

# STATE OF NEW YORK

9612

## IN ASSEMBLY

March 26, 2024

Introduced by M. of A. WALKER -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the correction law, in relation to voting rights and access for incarcerated individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The election law is amended by adding a new section 8-109 to read as follows:

§ 8-109. Polling places at correctional facilities and local correctional facilities. For purposes of facilitating voting by residents of correctional facilities and local correctional facilities, as such terms are defined in section two of the correction law, the board of elections may establish by majority vote, in lieu of the absentee balloting program set forth in subdivisions one through fifteen of section 8-407 of this article, a polling place at any such facility for at least three hours of operation beginning the third day prior to any general, primary, run-off primary pursuant to subdivision one of section 6-162 of this chapter or special election for any public or party position, and ending on and including the second day prior to such general, primary, run-off primary or special election for such public office or party position. Any such polling place shall be established in compliance with the early voting provisions of paragraphs (d) and (e) of subdivision four and subdivisions five through eleven of section 8-600 of this article. Voter access to polling places established pursuant to this section shall be restricted to voters detained or confined at such facility or related facilities and voters who are employees of such facilities, who are registered to vote in the county where such facility is located, or for facilities located in the city of New York, voters who are registered to vote in the city of New York. All other eligible voters who are detained or confined at such facility or who are employees of such facility shall be provided with voter registration forms and absentee ballot applications pursuant to section 8-415 of this article. The establishment of polling places under this section shall be in addition to, and shall not diminish, the minimum quantity of early voting

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11137-03-4

locations required by subdivision two of section 8-600 of this article, nor shall the fact of such establishment alter or prejudice the application of the equitable siting factors therein. The board of elections shall establish procedures or apply procedures established for early voting, subject to approval of the state board of elections, to ensure that persons who vote during the early voting period shall not be permitted to vote subsequently in the same election.

§ 2. Subdivision 1 of section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

1. If the board shall find that the applicant is a qualified voter of the election district containing ~~[his]~~ the applicant's residence as stated in ~~[his]~~ the applicant's statement and that ~~[his]~~ the applicant's statement is sufficient, it shall, as soon as practicable after it shall have determined ~~[his]~~ the applicant's right thereto, mail to ~~[him]~~ the applicant at an address designated by ~~[him]~~ the applicant, or deliver to ~~[him]~~ the applicant, or to any person designated for such purpose in writing by ~~[him]~~ the applicant, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, or a person detained or confined at a correctional facility or local correctional facility, as such terms are defined in section two of the correction law, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this ~~[chapter]~~ title if such facility is located in the county or city in which such voter is eligible to vote.

§ 3. Section 8-407 of the election law, as added by chapter 296 of the laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of 1989, is amended to read as follows:

§ 8-407. Voting by residents of nursing homes, residential health care facilities, facilities operated or licensed, or under the jurisdiction of, the department of mental hygiene or hospitals ~~[or]~~, facilities operated by the Veteran's Administration of the United States, or by persons detained or confined at correctional facilities and local correctional facilities. 1. The board of elections of a county or city in which there is located at least one facility operated or licensed, or under the jurisdiction of, the department of mental hygiene, or a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law or an adult care facility subject to the provisions of title two of article seven of the social services law, ~~[or]~~ a hospital or other facility operated by the Veteran's Administration of the United States, or a correctional facility or local correctional facility shall, subject to subdivision sixteen of this section and section 8-109 of this article, provide and ensure that residents of, or persons detained or confined at, each such facility for

1 which such board has received twenty-five or more applications for  
2 absentee ballots from voters who are eligible to vote by absentee ballot  
3 in such city or county at such election, may vote by absentee ballot  
4 [~~only~~] in the manner provided for in this section. Such board may, in  
5 its discretion, provide that the procedure described in this subdivision  
6 shall be applicable to all such facilities in such county or city with-  
7 out regard to the number of absentee ballot applications received from  
8 the residents of any such facility.

9 2. Such a board of elections shall appoint, in the same manner as  
10 other inspectors, one or more bi-partisan boards of inspectors, each  
11 composed of two such inspectors. Such inspectors may be regular employ-  
12 ees of such board of elections or persons qualified in accordance with  
13 subdivision six of section 3-400 of this chapter. All inspectors  
14 appointed pursuant to this subdivision shall undergo the requisite  
15 training and subscribe to the oath required of election inspectors  
16 pursuant to sections 3-412 and 3-414 of this chapter.

