

STATE OF NEW YORK

7857

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT to amend the election law, in relation to polling places in detention facilities and the voting rights and status of incarcerated persons; and to amend the correction law, in relation to persons who may visit correctional facilities

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

1 Section 1. Legislative intent. The intention of this bill is to bring
2 vote method equity to New York's detention facilities. Thousands of New
3 Yorkers that are otherwise eligible to vote are held in facilities where
4 they do not have access to a polling place. This bill rectifies that
5 inequity and provides for robust enforcement.

6 § 2. Subdivision 14 of section 1-104 of the election law is amended to
7 read as follows:

8 14. Words of masculine gender include the feminine as well as other
9 gender expressive terms except where the provision clearly applies to
10 only one sex.

11 § 3. Section 1-104 of the election law is amended by adding six new
12 subdivisions 40, 41, 42, 43, 44 and 45 to read as follows:

13 40. The term "correctional facility" shall have the definition given
14 to it in subdivision four of section two of the corrections law.

15 41. The term "local correctional facility" shall have the definition
16 given to it in subdivision sixteen of section two of the corrections
17 law.

18 42. Whenever the term "sheriff" is used in this chapter, such term
19 shall be deemed to include the warden, superintendent, or other person,
20 including the commissioner of the department of correction for the city
21 of New York, in charge of a correctional or local correctional facility.

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

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1 43. The terms "detainee", "detained individual", or "detained person"
2 shall refer to any person detained for any period of time regardless of
3 conviction status in any correctional or local correctional facility.

4 44. The term "active eligible detainee" shall mean any person detained
5 in any correctional or local correctional facility for any amount of
6 time who is otherwise eligible to vote.

7 45. The term "correctional polling place" shall mean any polling place
8 established at a correctional or local correctional facility compliant
9 with section 8-109 of this chapter.

10 § 4. The election law is amended by adding a new section 8-110 to read
11 as follows:

12 § 8-110. Voting machines for correctional polling places. 1. Pursuant
13 to subdivision four of section 7-201 of this chapter, boards of
14 elections may use experimental voting machines in order to comply with
15 section 8-109 of this title, until such time as voting machines are
16 certified pursuant to local and state election law that comply with
17 section 8-109 of this title at which time the board of elections must
18 use the certified voting machine. Exceptions to policy shall not be made
19 because an individual is incarcerated in a different county than that in
20 which they have their home polling place. Boards of elections and all
21 interfacing and obligated agencies are required under section 8-109 of
22 this title to provide each active eligible detainee with a polling
23 place, ballot for said polling place for each and every general or
24 primary election pursuant to subdivision one of section 6-162 of this
25 chapter or special election for any public office or party position
26 except for such an election held pursuant to title two of article six or
27 to article fifteen of this chapter occurring in their district of resi-
28 dence or last domicile, and shall promulgate rules and requisition what-
29 ever materials and expertise required to expeditiously place fully
30 equipped and prepared correctional polling places wherever they are
31 needed.

32 2. The use of experimental voting machines shall not interfere with
33 the duty of the state and local boards of elections to ensure equitable
34 voting access to detained individuals as compared to non-detained indi-
35 vidual voters.

36 § 5. The election law is amended by adding five new sections 8-109,
37 8-111, 8-112, 8-113 and 8-114 to read as follows:

38 § 8-109. Polling places at correctional and local correctional facili-
39 ties. 1. For purposes of facilitating voting by detained individuals of
40 correctional and local correctional facilities operated by the state
41 department of corrections and community supervision, the city of New
42 York or any county or municipality, the board of elections must estab-
43 lish a polling place at any such facility where detained individuals may
44 be eligible to vote. The board of elections shall establish that such
45 correctional polling place be open and accessible to detained individ-
46 uals for the same duration of hours and days on and prior to election
47 day as early voting and election day polling places maintained outside
48 of correctional and local correctional facilities. Correctional polling
49 places must be established for any general, primary, or run-off primary
50 election pursuant to subdivision one of section 6-162 of this chapter or
51 special election for any public office or party position except for such
52 an election held pursuant to title two of article six or to article
53 fifteen of this chapter. Any polling place created under this section
54 shall be established in compliance with sections 8-100, 8-102, and 8-104
55 of this title. When open during the early voting period, any polling

1 place created under this section shall additionally comply with section
2 8-600 of this article.

3 2. Voter access to polling places at correctional or local correction-
4 al facilities established under this section shall be granted to eligi-
5 ble voters with active eligible detainee voter status, or who are eligi-
6 ble to register and vote on the same day, who are detained or confined
7 at such facility or related facilities, or for facilities located in the
8 city of New York, voters who are registered to vote in the city of New
9 York, or who are registered or may need to register in any voting
10 district in New York state. All active eligible detainee voters who are
11 detained or confined at a correctional or local correctional facility
12 may choose, in lieu of voting at a correctional polling place, to be
13 provided absentee ballot applications pursuant to section 8-400 of this
14 article, provided, however, that such choice shall not prevent said
15 eligible voters from casting their vote by alternate means in the
16 correctional polling place in lieu of an already requested absentee
17 ballot.

