restrictions on a person’s freedom inherent in confinement in jail, any effective program must be based on proactive coordination and planning between election and correction officials.

If enacted, local election boards serving at least 100,000 registered voters, including the NYCBOE, will need to develop a robust facility voter access plan for any facility with 75 or more persons detained “in consultation and cooperation with and countersigned by” DOC leadership or their designated democracy officer (if such a role eventually exists). The plan must be vetted and approved by the state board of elections well ahead of the start of voting. Facility plans for Covered Facilities<sup>22</sup> must describe all major details of the program including “the dates, times, and location or locations where registration and voting will take place; proposed staffing levels; election equipment and materials to be deployed; how detained citizens will be informed of voter eligibility; the technology, electricity, and cybersecurity needed to effectuate the plan; and voting procedures, security measures and other considerations relevant to ensuring secure and accessible voter access at the facility.”<sup>23</sup>

First, Covered Facilities in New York’s most populous counties will be included automatically in the existing Board of Elections-led absentee ballot collection program that currently directs bipartisan teams of trained election officials and poll workers to conduct in-person visits to large congregate facilities like nursing homes or hospitals, to distribute and collect voting materials.<sup>24</sup> Local election officials will develop a similar program to provide voter eligibility education, timely voter registration and balloting, eliminating many existing barriers that can unjustly block legitimate political participation.

Second, as an alternative to the in-person absentee ballot collection program, election officials have the flexibility to deploy ‘vote-center-style’ polling places at populous correctional facilities during the first weekend of early voting (or the first three days of early voting in New York City, for at least 18 hours) including “Golden Day”, so eligible confined citizens and facility staff can conveniently register and vote.<sup>25</sup>

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<sup>22</sup> Jurisdictions with at least 100,000 registered voters in 2026 include: All five Boroughs of New York City, Albany, Broome, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester. NYS Board of Elections, *Enrollment By County*, Feb. 20, 2026, <https://www.elections.ny.gov/EnrollmentCounty.html>. If enacted, it is estimated that, initially, 24 facilities across the state will be automatically covered by this program, improving access for thousands of eligible citizens.

<sup>23</sup> DDDA, S440 / A2121 (N.Y. 2026) §§ 2, 4.

<sup>24</sup> N.Y. Election Law § 8-407. *See* DDDA, S440 / A2121 (N.Y. 2026) § 4.

<sup>25</sup> DDDA, S440 / A2121 (N.Y. 2026) § 2. *See* N.Y. Election Law §§ 8-600.

Under either model, in New York City, in recognition of the larger scale and complexity of providing effective voter access at Rikers and successor facilities, an enhanced DDDA program specifically requires: (1) greater language-related assistance resources and additional voter registration visits ahead of elections; (2) the use of BOENYC technology including tablets and digital resources wherever possible to effectuate online voter registration (EL § 5-802) and online ballot requests (EL § 8-408), resorting to paper forms only where using such resources would be impracticable; and (3) in consultation with the State Board, allocation of sufficient equipment, personnel, and resources at levels that account for the estimated number of voters, security considerations, and the division of individuals among buildings, among other factors.<sup>26</sup>

Third, the bill sets and improves the statewide standard for a “residual” voter registration and absentee balloting program for eligible citizens detained in less populous facilities and citizens detained outside their home county. At minimum, all such eligible citizens must be provided with effective voter registration and absentee ballot access, regardless of where they are confined, no later than twenty-one days prior to election day. As with the general population, return postage for absentee ballots is prepaid.<sup>27</sup>

The State Board of Elections is tasked with issuing new non-partisan voter eligibility and education materials for mandatory distribution throughout corrections facilities.<sup>28</sup> Additionally, the State Board would include training on best practices for conducting a DDDA-compliant program in the recently-enacted statewide poll worker training curriculum,<sup>29</sup> though the scale of New York City’s program will be *sui generis*, and entail a specialized local training component.