17 3. Not earlier than [~~thirteen~~] twenty-one days before or later than  
18 the day before such an election such a board of inspectors shall,  
19 between the hours of [~~nine~~] seven o'clock in the morning and [~~five~~]  
20 eight o'clock in the evening on one or more days, attend at each such  
21 facility for the residents of which the board of elections has custody  
22 of twenty-five or more absentee ballots or which otherwise qualifies  
23 pursuant to subdivision sixteen of this section or, if the board of  
24 elections has so provided, each such facility for which the board has  
25 custody of one or more such absentee ballots, pursuant to the provisions  
26 of this chapter.

27 4. Each such board of inspectors may attend at more than one facility,  
28 provided, however, that no such board of inspectors shall be assigned to  
29 attend at more facilities than it reasonably can be expected to complete  
30 within the time specified by this section.

31 5. The board of elections shall deliver to each board of inspectors  
32 voter registration forms, paper absentee ballot applications or tools  
33 capable of providing eligible persons with access to complete and submit  
34 or save such applications through the electronic voter registration or  
35 absentee ballot application transmittal system and sufficient equipment  
36 for the printing and issuance of absentee ballots or all the absentee  
37 ballots in the custody of such board of elections which are addressed to  
38 [~~residents of~~] voters at the facilities which such board of inspectors  
39 is appointed for or assigned to attend, together with one or more port-  
40 able voting booths of a type approved by the state board of elections  
41 and such other supplies, including assistive devices and any reasonable  
42 accommodations for persons with disabilities and interpretive resources  
43 and personnel for those in need of language assistance, as such board of  
44 inspectors will require to discharge its duties properly. Any completed  
45 voter registration forms collected by such board of inspectors shall be  
46 processed pursuant to sections 5-208 and 5-210 of this chapter, as  
47 applicable. Any completed absentee ballot application forms collected by  
48 such board of inspectors shall be treated as applications for an absen-  
49 tee ballot delivered in person at the board of elections to the voter or  
50 to an agent of the voter in accordance with paragraph (c) of subdivision  
51 two of section 8-400 of this title and processed pursuant to section  
52 8-402 of this title.

53 6. The board of elections, at least [~~twenty~~] forty-five days before  
54 each such election, or, for facilities not set forth in subdivision  
55 sixteen of this section, on the day after it shall have received the  
56 requisite number of applications for absentee ballots from the residents

1 of any such facility, whichever is later, shall communicate with the  
2 superintendent, administrator or director of each such facility or their  
3 designated democracy officer or agent to arrange the ~~[day]~~ days and  
4 ~~[time]~~ times when the board of inspectors will attend at such facility.  
5 The board of elections shall keep a list of (a) the ~~[day]~~ days and  
6 ~~[time]~~ times at which the board of inspectors will attend at each such  
7 facility, (b) the number of applications for absentee ballots received  
8 from any such facility, and (c) the number of absentee ballots returned  
9 by voters at any such facility pursuant to this section as ~~[a]~~ public  
10 ~~[record]~~ records at its office and deliver a copy of such records to the  
11 state board of elections within seven days after certification of each  
12 primary, general or special election.

13 7. It shall be the duty of each such superintendent, administrator or  
14 director, or their designated democracy officer or agent, to assist the  
15 board of inspectors attending or serving such facility in the discharge  
16 of its duties, including, but not limited to making available to such  
17 board of inspectors space and reasonable accommodations within such  
18 facility suitable for the discharge of its duties.

19 8. The board of inspectors shall deliver each absentee ballot  
20 addressed to a ~~[resident-of]~~ voter located at each such facility to such  
21 ~~[resident]~~ voter. If such ~~[resident]~~ voter is physically disabled the  
22 inspectors shall, if necessary, deliver the ballot to such voter at  
23 ~~[his]~~ their bedside.

24 9. The board of inspectors shall arrange the portable voting booth or  
25 booths provided and effect such safeguards as may be necessary to  
26 provide secrecy for the votes cast by such ~~[residents]~~ voters.

27 10. If such a ~~[resident]~~ voter is unable to mark ~~[his]~~ their ballot,  
28 ~~[he]~~ they may be assisted in marking such ballot by the two members of  
29 the board of inspectors or such other person as ~~[he]~~ they may select. If  
30 a voter is unable to mark the ballot and unable to communicate how ~~[he~~  
31 ~~wishes]~~ they wish such ballot marked, such ballot shall not be cast. No  
32 person who assists a voter to mark ~~[his]~~ their ballot pursuant to the  
33 provisions of this section, shall disclose to any other person how any  
34 such ballot was marked.