18 3. The establishment of correctional polling places under this section
19 shall be in addition to, and shall not diminish, the minimum quantity of
20 early voting locations required by subdivision two of section 8-600 of
21 this article, nor shall the fact of such establishment alter or preju-
22 dice the application of the equitable siting factors therein. For the
23 purposes of facilitating voting during the early voting period within
24 correctional and local correctional facilities, county, municipality,
25 and New York city boards of elections shall establish procedures or
26 apply procedures established for early voting, subject to approval of
27 the state board of elections, to ensure that persons who vote during the
28 early voting period shall not be permitted to vote subsequently in the
29 same election.

30 4. Boards of elections must establish a plan to create and maintain
31 correctional polling places no later than six months prior to the subse-
32 quent election. Such plan must describe the process in which voting
33 machines will be selected, by what time they will be selected, how
34 correctional polling places will be staffed, the way in which relevant
35 information to update voter status will be collected from state or coun-
36 ty authorities, how voting will be encouraged and how detained individ-
37 uals will be educated within correctional and local correctional facili-
38 ties, and any and all other information deemed necessary to effectuate
39 polling place usage within a correctional or local correctional facili-
40 ty. Such plan shall not abridge or remove any duty the board of
41 elections may have regarding the provision of absentee ballots requested
42 by a detained individual. Such plan must be clearly and conspicuously
43 available to the public, including, but not limited to, posting on the
44 website for the board of elections, releasing notice of the release of
45 such plan within the local paper of record, and notification and
46 distribution, through either physical or electronic methods, of such
47 plan to public defender offices and community-based organizations. Fail-
48 ure to adhere to any timeline described within the plan may be consid-
49 ered an act of obstructing the vote subject to penalties described in
50 section 8-114 of this title.

51 § 8-111. Polling place assignment of detained individuals. Pursuant to
52 section 18-102 of this chapter, upon the detention of a person at a
53 correctional or local correctional facility, such detained person who is
54 registered to vote shall have their voter status changed to active
55 eligible detainee status, and boards of elections shall ensure that all
56 voters with active eligible detainee status within their jurisdiction

1 are assigned to a correctional polling place at their place of
2 detention. Upon release from detention or transfer to a new correction-
3 al or local correctional facility, eligible voters shall have their
4 voter status updated to reflect their new status by the county board of
5 elections pursuant to paragraphs (b) and (c) of subdivision three of
6 section 18-102 of this chapter.

7 § 8-112. Voting rights; correctional and local correctional facili-
8 ties. 1. Each correctional and local correctional facility shall make
9 available current non-partisan resource materials, maintained by the New
10 York state board of elections and local boards of elections, containing
11 detailed information regarding the voting rights of an active eligible
12 detained individual.

13 2. The current resource materials described under subdivision one of
14 this section shall be provided: (a) upon intake of a person from a coun-
15 ty or city court; (b) upon transfer of a person from one correctional or
16 local correctional facility to another; and (c) upon sentencing and
17 conviction of an active eligible detained individual.

18 § 8-113. Voting rights information about polling places in correction-
19 al and local correctional facilities. 1. The sheriff shall make avail-
20 able to all active eligible detained persons in their custody current
21 resource materials, maintained by the local board of elections or
22 elections administrator, containing detailed information regarding the
23 voting rights of an active eligible detained person to vote via absentee
24 or early mail ballot or in-person at a correctional polling place. This
25 information shall be shared in the following formats:

26 (a) in print to detained individuals in advance of absentee or early
27 mail voting deadlines or early voting in-person at the correctional
28 polling place;

29 (b) where there is access to handheld electronic devices at the
30 correctional or local correctional facility, the sheriff shall share
31 information about the correctional polling place on the internal intra-
32 net or ethernet website for such facility;

33 (c) in a visible, high traffic location or locations on the premises
34 of each facility, including, but not limited to, the law library, gymna-
35 siums, and recreational rooms, where notices are customarily posted; and

36 (d) by dissemination by non-partisan volunteers and community-based
37 advocates of voter education and materials about what is on the ballot
38 to detained individuals in written and electronic format.

39 2. Sheriffs shall provide for voting educational sessions, held multi-
40 ple times per year, that are led by detained persons in their custody
41 and may seek the assistance of community-based organizations in facili-
42 tating these sessions.