### **Intro No. 786: Requiring Commissioner of Correction to Collaborate with the Board of Elections on Procedures for and Reporting on Curing Ballots for Voters in DOC Custody**

There are various errors that can occur when a voter completes a ballot envelope. Many of these are curable by means of filing a cure affirmation with the board of elections, provided the voter has timely notice of the defect and is able to address it.<sup>30</sup> Intro No. 786 would require DOC to consult with the board of elections to develop procedures for assisting voters in custody with remedying any of several curable defects appearing on returned absentee ballot envelopes, that may otherwise jeopardize the validity of the voter’s ballot, providing an “opportunity to cure” such defects that is available to the general public.<sup>31</sup>

<sup>26</sup> See DDDA, S440 / A2121 (N.Y. 2026) §§ 2 and 4.

<sup>27</sup> See DDDA, S440 / A2121 (N.Y. 2026) §§ 5.

<sup>28</sup> *Id.*

<sup>29</sup> N.Y. Election law § 3-412.

<sup>30</sup> New York State Board of Elections, Ballot Envelope Errors, *Notice and Cure Process*, <https://elections.ny.gov/request-ballot#ballot-envelope-errors>, last accessed Apr. 13, 2026.

<sup>31</sup> See EL § 9-209(3). A curable defect includes instances where the ballot envelope: (i) is unsigned; (ii) has a signature that does not correspond to the registration; (iii) has no required witness to a mark; (iv) is missing a ballot affirmation envelope; (v) has a ballot affirmation signed only by a person providing assistance to a voter, or; (vi) someone other than the voter and not of the voter; or (vii) is returned by mail between two and seven days after the

Where the voter entitled to an opportunity to cure such a defect is still in the custody of the department, DOC would be required to timely collect the cure notice and accompanying cure affirmation from the Board of Elections, deliver it to the voter, and return the completed affirmation to the Board within 7 business days. If the voter is no longer in custody but is entitled to an opportunity to cure, DOC would be required to provide known contact info to the Board of Elections. If the board informs DOC that a ballot envelope has been rejected because of a non-curable defect and the voter is still in custody, the department, in collaboration with the Board, shall use best efforts to procure a new ballot.

With respect to reporting, Intro 786 would require DOC to submit an annual report regarding the curing process at DOC facilities to the Mayor, the Public Advocate, and the City Council, and post it on the DOC website. This would include, for the last 5 years, the following information disaggregated by borough and election: the number of cure notices and affirmations received by DOC from the Board; the number of cure affirmations returned to the board; the number of ballot envelopes delivered by DOC to the board which were determined to have non-curable defects; and the number of ballots delivered by DOC to the board that were “not counted because no voter cured them or no voter submitted a new ballot”, *if* such info is made available to DOC. Sunlight being a useful disinfectant, additional tracking and reporting of the various procedural pitfalls that are presently undermining the ability of large quantities of voters to successfully vote from jail can help highlight the scale of the systemic problems and support a robust overhaul.

The policy approach of requiring DOC and the board of elections to proactively collaborate ahead of elections on a comprehensive plan that ensures the thousands of similarly-situated eligible voters in DOC custody have effective access to voting—which includes the opportunity to cure common technical defects on absentee ballot envelopes—is a reasonable measure that would better protect the right to vote of detained citizens and modernize election administration for this population of New Yorkers, consistent with the DDDA framework.<sup>32</sup>

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election without a postmark. *Id.* When BOE finds a curable defect, within one day it must send a notice to the voter’s mailing address (if any, or their registered address), explaining “the reason for such rejection and the procedure to cure the rejection.” BOE also must notify the voter by e-mail or phone, if the Board has this contact info. The notice includes a cure affirmation form. *Id.* Such a defect is cured by the voter timely completing and filing the signed affirmation “in paper or electronic form”, and it must include the voter’s signature. To be timely, the cure affirmation must be “received by the board no later than seven business days after the board’s mailing of such curable rejection notice or by five p.m. on the seventh day following the election, whichever is later.” *Id.* When the defect is not curable, “the board shall notify the voter by mail, sent within three business days of such rejection,” and by either e-mail or phone, and “notify the voter of other options for voting, and, if time permits, provide the voter with a new ballot.” *Id.* Within four days of receiving a completed ballot “before the election, and within one day of receipt on or after the election” BOE must assign a bipartisan team to examine the ballot envelopes. EL § 9-209(1) and (2). Non-curable defects include instances where: A person is not registered to vote in New York; during a closed primary, a voter is not enrolled in the relevant party; there is no name on the ballot envelope; the ballot envelope is not timely postmarked or received; or, the ballot envelope is completely unsealed. *See Id.*