35 11. Except as otherwise provided in this section, all ballots cast  
36 pursuant to this section shall be cast in the manner provided by this  
37 chapter for the casting of absentee ballots.

38 12. After such ballots have been cast and sealed in the appropriate  
39 envelopes, they shall be returned to such inspectors.

40 13. Upon completion of its duties, the board of inspectors shall  
41 forthwith return all such ballots to the board of elections.

42 14. Any person, political committee or independent body entitled to  
43 appoint watchers for the election district in which any such facility is  
44 located at the election for which such absentee ballots are cast, shall  
45 be entitled to appoint a watcher to attend such board of inspectors at  
46 such facility.

47 15. All ballots cast pursuant to the provisions of this section which  
48 are received before the close of the polls on election day by the board  
49 of elections charged with the duty of casting and canvassing such  
50 ballots, may be delivered to the inspectors of election in the manner  
51 prescribed by this chapter or retained at the board of elections and  
52 cast and canvassed pursuant to the provisions of section 9-209 of this  
53 chapter as such board shall, in its discretion, determine pursuant to  
54 the provisions of subdivision one of this section.

55 16. With respect to correctional facilities and local correctional  
56 facilities, as such terms are defined in section two of the correction

1 law, the board of elections in counties with at least one hundred thou-  
2 sand registered voters shall provide that the eligible persons detained  
3 or confined at any such facility in such county with seventy-five or  
4 more persons detained or confined may vote by absentee ballot as  
5 provided for in this section, without regard to the number of absentee  
6 ballot applications received from eligible voters at any such facility.  
7 With respect to eligible persons detained at such facility who are not  
8 residents of the county in which such facility is located, the residen-  
9 tial duty to facilitate timely voter registration and absentee ballot  
10 access pursuant to section 8-415 of this title shall still apply. Each  
11 board of elections subject to this subdivision shall adopt written  
12 procedures to ensure orderly administration of the absentee balloting  
13 program at each such facility. Such procedures shall include, but not  
14 be limited to, the delivery and retrieval of voter registration forms  
15 and absentee ballots, shall be counter signed by the facility's super-  
16 intendent, administrator or director, or their designated democracy  
17 officer or agent, and shall be public records. All procedures shall be  
18 submitted to the state board of elections no later than ninety days  
19 prior to the first election day in which a facility located within such  
20 a county shall participate in this program, and approved by the state  
21 board of elections with any amendments prescribed by the state board of  
22 elections no later than seventy-five days prior to such election day.  
23 All other correctional facilities and local correctional facilities in  
24 such a county shall be subject to the provisions of section 8-415 of  
25 this title; provided, however, that a board of elections may provide  
26 absentee balloting access in accordance with this subdivision to voters  
27 detained or confined at such other correctional facilities and local  
28 correctional facilities in lieu of such board of elections' obligations  
29 prescribed by section 8-415 of this title. This subdivision shall not  
30 apply to any facility where the persons detained or confined at such  
31 facility are exclusively under the age of eighteen.

32 17. Nothing in this section shall prejudice or limit the rights under  
33 state and federal law of any voter who votes pursuant to the methods in  
34 this section, including the rights and remedies provided for under title  
35 two of article seventeen of this chapter.

36 § 4. The election law is amended by adding a new section 8-415 to read  
37 as follows:

38 § 8-415. Absentee voting; application and registration drive for citi-  
39 zens detained or confined at correctional facilities and local correc-  
40 tional facilities. 1. This section applies to any correctional facility  
41 or local correctional facility, as such terms are defined in section two  
42 of the correction law, for which absentee balloting is not provided  
43 pursuant to section 8-407 of this title, except for any such facility  
44 where the persons detained or confined at such facility are exclusively  
45 under the age of eighteen. For each such facility, the board of  
46 elections shall coordinate with the superintendent, administrator,  
47 director, designated democracy officer or agent to facilitate voter  
48 access by ensuring that all eligible citizens are provided with a voter  
49 registration form, which shall be processed pursuant to sections 5-208  
50 and 5-210 of this chapter, as applicable, and that all eligible voters  
51 are provided with an absentee ballot application no later than twenty-  
52 one days prior to election day. It shall be the duty of each such super-  
53 intendent, administrator, director, designated democracy officer or  
54 agent to assist the board in the discharge of its duties pursuant to  
55 this subdivision, including, but not limited to making available suit-  
56 able space and reasonable accommodations within such facility.

