



## **MEMORANDUM OF SUPPORT**

**S6875 (Myrie)/A9612 (Walker)**

**May 21, 2024**

### **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 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 S6875 (Myrie)/A9612 (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.

S6875/A9612 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.

S6875/A9612 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).