43 § 8-114. Prohibition and remedies. 1. No person or entity may obstruct
44 the establishment or use of a polling place within a correctional or
45 local correctional facility or the right of any active eligible detained
46 person to register to vote or to vote. Obstruction includes, but is not
47 limited to, the refusal to update the voter status of a detainee, the
48 knowing or negligent impediment of the use and placement of a polling
49 place within a correctional or local correctional facility, the failure
50 to establish sufficient early voting polling places on the basis of
51 using a polling place in a correctional or local correctional facility,
52 the refusal to allow a detained individual to vote at a polling place in
53 lieu of using a requested absentee ballot, refusing to comply with
54 reporting requirements established by statute or any action that under-
55 mines the spirit and intent of section 8-109 of this title or failing to
56 provide equitable access to suffrage for detained individuals.

2. (a) Any aggrieved persons, organization whose membership or whose clients or clientele includes aggrieved persons or members of a protected class, organization whose mission, in whole or in part, is to ensure voting access and such mission would be hindered by a violation of this section, or the attorney general may file an action pursuant to this section in the supreme court of the county in which the alleged violation of this section occurred.

(b) Because of the frequency of elections, the severe consequences and irreparable harm of holding elections under unlawful conditions, and the expenditure to defend potentially unlawful conditions actions brought pursuant to this section shall be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference.

3. (a) Upon a finding of a violation of any provision of this article, the court shall implement appropriate remedies that are tailored to the violation, including but not limited to providing for additional time to cast a ballot that may be counted in the election at issue and extended polling place hours until all eligible detained individuals are able to cast their ballot.

(b) In any action alleging a violation of this section in which a plaintiff party seeks preliminary relief with respect to an upcoming election, the court shall grant relief if it determines that:

(i) the plaintiffs are more likely than not to succeed on the merits; and

(ii) it is possible to implement an appropriate remedy that would resolve the alleged violation in the upcoming election.

4. (a) Any party who shall violate any of the provisions of this section or who shall aid in the violation of any of said provisions shall be liable to any prevailing plaintiff party for damages, including nominal damages, for any violation, and compensatory or punitive damages for any intentional violation, as well as reasonable costs, attorneys' fee, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs.

(b) A plaintiff will be deemed to have prevailed in an action under this section when, as a result of litigation, the defendant party yields all or a portion of the relief sought in the suit.

5. The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this chapter shall supersede, restrict, or limit the application of the New York Voting Rights Act.

§ 6. Section 3-102 of the election law is amended by adding a new subdivision 12-a to read as follows:

12-a. provide reporting on the number of individuals detained in correctional and local correctional facilities who are registered to vote and who exercised their right to vote after each election. Such report will be supplied to the governor, legislature, and public within sixty days of the most recent prior election; Such a report shall include the number of such individuals who cast a ballot in the facilities, by what means those individuals voted, and will also indicate the number of voting machines, staff numbers, and hours of operation for any polling places required by section 8-109 of this chapter to be present and accessible to all active eligible detainees.

§ 7. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18 VOTING BY ACTIVE ELIGIBLE DETAINEES

1 Section 18-101. Active eligible detainee; right to vote.

2 18-102. Automatic change of voter status.

3 18-103. Reporting for the purposes of changing voter status.

4 18-104. Regulations.

5 § 18-101. Active eligible detainee; right to vote. 1. Detained indi-
6 viduals in any correctional or local correctional facility who are
7 registered to vote and are otherwise eligible shall be entitled to vote
8 at a correctional polling place as fully as if present at the polling
9 place in their district of residence or last domicile in the state of
10 New York, and to register to vote and to vote using any other method
11 provided for in this chapter, all without any exception related to their
12 status of detention. The designation of active eligible detainee shall
13 in no way prohibit or proscribe a person who is legally able to register
14 to vote and to vote on the same day from doing so.

15 2. It is the affirmative obligation of correctional or local correc-
16 tional facilities, boards of elections, and any interfacing agencies to
17 ensure that all eligible voters within correctional or local correction-
18 al facilities are extended maximal, uncompromising, and equitable access
19 to the ballot.

20 § 18-102. Automatic change of voter status. 1. In conjunction with the
21 county boards of elections, the state board of elections shall allow an
22 individual's voter status to be changed to and from active eligible
23 detainee.

24 2. In conjunction with the county boards of elections, the state board
25 of elections shall provide that a person that has been assigned active
26 eligible detainee status shall be automatically assigned to a correc-
27 tional polling place compliant with section 8-109 of this chapter at
28 their place of detention for the purposes of voting in elections in
29 their district of residence or last domicile in the state of New York. A
30 person whose voter status is changed from active eligible detainee to
31 any other active voter status shall be automatically assigned to the
32 appropriate polling place in their district of residence or last domi-
33 cile in the state of New York.

