

STATE OF NEW YORK

6875--A

2023-2024 Regular Sessions

IN SENATE

May 12, 2023

Introduced by Sens. MYRIE, GOUNARDES, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. This act shall be known and may be cited as the "Democracy
2 During Detention Act".

3 § 2. The election law is amended by adding a new section 8-109 to read
4 as follows:

5 § 8-109. Polling places at correctional facilities and local correc-
6 tional facilities. 1. For purposes of facilitating voting by residents
7 of correctional facilities and local correctional facilities, as such
8 terms are defined in section two of the correction law, the board of
9 elections of each county may establish by majority vote, in lieu of the
10 absentee balloting program set forth in subdivisions one through fifteen
11 of section 8-407 of this article, a polling place at any such facility
12 for at least three hours of operation beginning the tenth day prior to
13 any general, primary, run-off primary pursuant to subdivision one of
14 section 6-162 of this chapter or special election for any public or
15 party position, and ending on and including the ninth day prior to such
16 general, primary, run-off primary or special election for such public
17 office or party position. Any such polling place shall be established
18 in compliance with the early voting provisions of paragraphs (d) and (e)
19 of subdivision four and subdivisions five through eleven of section
20 8-600 of this article, section 8-604 of this article regarding registra-
21 tion during early voting, and subdivision one-a of section 4-104 of this

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

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1 chapter. Voter access to polling places established pursuant to this
2 section shall be restricted to voters detained or confined at such
3 facility or related facilities and voters who are employees of such
4 facilities, who are registered to vote in the county where such facility
5 is located. All other eligible voters who are detained or confined at
6 such facility or who are employees of such facility shall be provided
7 with voter registration forms and absentee ballot applications pursuant
8 to section 8-415 of this article. The establishment of polling places
9 under this section shall be in addition to, and shall not diminish, the
10 minimum quantity of early voting locations required by subdivision two
11 of section 8-600 of this article, nor shall the fact of such establish-
12 ment alter or prejudice the application of the equitable siting factors
13 therein. The board of elections shall establish procedures or apply
14 procedures established for early voting, subject to approval of the
15 state board of elections, to ensure that persons who vote during the
16 early voting period shall not be permitted to vote subsequently in the
17 same election.

18 2. (a) For purposes of facilitating voting by residents of correction-
19 al facilities and local correctional facilities, as such terms are
20 defined in section two of the correction law, the board of elections in
21 the city of New York may establish by majority vote, in lieu of the
22 absentee balloting program set forth in subdivisions one through fifteen
23 of section 8-407 of this article, a polling place at any such facility
24 for at least six hours of operation beginning the tenth day prior to any
25 general, primary, run-off primary pursuant to subdivision one of section
26 6-162 of this chapter or special election for any public or party posi-
27 tion, and ending on and including the eighth day prior to such general,
28 primary, run-off primary or special election for such public office or
29 party position. Any such polling place shall be established in compli-
30 ance with the provisions of paragraphs (d) and (e) of subdivision four
31 and subdivisions five through eleven of section 8-600 of this article,
32 section 8-604 of this article, and subdivision one-a of section 4-104 of
33 this chapter. Voter access to polling places established pursuant to
34 this section shall be restricted to voters detained or confined at such
35 facility or related facilities and voters who are employees of such
36 facilities, who are registered to vote in the county where such facility
37 is located. All other eligible voters who are detained or confined at
38 such facility or who are employees of such facility shall be provided
39 with voter registration forms and offered absentee ballot applications
40 pursuant to section 8-415 of this article. The establishment of polling
41 places under this section shall be in addition to, and shall not dimin-
42 ish, the minimum quantity of early voting locations required by subdivi-
43 sion two of section 8-600 of this article, nor shall the fact of such
44 establishment alter or prejudice the application of the equitable siting
45 factors therein. The board of elections shall establish procedures or
46 apply procedures established for early voting, subject to approval of
47 the state board of elections, to ensure that persons who vote during the
48 early voting period shall not be permitted to vote subsequently in the
49 same election.