2. The state board of elections shall promulgate non-partisan educational materials in plain language about the voting rights of individuals currently incarcerated and formerly incarcerated for inclusion in the inmate handbook or similar materials and reentry resources. Nothing in this subdivision shall prohibit the inclusion or distribution of non-partisan educational materials in additional resources provided to or made available to incarcerated or formerly incarcerated individuals.

§ 5. Section 500-j of the correction law, as amended by chapter 291 of the laws of 2009, is amended to read as follows:

§ 500-j. Who may visit local correctional facilities. The following persons may visit at pleasure all local correctional facilities: The governor and lieutenant-governor, secretary of state, comptroller and attorney-general, members of the legislature, judges of the court of appeals, justices of the supreme court and county judges, district attorneys ~~[and]~~, every clergyman or minister, as such terms are defined in section two of the religious corporations law, having charge of a congregation in the county in which such facility is located, and bi-partisan board of elections officials and inspectors appointed by the board of elections in the county where any such facility is situated or the board of elections in the city of New York, in order to discharge their duties under sections 8-407 and 8-415 of the election law. No other person not otherwise authorized by law shall be permitted to enter the rooms of a local correctional facility in which convicts are confined, unless under such regulations as the sheriff of the county, or in counties within the city of New York, the commissioner of correction of such city, or in the county of Westchester, the commissioner of correction of such county shall prescribe.

§ 6. Subdivision 1 of section 146 of the correction law, as amended by chapter 274 of the laws of 2019, is amended to read as follows:

1. The following persons shall be authorized to visit at pleasure all correctional facilities: The governor and lieutenant-governor, commissioner of general services, secretary of state, comptroller and attorney-general, members of the commission of correction, members of the legislature and their accompanying staff and any employee of the department as requested by the member of the legislature if the member requests to be so accompanied, provided that such request does not impact upon the department's ability to supervise, manage and control its facilities as determined by the commissioner, judges of the court of appeals, supreme court and county judges, district attorneys ~~[and]~~, every clergyman or minister, as such terms are defined in section two of the religious corporations law, having charge of a congregation in the county wherein any such facility is situated, and bi-partisan boards of elections officials and inspectors appointed by the board of elections in the county where any such facility is situated or the board of elections in the city of New York, in order to discharge their duties under sections 8-407 and 8-415 of the election law. No other person not otherwise authorized by law shall be permitted to enter a correctional facility except by authority of the commissioner of correction under such regulations as the commissioner shall prescribe.

§ 7. Section 75 of the correction law, as amended by chapter 103 of the laws of 2021, is amended to read as follows:

§ 75. ~~[Notice of voting]~~ Voting rights. 1. Freedom to vote. All persons who may have been or may hereafter be detained or confined at, or committed to or taken charge of by any correctional facility, who are qualified to register for and vote at any election pursuant to section 5-102 of the election law and not subject to exclusion by section 5-106

1 of the election law, are hereby declared to be entitled to the free  
2 exercise and enjoyment of the elective franchise without discrimination  
3 or preference.

4 2. Opportunity to register to vote and request ballots. The rules and  
5 regulations established for the government of any correctional facility  
6 shall recognize the right of detained or incarcerated individuals, who  
7 are qualified to register for and vote at any election pursuant to  
8 section 5-102 of the election law and not subject to exclusion by  
9 section 5-106 of the election law, to the free exercise of their right  
10 to vote in accordance with the provisions of the constitution and, to  
11 effectuate such end, shall allow for access by the eligible individuals  
12 to electronic personal voter registration or voter registration by  
13 application pursuant to article five of the election law and to access  
14 absentee balloting services through the electronic absentee ballot  
15 application transmittal system or by paper application pursuant to title  
16 four of article eight of the election law, in such manner as may best  
17 carry into effect the spirit and intent of this section and be consist-  
18 ent with the proper discipline and management of the correctional facil-  
19 ity. Such services shall be made available within the buildings or  
20 grounds, whenever possible, where the detained or incarcerated individ-  
21 uals are required by law to be confined, in such manner and at such  
22 hours as will be in harmony with the rules and regulations of both the  
23 facility and the board of elections, and such facilities shall secure to  
24 such individuals the free exercise of their right to vote in accordance  
25 with the provisions of this section. In case of a violation of any of  
26 the provisions of this section, any person feeling himself or herself  
27 aggrieved thereby may exercise any rights and remedies provided for  
28 under state and federal law, including by instituting proceedings in the  
29 supreme court of the district where such facility is situated, which is  
30 hereby authorized and empowered to enforce the provisions of this  
31 section.

