

# 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.

LBD11137-05-4

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.