50 (b) Without limiting the provisions of paragraph (a) of this subdivi-
51 sion, the board of elections in the city of New York, in performing its
52 obligations under paragraph (a) of this subdivision, shall conduct at
53 least one site visit between forty-five and thirty days prior to a
54 primary or general election to administer timely voter registration by
55 eligible citizens at each correctional or local correctional facility
56 for which a polling place will be established pursuant to paragraph (a)

1 of this subdivision using board of elections electronic tablets and
2 digital resources wherever possible to effectuate electronic voter
3 registration in accordance with section 5-802 of this title, resorting
4 to paper forms only in extenuating circumstances or where employing such
5 tablets and digital resources would be impracticable.

6 3. Prior to the establishment of a polling place pursuant to subdivi-
7 sion one or two of this section, the board of elections shall develop a
8 facility voter access plan in consultation and cooperation with and
9 countersigned by the facility's superintendent, administrator or direc-
10 tor, or their designated democracy officer or agent. Such plan shall
11 describe the dates, times, and location or locations where registration
12 and voting will take place; the proposed staffing levels; election
13 equipment, materials, and voting machines to be deployed; how detained
14 citizens will be informed of voter eligibility; the technology, elec-
15 tricity, and cybersecurity needed to effectuate the plan; and voting
16 procedures, security measures and other considerations relevant to
17 ensuring secure and accessible voter access for eligible voters located
18 at the facility. Such plan shall be submitted to the state board of
19 elections no later than ninety days prior to the first day of voting and
20 approved by the state board of elections with any amendments prescribed
21 by the state board of elections no later than seventy-five days prior to
22 the first day of voting and shall be a public record.

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

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

51 § 4. Section 8-407 of the election law, as added by chapter 296 of the
52 laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the
53 laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of
54 1989, is amended to read as follows:

55 § 8-407. Voting by residents of nursing homes, residential health care
56 facilities, facilities operated or licensed, or under the jurisdiction

1 of, the department of mental hygiene or hospitals [~~or~~], facilities
2 operated by the Veteran's Administration of the United States, or by
3 persons detained or confined at correctional facilities and local
4 correctional facilities. 1. The board of elections of a county or city
5 in which there is located at least one facility operated or licensed, or
6 under the jurisdiction of, the department of mental hygiene, or a facil-
7 ity defined as a nursing home or residential health care facility pursu-
8 ant to subdivisions two and three of section two thousand eight hundred
9 one of the public health law or an adult care facility subject to the
10 provisions of title two of article seven of the social services law,
11 [~~or~~] a hospital or other facility operated by the Veteran's Adminis-
12 tration of the United States, or correctional facilities or local
13 correctional facilities shall, subject to subdivision sixteen of this
14 section and section 8-109 of this article, provide and ensure that resi-
15 dents of, or persons detained or confined at, each such facility for
16 which such board has received twenty-five or more applications for
17 absentee ballots from voters who are eligible to vote by absentee ballot
18 in such city or county at such election, may vote by absentee ballot
19 [~~only~~] in the manner provided for in this section. Such board may, in
20 its discretion, provide that the procedure described in this subdivision
21 shall be applicable to all such facilities in such county or city with-
22 out regard to the number of absentee ballot applications received from
23 the residents of any such facility.

24 2. Such a board of elections shall appoint, in the same manner as
25 other inspectors, one or more bi-partisan boards of inspectors, each
26 composed of two such inspectors. Such inspectors may be regular employ-
27 ees of such board of elections or persons qualified in accordance with
28 subdivision six of section 3-400 of this chapter. All inspectors
29 appointed pursuant to this subdivision shall undergo the requisite
30 training and subscribe to the oath required of election inspectors
31 pursuant to sections 3-412 and 3-414 of this chapter.