32 3. Duty to cooperate. Pursuant to sections 8-406, 8-407, and 8-415 of  
33 the election law, the superintendent of each correctional facility shall  
34 cooperate with the board of elections in developing and implementing a  
35 plan to facilitate at least one method of voter access for all persons  
36 eligible to vote who are detained or confined at each such facility,  
37 including, but not limited to making available to such board space and  
38 reasonable accommodations within such facility for the discharge of its  
39 duties. The department shall issue regulations directing each such  
40 facility to ensure the timely delivery, and to facilitate the timely  
41 return if applicable, of all official election mail, forms, notices or  
42 communications to any individual detained or confined at such facility  
43 and that non-partisan plain language educational materials about the  
44 voting rights of individuals currently incarcerated and formerly incar-  
45 cerated are included in the inmate handbook or similar materials and  
46 reentry resources. Nothing in this subdivision shall prohibit the inclu-  
47 sion or distribution of non-partisan educational materials in additional  
48 resources provided to or made available to incarcerated or formerly  
49 incarcerated individuals. Without limiting any rights or remedies  
50 provided to voters under the law, there shall be a presumption of a  
51 violation of subdivision one of section 17-212 of the election law when  
52 any superintendent, employee, or agent of such correctional facility, by  
53 commission or omission, intentionally frustrates the purposes of this  
54 section.

55 4. Rights restoration upon release and registration. Prior to the  
56 release from a correctional facility of any person the department shall

1 notify such person verbally and in writing, that ~~[his or her]~~ such  
2 voting rights will be restored upon release and provide such person with  
3 a form of application for voter registration and a declination form,  
4 offer such person assistance in filling out the appropriate form, and  
5 provide such person written information distributed by the board of  
6 elections on the importance and the mechanics of voting. Upon release,  
7 such person may choose to either submit ~~[his or her]~~ such completed  
8 application to the state board or county board where such person resides  
9 or have the department transmit it on ~~[his or her]~~ the person's behalf.  
10 Where such person chooses to have the department transmit the applica-  
11 tion, the department shall transmit the completed application upon such  
12 person's release to the state board or county board where such person  
13 resides.

14 § 8. Section 510 of the correction law, as added by chapter 103 of the  
15 laws of 2021, is amended to read as follows:

16 § 510. Voting ~~[upon release]~~. 1. Freedom to vote. All persons who may  
17 have been or may hereafter be detained or confined at, or committed to  
18 or taken charge of by any local correctional facility, who are qualified  
19 to register for and vote at any election pursuant to section 5-102 of  
20 the election law and not subject to exclusion by section 5-106 of the  
21 election law, are hereby declared to be entitled to the free exercise  
22 and enjoyment of the elective franchise without discrimination or pref-  
23 erence.

24 2. Opportunity to register to vote and request ballots. The rules and  
25 regulations established for the government of local correctional facili-  
26 ties shall recognize the right of detained or incarcerated individuals,  
27 who are qualified to register for and vote at any election pursuant to  
28 section 5-102 of the election law and not subject to exclusion by  
29 section 5-106 of the election law, to the free exercise of their right  
30 to vote in accordance with the provisions of the constitution and, to  
31 effectuate such end, shall allow for access by the eligible individuals  
32 to electronic personal voter registration or voter registration by  
33 application pursuant to article five of the election law and to access  
34 absentee balloting services through the electronic absentee ballot  
35 application transmittal system or by paper application pursuant to title  
36 four of article eight of the election law, in such manner as may best  
37 carry into effect the spirit and intent of this section and be consist-  
38 ent with the proper discipline and management of the correctional facil-  
39 ity. Such services shall be made available within the buildings or  
40 grounds, whenever possible, where the detained or incarcerated individ-  
41 uals are required by law to be confined, in such manner and at such  
42 hours as will be in harmony with the rules and regulations of both the  
43 facility and the board of elections, and secure to such individuals the  
44 free exercise of their right to vote in accordance with the provisions  
45 of this section. In case of a violation of any of the provisions of this  
46 section, any person feeling himself or herself aggrieved thereby may  
47 exercise any rights and remedies provided for under state and federal  
48 law, including by instituting proceedings in the supreme court of the  
49 district where such facility is situated, which is hereby authorized and  
50 empowered to enforce the provisions of this section.

