

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:

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

3 § 8-109. Polling places at correctional facilities and local correc-
4 tional facilities. For purposes of facilitating voting by residents of
5 correctional facilities and local correctional facilities, as such terms
6 are defined in section two of the correction law, the board of elections
7 may establish by majority vote, in lieu of the absentee balloting
8 program set forth in subdivisions one through fifteen of section 8-407
9 of this article, a polling place at any such facility for at least three
10 hours of operation beginning the third day prior to any general, prima-
11 ry, run-off primary pursuant to subdivision one of section 6-162 of this
12 chapter or special election for any public or party position, and
13 ending on and including the second day prior to such general, primary,
14 run-off primary or special election for such public office or party
15 position. Any such polling place shall be established in compliance
16 with the early voting provisions of paragraphs (d) and (e) of subdivi-
17 sion four and subdivisions five through eleven of section 8-600 of this
18 article. Voter access to polling places established pursuant to this
19 section shall be restricted to voters detained or confined at such
20 facility or related facilities and voters who are employees of such
21 facilities, who are registered to vote in the county where such facility
22 is located, or for facilities located in the city of New York, voters
23 who are registered to vote in the city of New York. All other eligible
24 voters who are detained or confined at such facility or who are employ-
25 ees of such facility shall be provided with voter registration forms and
26 absentee ballot applications pursuant to section 8-415 of this article.
27 The establishment of polling places under this section shall be in addi-
28 tion 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.

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

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

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

36 § 3. Section 8-407 of the election law, as added by chapter 296 of the
37 laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the
38 laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of
39 1989, is amended to read as follows:

40 § 8-407. Voting by residents of nursing homes, residential health care
41 facilities, facilities operated or licensed, or under the jurisdiction
42 of, the department of mental hygiene or hospitals [~~or~~], facilities
43 operated by the Veteran's Administration of the United States, or by
44 persons detained or confined at correctional facilities and local
45 correctional facilities. 1. The board of elections of a county or city
46 in which there is located at least one facility operated or licensed, or
47 under the jurisdiction of, the department of mental hygiene, or a facil-
48 ity defined as a nursing home or residential health care facility pursu-
49 ant to subdivisions two and three of section two thousand eight hundred
50 one of the public health law or an adult care facility subject to the
51 provisions of title two of article seven of the social services law,
52 [~~or~~] a hospital or other facility operated by the Veteran's Adminis-
53 tration of the United States, or a correctional facility or local
54 correctional facility shall, subject to subdivision sixteen of this
55 section and section 8-109 of this article, provide and ensure that resi-
56 dents 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.

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

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

10 § 500-j. Who may visit local correctional facilities. The following
11 persons may visit at pleasure all local correctional facilities: The
12 governor and lieutenant-governor, secretary of state, comptroller and
13 attorney-general, members of the legislature, judges of the court of
14 appeals, justices of the supreme court and county judges, district
15 attorneys [~~and~~], every clergyman or minister, as such terms are defined
16 in section two of the religious corporations law, having charge of a
17 congregation in the county in which such facility is located, and
18 bi-partisan board of elections officials and inspectors appointed by the
19 board of elections in the county where any such facility is situated or
20 the board of elections in the city of New York, in order to discharge
21 their duties under sections 8-407 and 8-415 of the election law. No
22 other person not otherwise authorized by law shall be permitted to enter
23 the rooms of a local correctional facility in which convicts are
24 confined, unless under such regulations as the sheriff of the county, or
25 in counties within the city of New York, the commissioner of correction
26 of such city, or in the county of Westchester, the commissioner of
27 correction of such county shall prescribe.

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

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

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

52 § 75. [~~Notice of voting~~] Voting rights. 1. Freedom to vote. All
53 persons who may have been or may hereafter be detained or confined at,
54 or committed to or taken charge of by any correctional facility, who are
55 qualified to register for and vote at any election pursuant to section
56 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.