32 3. Not earlier than [~~thirteen~~] twenty-one days before or later than
33 the day before such an election such a board of inspectors shall,
34 between the hours of [~~nine~~] seven o'clock in the morning and [~~five~~]
35 eight o'clock in the evening on one or more days, attend at each such
36 facility for the residents of which the board of elections has custody
37 of twenty-five or more absentee ballots or which otherwise qualifies
38 pursuant to subdivision sixteen of this section or, if the board of
39 elections has so provided, each such facility for which the board has
40 custody of one or more such absentee ballots, pursuant to the provisions
41 of this chapter.

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

46 5. The board of elections shall deliver to each board of inspectors
47 voter registration forms, paper absentee ballot applications or tools
48 capable of providing eligible persons with access to complete and submit
49 or save such applications through the electronic voter registration or
50 absentee ballot application transmittal system and sufficient equipment
51 for the printing and issuance of absentee ballots or all the absentee
52 ballots in the custody of such board of elections which are addressed to
53 [~~residents of~~] voters at the facilities which such board of inspectors
54 is appointed for or assigned to attend, together with one or more port-
55 able voting booths of a type approved by the state board of elections
56 and such other supplies, including assistive devices and any reasonable

1 accommodations for persons with disabilities and interpretive resources
2 and personnel for those in need of language assistance, as such board of
3 inspectors will require to discharge its duties properly. Any completed
4 voter registration forms collected by such board of inspectors shall be
5 processed pursuant to sections 5-208 and 5-210 of this chapter, as
6 applicable. Any completed absentee ballot application forms collected by
7 such board of inspectors shall be treated as applications for an absen-
8 tee ballot delivered in person at the board of elections to the voter or
9 to an agent of the voter in accordance with paragraph (c) of subdivision
10 two of section 8-400 of this title and processed pursuant to section
11 8-402 of this title.

12 6. The board of elections, at least [~~twenty~~] forty-five days before
13 each such election, or, for facilities not set forth in subdivision
14 sixteen of this section, on the day after it shall have received the
15 requisite number of applications for absentee ballots from the residents
16 of any such facility, whichever is later, shall communicate with the
17 superintendent, administrator or director of each such facility or their
18 designated democracy officer or agent to arrange the [~~day~~] days and
19 [~~time~~] times when the board of inspectors will attend at such facility.
20 The board of elections shall keep a list of (a) the [~~day~~] days and
21 [~~time~~] times at which the board of inspectors will attend at each such
22 facility, (b) the number of applications for absentee ballots received
23 from any such facility, and (c) the number of absentee ballots returned
24 by voters at any such facility pursuant to this section as [~~a~~] public
25 [~~record~~] records at its office and deliver a copy of such records to the
26 state board of elections within seven days after certification of each
27 primary, general or special election.

28 7. It shall be the duty of each such superintendent, administrator or
29 director, or their designated democracy officer or agent, to assist the
30 board of inspectors attending or serving such facility in the discharge
31 of its duties, including, but not limited to making available to such
32 board of inspectors space and reasonable accommodations within such
33 facility suitable for the discharge of its duties.

34 8. The board of inspectors shall deliver each absentee ballot
35 addressed to a [~~resident-of~~] voter located at each such facility to such
36 [~~resident~~] voter. If such [~~resident~~] voter is physically disabled the
37 inspectors shall, if necessary, deliver the ballot to such voter at
38 [~~his~~] their bedside.

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

42 10. If such a [~~resident~~] voter is unable to mark [~~his~~] their ballot,
43 [~~he~~] they may be assisted in marking such ballot by the two members of
44 the board of inspectors or such other person as [~~he~~] they may select. If
45 a voter is unable to mark the ballot and unable to communicate how [~~he~~
46 ~~wishes~~] they wish such ballot marked, such ballot shall not be cast. No
47 person who assists a voter to mark [~~his~~] their ballot pursuant to the
48 provisions of this section, shall disclose to any other person how any
49 such ballot was marked.