51 3. Duty to cooperate. Pursuant to sections 8-406, 8-407, and 8-415 of  
52 the election law, the superintendent of each local correctional facility  
53 shall cooperate with the board of elections in developing and implement-  
54 ing a plan to facilitate at least one method of voter access for all  
55 persons eligible to vote who are detained or confined at each such  
56 facility, including, but not limited to making available to such board

1 space and reasonable accommodations within such facility for the  
2 discharge of its duties. The department shall issue regulations direct-  
3 ing each such facility to ensure the timely delivery, and to facilitate  
4 the timely return if applicable, of all official election mail, forms,  
5 notices or communications to any individual detained or confined at such  
6 facility and that non-partisan plain language educational materials  
7 about the voting rights of individuals currently incarcerated and  
8 formerly incarcerated are included in the inmate handbook or similar  
9 materials and reentry resources. Nothing in this subdivision shall  
10 prohibit the inclusion or distribution of non-partisan educational mate-  
11 rials in additional resources provided to or made available to incarcer-  
12 ated or formerly incarcerated individuals. Without limiting any rights  
13 or remedies provided to voters under the law, there shall be a presump-  
14 tion of a violation of subdivision one of section 17-212 of the election  
15 law when any superintendent, employee, or agent of such local correc-  
16 tional facility, by commission or omission, intentionally frustrates the  
17 purposes of this section. This subdivision shall not apply to any facil-  
18 ity where the persons detained or confined at such facility are exclu-  
19 sively under the age of eighteen.

20 4. Rights restoration upon release and registration. Prior to the  
21 release from a local correctional facility of any person convicted of a  
22 felony the chief administrative officer shall notify such person verbal-  
23 ly and in writing that his or her voting rights will be restored upon  
24 release and provide such person with a form of application for voter  
25 registration and a declination form, offer such person assistance in  
26 filling out the appropriate form, and provide such person written infor-  
27 mation distributed by the board of elections on the importance and the  
28 mechanics of voting. Upon release, such person may choose to either  
29 submit his or her completed application to the state board or county  
30 board where such person resides or have the department transmit it on  
31 his or her behalf. Where such person chooses to have the department  
32 transmit the application, the chief administrative officer shall trans-  
33 mit the completed application upon such person's release to the state  
34 board or county board where such person resides.

35 § 8-a. Section 510 of the correction law, as amended by chapter 473  
36 of the laws of 2023, is amended to read as follows:

37 § 510. Voting [~~upon release~~]. 1. Freedom to vote. All persons who may  
38 have been or may hereafter be detained or confined at, or committed to  
39 or taken charge of by any local correctional facility, who are qualified  
40 to register for and vote at any election pursuant to section 5-102 of  
41 the election law and not subject to exclusion by section 5-106 of the  
42 election law, are hereby declared to be entitled to the free exercise  
43 and enjoyment of the elective franchise without discrimination or pref-  
44 erence.

45 2. Opportunity to register to vote and request ballots. The rules and  
46 regulations established for the government of local correctional facili-  
47 ties shall recognize the right of detained or incarcerated individuals,  
48 who are qualified to register for and vote at any election pursuant to  
49 section 5-102 of the election law and not subject to exclusion by  
50 section 5-106 of the election law, to the free exercise of their right  
51 to vote in accordance with the provisions of the constitution and, to  
52 effectuate such end, shall allow for access by the eligible individuals  
53 to electronic personal voter registration or voter registration by  
54 application pursuant to article five of the election law and to access  
55 absentee balloting services through the electronic absentee ballot  
56 application transmittal system or by paper application pursuant to title

1 four of article eight of the election law, in such manner as may best  
2 carry into effect the spirit and intent of this section and be consist-  
3 ent with the proper discipline and management of the correctional facil-  
4 ity. Such services shall be made available within the buildings or  
5 grounds, whenever possible, where the detained or incarcerated individ-  
6 uals are required by law to be confined, in such manner and at such  
7 hours as will be in harmony with the rules and regulations of both the  
8 facility and the board of elections, and secure to such individuals the  
9 free exercise of their right to vote in accordance with the provisions  
10 of this section. In case of a violation of any of the provisions of this  
11 section, any person feeling aggrieved thereby may exercise any rights  
12 and remedies provided for under state and federal law, including by  
13 instituting proceedings in the supreme court of the district where such  
14 facility is situated, which is hereby authorized and empowered to  
15 enforce the provisions of this section.