<sup>32</sup> *See* DDDA, S440 / A2121 (N.Y. 2026) §§ 2 and 4 (requiring that “the board of elections shall develop a facility voter access plan in consultation and cooperation with and countersigned by the facility’s [leadership], or their

While the measure may help, there may be challenges to full implementation. State law has not been updated to explicitly authorize or require local elections and corrections officials in populous localities to work together to develop an effective voter access program for eligible New Yorkers in custody, and, apart from merely authorizing access to absentee ballots,<sup>33</sup> is silent with regard to the cooperation agreements that would implement standards and safeguards. Without such a prescription, and a basic framework to provide some uniformity and modern program standards, it is unclear how transformative Intro No. 786, standing alone, will be.

Moreover, experience has demonstrated that primary responsibility for administering voter access must be shifted to the Board of Elections, because DOC, left to its own expertise, priorities, resources, and relationships, has not built out the sort of robust and effective ‘internal’ voter access program envisioned by City officials when the absentee ballot distribution and collections duties were placed on DOC a decade ago via the Charter.<sup>34</sup> Instead, as a basic modern voter access policy principle, bipartisan election officials should be made primarily responsible for administering election-related tasks (providing eligibility info and training, conducting registration, distributing and collecting balloting materials, reviewing forms and answering voting questions, etc.), especially where such tasks can be scaled efficiently, while correction officials should primarily be focused on facilitating effective and secure voter access for citizens in their custody, coordinating and supporting the bipartisan election officials wherever feasible.<sup>35</sup>

It is worth observing that for the general public, the election law contemplates that the ‘opportunity to cure’ safeguard can now be completed electronically “at the option of any voter . . . as an attachment to an email” or via a portal if the state or local BOE creates one. As a result of recent modernization reforms, New Yorkers also now have online options for basic tasks like voter registration, absentee or mail ballot requests, and ballot tracking processes.<sup>36</sup> By contrast, detained citizens have significantly restricted internet access, limiting their ability to benefit from the safeguards and best practices available to non-detained voters.<sup>37</sup> In light of the greater barriers to political participation arising out of the circumstances of confinement, a proactive

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designated democracy officer or agent. Such plan shall describe the dates, times, and location or locations where registration and voting will take place; the proposed staffing levels; election equipment, materials, and voting machines to be deployed; how detained citizens will be informed of voter eligibility; the technology, electricity, and cybersecurity needed to effectuate the plan; and voting procedures, security measures and other considerations relevant to ensuring secure and accessible voter access for eligible voters located at the facility. Such plan shall be submitted to the state board of elections no later than ninety days prior to the first day of voting and . . . shall be a public record.”)

<sup>33</sup> EL § 8-400(1)(d).

<sup>34</sup> See New York City Charter §1057-a (9).

<sup>35</sup> *Voting in New York State Jails: A Qualitative Analysis of Access*, League of Women Voters of New York 8-9 (June 2023), <https://bit.ly/3Fmk6lQ>.

<sup>36</sup> EL § 9-209(3)(d). See generally EL §§ 5-802, 8-408, 8-414.

<sup>37</sup> Rachel Landy and Jarret Berg, *People Held in Pretrial Detention Must Be Able to Vote*, Syracuse Post-Standard, Mar. 13, 2024, <https://bit.ly/4eerSNC>; Prison Policy Initiative, *Eligible, But Excluded: A Guide to Removing the Barriers to Jail Voting* (October 2020), <https://bit.ly/44S8D5B>.

cure program that requires elections and corrections officials to develop a basic plan for voters in jails to receive timely notice of envelope defects and an opportunity to have their ballots counted is appropriate to provide equity, uniformity, and prevent injustice.