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

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

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

1 14. Any person, political committee or independent body entitled to
2 appoint watchers for the election district in which any such facility is
3 located at the election for which such absentee ballots are cast, shall
4 be entitled to appoint a watcher to attend such board of inspectors at
5 such facility.

6 15. All ballots cast pursuant to the provisions of this section which
7 are received before the close of the polls on election day by the board
8 of elections charged with the duty of casting and canvassing such
9 ballots, may be delivered to the inspectors of election in the manner
10 prescribed by this chapter or retained at the board of elections and
11 cast and canvassed pursuant to the provisions of section 9-209 of this
12 chapter as such board shall, in its discretion, determine pursuant to
13 the provisions of subdivision one of this section.

14 16. (a) With respect to correctional facilities and local correctional
15 facilities, as such terms are defined in section two of the correction
16 law, the board of elections in counties with at least one hundred thou-
17 sand registered voters shall provide that the eligible persons detained
18 or confined at any such facility in such county with seventy-five or
19 more persons detained or confined may vote by absentee ballot as
20 provided for in this section, without regard to the number of absentee
21 ballot applications received from eligible voters at any such facility.
22 With respect to eligible persons detained at such facility who are not
23 residents of the county in which such facility is located, the residual
24 duty to facilitate timely voter registration and absentee ballot access
25 pursuant to section 8-415 of this title shall still apply. All other
26 correctional facilities and local correctional facilities in such a
27 county shall be subject to the provisions of section 8-415 of this
28 title; provided, however, that a board of elections may provide absentee
29 balloting access in accordance with this subdivision to voters detained
30 or confined at such other correctional facilities and local correctional
31 facilities in lieu of such board of elections' obligations prescribed by
32 section 8-415 of this title. This subdivision shall not apply to any
33 facility where the persons detained or confined at such facility are
34 exclusively under the age of eighteen.

35 (b) Each board of elections subject to paragraph (a) of this subdivi-
36 sion shall develop a facility voter access plan in consultation and
37 cooperation with and countersigned by the facility's superintendent,
38 administrator or director, or their designated democracy officer or
39 agent. Such plan shall include written procedures to ensure orderly
40 administration of the absentee balloting program at each such facility,
41 in a manner such that all eligible persons have an effective opportunity
42 to register and vote. Such procedures shall include the delivery and
43 retrieval of electronic or paper voter registration forms, ballot
44 requests, and absentee ballots; describe the dates, times, and location
45 or locations where registration and voting will take place; the proposed
46 staffing levels; election equipment, materials, and any voting machines
47 to be deployed; how detained citizens will be informed of voter eligi-
48 bility; the technology, electricity, and cybersecurity needed to effec-
49 tuate the plan; and procedures, security measures and other consider-
50 ations relevant to ensuring secure and accessible voting at the
51 facility. This plan shall be submitted to the state board of elections
52 no later than ninety days prior to the first election day in which such
53 facility will participate in this program, and approved by the state
54 board of elections with any amendments prescribed by the state board of
55 elections no later than seventy-five days prior to such election day,
56 and shall be a public record. This paragraph shall not apply to facili-

1 ties where a board of elections establishes a polling place in accord-
2 ance with section 8-109 of this article.

3 (c) Without limiting the provisions of paragraph (a) of this subdivi-
4 sion, the board of elections in the city of New York, in performing its
5 obligations under paragraph (a) of this subdivision shall:

6 (i) ensure the adequate resource allocation and deployment, in a
7 manner consistent with that provided to voters who are not detained or
8 confined, of assistive devices and reasonable accommodations for persons
9 with disabilities pursuant to section 4-104 of this chapter, and inter-
10 pretive resources and language-related assistance in voting and
11 elections pursuant to section 17-208 of this chapter and in coordination
12 with the poll site language assistance program prescribed by paragraph
13 (a) of subdivision four of section thirty-two hundred two of the charter
14 of the city of New York, to the extent justified by the needs of the
15 voters actually detained or confined;