34 3. In conjunction with the county boards of elections, the state board
35 of elections shall facilitate the automatic change to and from active
36 eligible detainee status triggered by any alteration of the detention
37 status of an individual as described in this subdivision:

38 (a) When an individual is initially incarcerated at a correctional or
39 local correctional facility as a result of arrest, conviction, or any
40 other government action and such person is registered to vote and is
41 otherwise eligible to vote, the correctional or local correctional
42 facility shall coordinate with the county board of elections so that
43 such person's voter status is updated to active eligible detainee.

44 (b) If and when a person with active eligible detainee status is
45 transferred from one correctional or local correctional facility to a
46 different correctional or local correctional facility, such person shall
47 automatically be reassigned to a correctional polling place therein.

48 (c) If and when a person with active eligible detainee status is
49 released from a correctional or local correctional facility, such
50 person's voter status shall be automatically updated to reflect such
51 release.

52 § 18-103. Reporting for the purposes of changing voter status. 1. It
53 shall be the duty of the sheriff of a correctional or local correctional
54 facility to report to the appropriate county board of elections offi-
55 cial's records of the names of all persons of voting age who have been
56 detained within the facility or who have transferred out of the facili-

ty, either through transfer to a different facility or release from the facility. Pertinent records shall be arranged by county of residence and shall include the name, residence address, and birth date of each such person.

2. Reporting of intake, transfer, and release of detained individuals by the sheriff shall happen regularly, at a frequency to be determined by the county board of elections in conjunction with the sheriff of the correctional or local correctional facility, but shall occur no less than once a month and shall increase in frequency to once a week within the three months before an upcoming election and again to daily during the early voting and election day period.

3. Each county board of elections shall ensure that, pursuant to this section, each person detained within a correctional or local correctional facility who is registered to vote is assigned the active eligible detainee status prior to any special, primary, or general election. The assignment of such status shall be done regularly, but shall be no less than once a month and shall increase in frequency to once a week within the three months before an election and again to daily during the early voting and election day period.

4. Any record, document, or data containing personally identifying information of an individual's active eligible detainee status shall be exempt from public disclosure. Such information may only be exchanged by a sheriff of a correctional or local correctional facility and officials at the appropriate board of elections and only for the purpose of facilitating voting consistent with the mandates of this article.

§ 18-104. Regulations. The state board of elections shall promulgate rules and regulations to implement the provisions of this article.

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

§ 500-j. Who may visit local correctional facilities. The following persons may visit at pleasure all local correctional facilities: The governor and lieutenant-governor, secretary of state, comptroller and attorney-general, members of the legislature and their accompanying staff, judges of the court of appeals, justices of the supreme court and county judges, district attorneys and every clergyman or minister, as such terms are defined in section two of the religious corporations law, having charge of a congregation in the county in which such facility is located, and bipartisan boards of elections officials and inspectors appointed by the board of elections in the county where any such facility is situated or the board of elections in the city of New York, in order to discharge their duties under section 8-109 of the election law.

No other person not otherwise authorized by law shall be permitted to enter the rooms of a local correctional facility in which [convicts] incarcerated individuals are confined, unless under such regulations as the sheriff of the county, or in counties within the city of New York, the commissioner of correction of such city, or in the county of Westchester, the commissioner of correction of such county shall prescribe.

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

1. The following persons shall be authorized to visit at pleasure all correctional facilities: The governor and lieutenant-governor, commissioner of general services, secretary of state, comptroller and attorney-general, members of the commission of correction, members of the legislature and their accompanying staff and any employee of the department as requested by the member of the legislature if the member requests to be so accompanied, provided that such request does not

1 impact upon the department's ability to supervise, manage and control
2 its facilities as determined by the commissioner, judges of the court of
3 appeals, supreme court and county judges, district attorneys and every
4 clergyman or minister, as such terms are defined in section two of the
5 religious corporations law, having charge of a congregation in the coun-
6 ty wherein any such facility is situated, and bipartisan boards of
7 elections officials and inspectors appointed by the board of elections
8 in the county where any such facility is situated or the board of
9 elections in the city of New York, in order to discharge their duties
10 under section 8-109 of the election law. No other person not otherwise
11 authorized by law shall be permitted to enter a correctional facility
12 except by authority of the commissioner of correction under such regu-
13 lations as the commissioner shall prescribe.

14 § 10. Severability. If any provision of this act or the application
15 thereof to any person, political subdivision, governmental entity or
16 circumstance is held invalid, such invalidity shall not affect other
17 provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of
19 this act are declared to be severable.

20 § 11. This act shall take effect on the one hundred eightieth day
21 after it shall have become a law; provided, however, that sections four
22 and seven of this act shall take effect immediately. Effective imme-
23 diately, the addition, amendment and/or repeal of any rule or regulation
24 necessary for the implementation of this act on its effective date are
25 authorized to be made and completed on or before such effective date.