More broadly, ensuring meaningful notice and an ‘opportunity to cure’ ballot envelope defects should form part of a comprehensive voter education, registration, and ballot access plan. State law should be amended to enact the DDDA. This would require proactive coordination and collaboration between local election and correction officials to develop a detailed facility voter access plan that must be approved by the State Board and satisfy modern standards.<sup>38</sup> Finally, with teams of trained poll workers on site leading a professional, standardized registration and balloting program, it is likely that many eligibility questions and ballot envelope defects can be identified and resolved earlier in the process as well, reducing the rejection rate at each stage.<sup>39</sup>

Indeed, in Ulster County, where bipartisan election officials have voluntarily agreed to conduct in-person voter registration and absentee balloting visits at their local jail for the past several years, the Commissioners reflect:

[W]e were able to avoid many common issues with the ballots on the spot, eliminating the need for subsequent back and forth to cure defects that can disqualify valid ballots (as we do with the general population). The voters were able to bypass all of the hurdles this population typically faces in voting, and also had the opportunity to ask us – the stewards of Ulster elections – questions about voting and how to exercise their rights going forward.<sup>40</sup>

In sum, if it can be implemented, Intro No. 786 is a safeguard that provides a layer of voter protection and reporting that may reduce rejection rates and improve accountability. But without state legislation, most of the existing challenges regarding voting at Rikers are likely to persist.

### **Intro No. 797: Requiring a Report on Voter Registration and Voting in City Jails**

Intro No. 797 proposes a new local reporting law requiring DOC to produce an annual report detailing compliance with its obligations under NYC Charter §1057-a. DOC would report on the number of voter registration events held, the number of completed registration forms returned to the department from persons in their custody, and the amount of absentee ballots distributed, disaggregated by facility.

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<sup>38</sup> DDDA, S440 / A2121 (N.Y. 2026) §§ 2 and 4.

<sup>39</sup> Ulster Election Commissioners Ashley Torres and John Quigley, OpEd, *Facilitating Democracy During Detention*, City and State NY, Aug. 26, 2024, <https://bit.ly/4sswHWX>.

<sup>40</sup> Ashley Torres and John Quigley, OpEd, *Facilitating Democracy During Detention*, City and State NY, Aug. 26, 2024, <https://bit.ly/4sswHWX>.

This annual report appears to supplement the more general semi-annual reporting already required by Charter § 1057-a of all participating agencies,<sup>41</sup> which tracks the number of registration forms distributed, the number of registrations completed at an agency office (if readily ascertainable), and the number of registration forms transmitted to the board of elections. The new annual report would be published and provided to the Mayor, the Public Advocate, the City Council, and the DOC website, increasing accountability and the ability to assess the effectiveness of structuring most if not all of the voter access plan for Rikers via the City Charter's §1057-a local agency-based voter registration provision.

The additional reporting should improve transparency regarding compliance with and effectiveness of existing arrangements, and provide data that can inform future policy choices.

## **Conclusion**

In order to properly address and significantly improve this complex voter access challenge, changes to state law are needed to prescribe a modern voter access program at populous facilities. Minimum standards are needed to set a baseline of effective access. Flexibility is needed so these programs can be tailored to meet local needs and local budgets. Funding, training, and voter education is needed to ensure comprehensiveness. Critically, cooperation among local officials is needed to properly serve people in custody. For the foregoing reasons, we urge the New York City Council to pass a resolution calling on Albany lawmakers to enact the Democracy During Detention Act (DDDA) (S440 (Myrie) / A2121 (Walker)), along with Intros 786 and 797.

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<sup>41</sup> New York City Charter §1057-a.

Written Testimony submitted for the April 14 NYC Council Hearing

Voting on Rikers, Joint Hearing of the Committees on Governmental Operations, State and Federal Legislation, and Criminal Justice

Dear Committee Members:

My name is Claudia Kavenagh and I am a concerned citizen living in New York City. I am submitting this testimony in support of the **Democracy During Detention Act, S440/A2121**. I urge the New York City Council to pass a resolution calling on the State Legislature to pass it into law.

Thousands of New Yorkers held at Rikers Island have not been convicted of a crime. And yet fewer than 550 people cast a ballot from Rikers in 2024, out of a population approaching 7,000. **The current system for voting by incarcerated people is broken**; the fact that studies demonstrate the lack of access is an embarrassment to our democracy. Particularly at this tenuous time for voting rights in our country, more must be done to better facilitate exercising the right to vote in local jails.

The Democracy During Detention Act fixes this by requiring Boards of Elections to take responsibility for voting in local jails, the same way they do everywhere else in New York. I urge this Council to pass a resolution in support of S440/A2121 and to communicate that urgency to Albany.

Thank you.