16 (ii) conduct at least one site visit between forty-five and thirty
17 days prior to a primary or general election to administer timely voter
18 registration and absentee ballot application by eligible citizens at
19 each such facility in accordance with subdivision three of this section
20 using board of elections electronic tablets and digital resources wher-
21 ever possible to effectuate electronic voter registration in accordance
22 with section 5-802 of this chapter and electronic absentee ballot appli-
23 cation in accordance with section 8-408 of this title, resorting to
24 paper forms only in extenuating circumstances or where employing such
25 tablets and digital resources would be impracticable, provided however,
26 that the board of elections in the city of New York may dispense with
27 such site visit if the approved written procedures for voting at such
28 facility required by paragraph (a) of this subdivision expressly author-
29 ize and direct the board of inspectors attending such facility pursuant
30 to subdivision three of this section to conduct and process same-day
31 voter registration and to receive and process same-day in-person absen-
32 tee ballot applications, including, for applicants that are determined
33 to be entitled to vote, delivery of the applicable ballots; and

34 (iii) allocate and deploy sufficient equipment, personnel, and
35 resources when attending correctional facilities and local correctional
36 facilities within its jurisdiction at levels that, in consultation with
37 the state board of elections, take into account the estimated number of
38 eligible voters, historical data regarding the time taken to check in
39 and process voters at an office of the board of elections or a polling
40 place, public safety and security considerations, the division of incar-
41 cerated individuals among buildings, and other relevant factors.

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

46 § 5. The election law is amended by adding a new section 8-415 to read
47 as follows:

48 § 8-415. Absentee voting; application and registration drive for citi-
49 zens detained or confined at correctional facilities and local correc-
50 tional facilities. 1. This section applies to any correctional facility
51 or local correctional facility, as such terms are defined in section two
52 of the correction law, for which absentee balloting is not provided
53 pursuant to section 8-407 of this title, except for any such facility
54 where the persons detained or confined at such facility are exclusively
55 under the age of eighteen. For each such facility, the board of
56 elections shall coordinate with the superintendent, administrator,

1 director, designated democracy officer or agent to facilitate voter
2 access by ensuring that all eligible citizens are provided with access
3 to electronic personal voter registration pursuant to this article or
4 voter registration by application which shall be processed pursuant to
5 sections 5-208 and 5-210 of this chapter, as applicable, and, except for
6 county voters detained or confined at a correctional facility or local
7 correctional facility at which a polling place will be established
8 pursuant to section 8-109 of this article, that all eligible voters are
9 provided with an absentee ballot application no later than twenty-one
10 days prior to election day. It shall be the duty of each such super-
11 intendent, administrator, director, designated democracy officer or
12 agent to assist the board in the discharge of its duties pursuant to
13 this subdivision, including, but not limited to making available suit-
14 able space and reasonable accommodations within such facility.

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

22 3. Without limiting the provisions of subdivisions one and two of this
23 section, the board of elections in the city of New York, in performing
24 its obligations under subdivision one of this section, shall deploy
25 interpretive resources and language-related assistance to ensure all
26 eligible individuals have an effective opportunity to register to vote
27 and apply for an absentee ballot, to the extent justified by the needs
28 of the voters actually detained or confined.

29 § 6. The election law is amended by adding a new section 3-507 to read
30 as follows:

31 § 3-507. Federal correctional facilities, voting at. 1. Each board of
32 elections and the board of elections in the city of New York shall
33 employ best efforts to ensure that the eligible persons detained or
34 confined at any federal correctional facility located within the juris-
35 isdiction of such board may have an effective opportunity to register and
36 vote in a manner consistent with the voter access programs prescribed by
37 sections 8-109, 8-407, and 8-415 of this chapter, respectively, as would
38 be applicable to such facilities if those facilities were local correc-
39 tional facilities or correctional facilities.