16 3. Duty to cooperate. Pursuant to sections 8-406, 8-407, and 8-415 of  
17 the election law, the superintendent of each local correctional facility  
18 shall cooperate with the board of elections in developing and implement-  
19 ing a plan to facilitate at least one method of voter access for all  
20 persons eligible to vote who are detained or confined at each such  
21 facility, including, but not limited to making available to such board  
22 space and reasonable accommodations within such facility for the  
23 discharge of its duties. The department shall issue regulations direct-  
24 ing each such facility to ensure the timely delivery, and to facilitate  
25 the timely return if applicable, of all official election mail, forms,  
26 notices or communications to any individual detained or confined at such  
27 facility and that non-partisan plain language educational materials  
28 about the voting rights of individuals currently incarcerated and  
29 formerly incarcerated are included in the inmate handbook or similar  
30 materials and reentry resources. Nothing in this subdivision shall  
31 prohibit the inclusion or distribution of non-partisan educational mate-  
32 rials in additional resources provided to or made available to incarcer-  
33 ated or formerly incarcerated individuals. Without limiting any rights  
34 or remedies provided to voters under the law, there shall be a presump-  
35 tion of a violation of subdivision one of section 17-212 of the election  
36 law when any superintendent, employee, or agent of such local correc-  
37 tional facility, by commission or omission, intentionally frustrates the  
38 purposes of this section. This subdivision shall not apply to any facil-  
39 ity where the persons detained or confined at such facility are exclu-  
40 sively under the age of eighteen.

41 4. Rights restoration upon release and registration. Prior to the  
42 release from a local correctional facility of any person convicted of a  
43 felony the chief administrative officer shall notify such person verbal-  
44 ly and in writing that [~~his or her~~] such person's voting rights will be  
45 restored upon release and provide such person with a form of application  
46 for voter registration and a declination form, offer such person assist-  
47 ance in filling out the appropriate form, and provide such person writ-  
48 ten information distributed by the board of elections on the importance  
49 and the mechanics of voting. Upon release, such person may choose to  
50 either submit [~~his or her~~] a completed application to the state board or  
51 county board where such person resides or have the department transmit  
52 it on his or her behalf. Where such person chooses to have the depart-  
53 ment transmit the application, the chief administrative officer shall  
54 transmit the completed application upon such person's release to the  
55 state board or county board where such person resides.

1     ~~[2-]~~ 5. Upon discharge or release from the custody of a local correc-  
2 tional facility, the chief administrative officer of such facility  
3 shall, in consultation with the county board of elections, distribute to  
4 every person eighteen years of age or older a written notice on the  
5 voting rights of such person in the state of New York, including infor-  
6 mation on the importance and mechanics of voting, when such person is or  
7 may become eligible to vote, and offer to every such person a voter  
8 registration form; provided that, if an individual declines to accept a  
9 voter registration form, the chief administrative officer shall maintain  
10 a written record of such declination. Notice is not required for those  
11 individuals being transferred to a different local correctional facili-  
12 ty, individuals being transferred or released to the custody of a state  
13 correctional facility or institution, or individuals being released to  
14 the custody of a hospital or mental health institution for treatment.

15     § 9. Subdivision 6 of section 137 of the correction law is amended by  
16 adding a new paragraph (p) to read as follows:

17     (p) Any incarcerated individual confined in a cell or room, apart from  
18 the accommodations provided for individuals who are participating in  
19 programs of the facility, or any incarcerated individual held in segre-  
20 gated confinement who is eligible to vote shall be entitled to register  
21 to vote and vote as set forth in sections 8-407 and 8-415 of the  
22 election law.

23     § 10. This act shall take effect on the first of July next succeeding  
24 the date on which it shall have become a law; provided, however, that  
25 the amendments to section 510 of the correction law made by section 8-a  
26 of this act shall take effect on the same date and in the same manner as  
27 chapter 473 of the laws of 2023 takes effect. Effective immediately,  
28 the addition, amendment and/or repeal of any rule or regulation neces-  
29 sary for the implementation of this act on its effective date are  
30 authorized to be made and completed on or before such effective date.