Claudia Kavenagh

To the New York City Council:

Thank you for this opportunity to testify. My name is Debbie Cooper, and I am an attorney and longtime voting rights advocate. For several years, I chaired the New York Democratic Lawyers Council's Minority Voting Rights Committee, and in that capacity testified against felony disenfranchisement before the New York State Legislature. More recently, since 2022, I have done research for the Florida Rights Restoration Coalition to assist returning citizens' restoration of their voting rights, and since 2020, I have volunteered on the Georgia Democrats' voter protection hotline, helping returning citizens, their families and other voters access their right to vote. In those and other roles, I have worked hard to ensure that everyone eligible is able to register, vote and have their vote counted.

Based on that experience and on my passion for the rule of law – which requires not only just laws but also their fair and equal implementation – I am submitting this testimony in support of the Democracy During Detention Act (DDDA), S440/A2121, and urging the New York City Council to pass a resolution calling on the State Legislature to pass it into law. The DDDA would provide a mechanism and accountability for ensuring that people who **currently have the right to vote** while they are incarcerated while awaiting trial, or after conviction for a misdemeanor, are able to exercise that right as easily and uniformly as those of us who are not incarcerated.

The DDDA would have a significant impact in New York City, where thousands of New Yorkers held at Rikers Island retain the right to vote. They have not been convicted of a crime. And yet fewer than 550 people cast a ballot from Rikers in 2024, out of a population approaching 7,000. The current system, run by corrections staff rather than the Board of Elections, is not designed to deliver the ballot. It was never going to.

Rikers Island is physically separated from the rest of NYC and people's homes there, yet the vast majority of those held at Rikers will return to their communities, where we know from extensive research and experience that their uninterrupted right to vote would reduce the likelihood of recidivism (for those convicted of a crime), assist in reintegration into and the stability and safety of their neighborhoods, provide them with the security of and pride in the power of their citizenship, and set an example of voter participation for their families and friends.

We must fix the current lack of implementation of the existing law, and the Democracy During Detention Act does this by requiring Boards of Elections to take responsibility for voting in local jails, the same way they do everywhere else in New York. In these times when voting and democracy are under constant attack and must urgently be sustained and strengthened, I urge this Council to pass a resolution in support of S440/A2121 and to communicate that urgency to Albany to pass it in this session.

Thank you very much.

**From:** [Holly Cohen](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] April 14 NYC Council hearing on voting at Rikers.  
**Date:** Saturday, April 11, 2026 1:02:53 PM

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[REDACTED]

My name is Holly Cohen and I am a concerned citizen who is submitting this testimony in support of the Democracy During Detention Act, S440/A2121, and urging the New York City Council to pass a resolution calling on the State Legislature to pass it into law.

Thousands of New Yorkers held at Rikers Island retain the right to vote. They have not been convicted of a crime. And yet fewer than 550 people cast a ballot from Rikers in 2024, out of a population approaching 7,000. The current system, run by corrections staff rather than the Board of Elections, is not designed to deliver the ballot. It was never going to.

The Democracy During Detention Act fixes this by requiring Boards of Elections to take responsibility for voting in local jails, the same way they do everywhere else in New York. I urge this Council to pass a resolution in support of S440/A2121 and to communicate that urgency to Albany.

Sincerely,  
Holly Cohen

[REDACTED]

**From:** [Rodger Pichardo](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] Polling Site on Rikers Island  
**Date:** Saturday, April 11, 2026 2:30:16 PM

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[REDACTED]

My name is Rodger Pichardo and I live in Harlem. I am submitting this testimony to support putting POLLING SITES at Rikers and all NYC Jails.

The Vote in NYC Jails Coalition has worked with DOC to register voters on Rikers Island for several years but the absentee ballot system is not working. Only around 550 people of the 7000 housed at Rikers voted in 2024 and even less in 2025.

I believe that everyone who has the right to vote should have access to voting that actually works.

The Boards of Elections must install polling sites in NYC Jails immediately. Thank you.

***Testimony of Tammy Reed, Member of Freedom Agenda on Behalf of Vote in NYC Jails Coalition to The Committee on Governmental Operations, State & Federal Legislation Joint with Committee on Criminal Justice***

My name is Tammy Reed and I am a member Freedom Agenda. I am submitting this testimony in support of putting a polling site at Rikers and all NYC Jails. I support the Vote in NYC Jails Coalition.