40 2. For purposes of this section, best efforts shall include a direct
41 engagement with the leadership of a federal correctional facility or
42 agent or democracy officer thereof, which shall occur no later than
43 February fifteenth in each even year. Such biennial engagement shall
44 include a written request for coordination and cooperation in the
45 provision and facilitation of voter access to eligible citizens detained
46 or confined at such facility for the forthcoming federal election cycle.

47 3. The provision and facilitation of voter access to eligible citizens
48 under this section shall be subject to, and administered pursuant to,
49 written procedures agreed upon by a board of elections and the leader-
50 ship of a federal correctional facility within the jurisdiction of such
51 board of elections to ensure orderly administration of the absentee
52 balloting program at such facility that is approved by the state board
53 of elections at least sixty days before they shall be effective.

54 § 7. Subdivision 1 of section 17-208 of the election law, as added by
55 chapter 226 of the laws of 2022, is amended to read as follows:

1 1. Political subdivisions required to provide language assistance. A
2 board of elections or a political subdivision that administers elections
3 shall provide language-related assistance in voting and elections to a
4 language-minority group in a political subdivision, or to citizens
5 belonging to a language-minority group detained or confined at correc-
6 tional facilities or local correctional facilities, if, based on data
7 from the American community survey, or data of comparable quality
8 collected by a public office, such data indicates that:

9 (a) more than two percent, but in no instance fewer than three hundred
10 individuals, of the citizens of voting age of a political subdivision,
11 or in the city of New York the citizens of voting age detained or
12 confined at correctional facilities or local correctional facilities,
13 are members of a single language-minority group and are limited English
14 proficient.

15 (b) more than four thousand of the citizens of voting age of such
16 political subdivision are members of a single language-minority group
17 and are limited English proficient.

18 (c) in the case of a political subdivision that contains all or any
19 part of a Native American reservation, more than two percent of the
20 Native American citizens of voting age within the Native American reser-
21 vation are members of a single language-minority group and are limited
22 English proficient. For the purposes of this paragraph, "Native Ameri-
23 can" is defined to include any persons recognized by the United States
24 census bureau or New York as "American Indian" or "Alaska Native".

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

27 § 500-j. Who may visit local correctional facilities. The following
28 persons may visit at pleasure all local correctional facilities: The
29 governor and lieutenant-governor, secretary of state, comptroller and
30 attorney-general, members of the legislature, judges of the court of
31 appeals, justices of the supreme court and county judges, district
32 attorneys ~~[and]~~, every clergyman or minister, as such terms are defined
33 in section two of the religious corporations law, having charge of a
34 congregation in the county in which such facility is located, and
35 bi-partisan board of elections officials and inspectors appointed by the
36 board of elections in the county where any such facility is situated or
37 the board of elections in the city of New York, in order to discharge
38 their duties under sections 8-407 and 8-415 of the election law. No
39 other person not otherwise authorized by law shall be permitted to enter
40 the rooms of a local correctional facility in which convicts are
41 confined, unless under such regulations as the sheriff of the county, or
42 in counties within the city of New York, the commissioner of correction
43 of such city, or in the county of Westchester, the commissioner of
44 correction of such county shall prescribe.

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

47 1. The following persons shall be authorized to visit at pleasure all
48 correctional facilities: The governor and lieutenant-governor, commis-
49 sioner of general services, secretary of state, comptroller and attor-
50 ney-general, members of the commission of correction, members of the
51 legislature and their accompanying staff and any employee of the depart-
52 ment as requested by the member of the legislature if the member
53 requests to be so accompanied, provided that such request does not
54 impact upon the department's ability to supervise, manage and control
55 its facilities as determined by the commissioner, judges of the court of
56 appeals, supreme court and county judges, district attorneys ~~[and]~~.