It has already been proven that the absentee ballot program does not work; therefore, it is imperative that the Board of Election provide a polling site on Rikers Island.

As a member of the ADOS (American Descendants of Slavery) community, my ancestors fought long and hard, and ***died*** in many instances, to get the right to vote; and to have that right stripped away from incarcerated individuals (mostly Black and Brown people) while they await disposition of their case simply because they cannot post bail/bond is unconscionable and simply illegal.

The right to vote is very sacred to me and my people. It's not just about doing our civic duty, but it is deeply rooted in our history, identity and ongoing struggles for equality. In addition, voting is equivalent to giving my community power and a voice. When there are no polling sites on Rikers Island or other NYC jails, that voice is taken away. In accordance to NYS law, if you have not been convicted of a crime, you have the ***right to vote***.

I implore the City Council and the Board of Election to place a polling site on Rikers Island and city Jails. Do not be a part of the apparatus that continuously tries to suppress our vote. Be better City Council and Board of Election. Be better NYC.

Thank you.

## TESTIMONY

APRIL 14<sup>TH</sup> – COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE AND FEDERAL LEGISLATION (JOINTLY WITH THE COMMITTEE ON CRIMINAL JUSTICE.)

My name is Toni Iacolucci and I am a resident of New York City. I have volunteered for two years at the Fortune Society, a program for post-incarcerated and ATI (Alternative to Incarceration) individuals.

With my experience at Fortune, I can attest to the benefit of engaging and supporting our program participants as responsible citizens. Helping people to develop a sense of agency can only encourage people to act responsibly towards themselves, their neighbors, their communities, and their city.

Most importantly, all citizens have a right to vote...and no one can take that right away. I urge you to support this legislation and ensure that every individual's right to vote is upheld, supported, and encouraged.

Thank you.

Toni Iacolucci

April 12, 2026

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Takeasha Newton

Address: \_\_\_\_\_

I represent: Legal aid Society - Vote in Jails NYC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Robert Whitaker - Latino Justice <sup>(VOTED)</sup> Vote

Address: 475 Riverside Dr. Suite 1901 <sup>in Jails</sup> Coalition  
NY, NY 10003

I represent: Vote in Jails NYC

Address: Same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Valerie C. Buzick

Address: 7520 Astoria Blvd

I represent: NYC Dept of Correction

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Neil Colon

Address: 7520 Astoria Blvd

I represent: NYC Dept of Correction

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: KAN COMBORIANO

Address: 189 SCHERMEYER ST #19B BROOKLYN

I represent: BROOKLYN VOTERS ALLIANCE

Address: BROOKLYN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Clyanna Lightbourn

Address: 41 Morris St

I represent: League of Women Voters

Address: NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Pharein (Farah) Griffith  
Address: [REDACTED] 2738 Frederick Douglass Blvd  
I represent: NAACP - New York Branch  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Amira Wittenberg  
Address: 195 Montague  
I represent: Leatal Center for Equity, Health, and Justice  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: MICHAEL KLINGER  
Address: \_\_\_\_\_  
I represent: COALITION PANEL  
Address: BROOKLYN DEFENDERS

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Anthony Posada

Address: 49 Thomas Street

I represent: THE LEGAL AID SOCIETY

Address: 49 Thomas Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ZACHARY KATZEWELSON

Address: 121 6TH AVE NYC 10013

I represent: INDEPENDENT RIVERS Commission

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kai Rosenthal

Address: 4 W 43 St

I represent: League of Women Voters

Address: of the City of New York

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/2026

(PLEASE PRINT)

Name: Jarret Berg

Address: [Redacted]

I represent: Vote Early NY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rigodis Appling

Address: 49 Thomas Street

I represent: Legal Aid Society / Vote in Jails

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Victor PAZE

Address: [Redacted] 20th Street

I represent: VOTE (w) Jails COOPERATION

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-14-2026

(PLEASE PRINT)

Name: Karen Wharton

Address: \_\_\_\_\_

I represent: Citizen Action of NY

Address: 12

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/14/2026

(PLEASE PRINT)

Name: Takeasha Newton

Address: \_\_\_\_\_

I represent: Voting In Jails Coalition

Address: The Legal Aid Society

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BARBARA MTHAU

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_