1 every clergyman or minister, as such terms are defined in section two of
2 the religious corporations law, having charge of a congregation in the
3 county wherein any such facility is situated, and bi-partisan boards of
4 elections officials and inspectors appointed by the board of elections
5 in the county where any such facility is situated or the board of
6 elections in the city of New York, in order to discharge their duties
7 under sections 8-109, 8-407, and 8-415 of the election law. No other
8 person not otherwise authorized by law shall be permitted to enter a
9 correctional facility except by authority of the commissioner of
10 correction under such regulations as the commissioner shall prescribe.

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

13 § 75. [~~Notice of voting~~] Voting rights. 1. Freedom to vote. All
14 persons who may have been or may hereafter be detained or confined at,
15 or committed to or taken charge of by any correctional facility, who are
16 qualified to register for and vote at any election pursuant to section
17 5-102 of the election law and not subject to exclusion by section 5-106
18 of the election law, are hereby declared to be entitled to the free
19 exercise and enjoyment of the elective franchise without discrimination
20 or preference.

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

48 3. Duty to cooperate. Pursuant to sections 8-109, if applicable,
49 8-406, 8-407, 8-415, and 17-208 of the election law, the superintendent
50 of each correctional facility shall cooperate with the board of
51 elections in developing and implementing a plan to facilitate at least
52 one method of voter access for all persons eligible to vote who are
53 detained or confined at each such facility, including, but not limited
54 to providing timely clearance, access, and security for board of
55 elections personnel and resources, and making available to such board
56 space and reasonable accommodations within such facility for the

1 discharge of its duties. The department shall issue regulations direct-
2 ing each such facility to ensure the timely delivery, and to facilitate
3 the timely return if applicable, of all official election mail, forms,
4 notices or communications to any individual detained or confined at such
5 facility and that non-partisan plain language educational materials
6 about the voting rights of individuals currently incarcerated and
7 formerly incarcerated are included in the inmate handbook or similar
8 materials and reentry resources. Nothing in this subdivision shall
9 prohibit the inclusion or distribution of non-partisan educational mate-
10 rials in additional resources provided to or made available to incarcer-
11 ated or formerly incarcerated individuals. Without limiting any rights
12 or remedies provided to voters under the law, there shall be a presump-
13 tion of a violation of subdivision one of section 17-212 of the election
14 law when any superintendent, employee, or agent of such correctional
15 facility, by commission or omission, intentionally frustrates the
16 purposes of this section.

17 4. Rights restoration upon release and registration. Prior to the
18 release from a correctional facility of any person the department shall
19 notify such person verbally and in writing, that [~~his or her~~] such
20 voting rights will be restored upon release and provide such person with
21 a form of application for voter registration and a declination form,
22 offer such person assistance in filling out the appropriate form, and
23 provide such person written information distributed by the board of
24 elections on the importance and the mechanics of voting. Upon release,
25 such person may choose to either submit [~~his or her~~] such completed
26 application to the state board or county board where such person resides
27 or have the department transmit it on [~~his or her~~] such person's behalf.
28 Where such person chooses to have the department transmit the applica-
29 tion, the department shall transmit the completed application upon such
30 person's release to the state board or county board where such person
31 resides.

32 § 11. Section 510 of the correction law, as amended by chapter 473 of
33 the laws of 2023, is amended to read as follows:

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

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

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

13 3. Duty to cooperate. Pursuant to sections 8-406, 8-407, 8-415 and
14 17-208 of the election law, the superintendent of each local correction-
15 al facility shall cooperate with the board of elections in developing
16 and implementing a plan to facilitate at least one method of voter
17 access for all persons eligible to vote who are detained or confined at
18 each such facility, including, but not limited to providing timely
19 clearance, access, and security for board of elections personnel and
20 resources, and making available to such board space and reasonable
21 accommodations within such facility for the discharge of its duties. The
22 department shall issue regulations directing each such facility to
23 ensure the timely delivery, and to facilitate the timely return if
24 applicable, of all official election mail, forms, notices or communi-
25 cations to any individual detained or confined at such facility and that
26 non-partisan plain language educational materials about the voting
27 rights of individuals currently incarcerated and formerly incarcerated
28 are included in the inmate handbook or similar materials and reentry
29 resources. Nothing in this subdivision shall prohibit the inclusion or
30 distribution of non-partisan educational materials in additional
31 resources provided to or made available to incarcerated or formerly
32 incarcerated individuals. Without limiting any rights or remedies
33 provided to voters under the law, there shall be a presumption of a
34 violation of subdivision one of section 17-212 of the election law when
35 any superintendent, employee, or agent of such local correctional facil-
36 ity, by commission or omission, intentionally frustrates the purposes of
37 this section. This subdivision shall not apply to any facility where the
38 persons detained or confined at such facility are exclusively under the
39 age of eighteen.

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

55 [~~2-~~] 5. Upon discharge or release from the custody of a local correc-
56 tional facility, the chief administrative officer of such facility

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

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

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

21 § 13. Subdivision 9 of section 1057-a of the New York city charter, as
22 amended by chapter 481 of the laws of 2023, is amended to read as
23 follows:

24 9. In addition to the other requirements of this section, the depart-
25 ment of correction shall ~~[implement and administer a program of distrib-~~
26 ~~ution and submission of early mail and absentee ballot applications, and~~
27 ~~subsequently received early mail or absentee ballots, for eligible~~
28 ~~incarcerated individuals. Such department shall offer, to all incarcer-~~
29 ~~ated individuals who are registered to vote, early mail and absentee~~
30 ~~ballot applications, and a means to complete them, during the period~~
31 ~~from sixty days prior to any primary, special, or general election in~~
32 ~~the city of New York until two weeks prior to any such election. Such~~
33 ~~department shall subsequently provide any early mail or absentee ballot~~
34 ~~received from the board of elections in response to any such application~~
35 ~~to the applicable incarcerated individual, as well as a means to~~
36 ~~complete it. Such department shall provide assistance to any such incar-~~
37 ~~cerated individual in filling out such application or ballot upon~~
38 ~~request. Such department shall, not later than five days after receipt,~~
39 ~~transmit such completed applications and ballots from any incarcerated~~
40 ~~individual who wishes to have them transmitted to the board of elections~~
41 ~~for the city of New York. The provisions of this subdivision shall not~~
42 ~~apply in any specific instance in which the department deems it unsafe~~
43 ~~to comply therewith]~~ assist, coordinate, and cooperate with the board of
44 elections in developing and implementing a plan to facilitate voter
45 access for all persons eligible to vote who are detained or confined at
46 each facility, in accordance with the democracy during detention act.

47 § 14. Subparagraph (a) of paragraph 4 of subdivision a of section 3202
48 of the New York city charter, as added by section 2 of question 2 of
49 local law number 211 of the city of New York for the year 2018 is
50 amended to read as follows:

51 (a) Subject to appropriation and after consultation with the mayor's
52 office of immigrant affairs and the department of city planning, estab-
53 lish a program for providing language interpreters at poll sites
54 throughout New York city for the purpose of facilitating participation
55 by limited English proficient individuals in voting in elections held in
56 the city, which shall include correctional facilities and local correc-

1 tional facilities located in the city. To the extent practicable, the
2 commission shall consult and coordinate with the board of elections of
3 the city of New York in the development and implementation of the
4 program established pursuant to this paragraph.

5 § 15. This act shall take effect on the first of July next succeeding
6 the date on which it shall have become a law; provided, however, that
7 the amendments to section 17-208 of the election law made by section
8 seven of this act shall take effect on the same date and in the same
9 manner as chapter 226 of the laws of 2022, as amended, takes effect.
10 Effective immediately, the addition, amendment and/or repeal of any rule
11 or regulation necessary for the implementation of this act on its effec-
12 tive date are authorized to be made and completed on or before such
13 effective date.