



June 7, 2022

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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid and 70+ Organizations Call for Greater Access to Early Voting for New Yorkers in NYC Jails***

(NEW YORK, NY) – The Legal Aid Society, Freedom Agenda, VOCAL-NY, elected officials, impacted New Yorkers and others today sent a [letter](#) to the New York City Board of Elections (BOE) demanding greater access to early voting for people incarcerated on Rikers Island. The current procedure for those detained on Rikers Island to vote relies on New York’s absentee process and leaves many detained people without a workable option to cast their ballot.

The [letter](#), addressed to BOE President Fredric Umame, Secretary Miguelina Camilo, Executive Director Michael J. Ryan, and Deputy Executive Director Dawn Sandow, called for the opening of at least one early voting location on Rikers Island, or for the establishing of in-person absentee voting at Rikers Island, as is currently provided within each borough’s Board of Elections offices.

The vast majority of incarcerated individuals in local jails are eligible to vote because they are not currently serving a sentence for a felony conviction. Generally, those who are incarcerated in jail are being held pre-trial, sentenced to misdemeanor offenses, or are sentenced and awaiting transfer to state prison. At Rikers, more than 90 percent of the incarcerated population is eligible to vote because they are being held pre-trial or on a parole violation, or sentenced to misdemeanor offenses.

Because those in pre-trial detention have not been given access to vote as mandated by law, and more than [88 percent](#) of people incarcerated at Rikers are Black and Latinx, this practice

effectively lowers voter participation in communities of color and disproportionately impacts people in those communities.

A complete list of the organizations that signed the letter can be viewed [here](#).

The letter states:

*New Yorkers who are currently detained and awaiting trial or serving time for a misdemeanor have a legal right to vote, but the Department of Corrections reliance on absentee voting leaves a window of time where the newly detained cannot vote. New Yorkers who plan to vote absentee are required to submit their application to receive a ballot more than two weeks before election day. Those who are detained at Rikers after that deadline are, currently, left with no option to cast their ballot -- despite their legal right to "adequate and equitable access" to the vote. Bringing early voting locations to Rikers Island would offer those detained after the absentee application deadline an opportunity to vote. It would also provide a much easier option for all people housed at Rikers to participate in elections.*

According to New York State law, all voters should have equal access to early voting. [The Law](#) states that "Polling places for early voting shall be located so that voters in the county have adequate and equitable access." The law further states that "all voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis."

Despite this legal mandate, those detained on Rikers effectively do not have access to any early voting site. The lack of early voting access leaves thousands of eligible voters without the option to vote early – the only option to vote in person for those who are currently incarcerated.

"Our clients and all those incarcerated at Rikers who are eligible to vote – a whopping 90 percent of the detained population – have the legal right to vote and must be granted early access to cast their ballots come election time," said **Anthony Posada, Supervising Attorney of the Community Justice Unit at The Legal Aid Society**. "By refusing to establish early voting locations, the BOE is blatantly disenfranchising an entire population of eligible voters. We call on BOE to immediately open these voting sites at Rikers Island."

"Incarcerated individuals should not have any of their rights preemptively removed, including the right to vote. Upholding the voting rights of people in detention must be a crucial part of our fight to secure the rights of all voters, especially as we consider the disproportionate impact of detention on communities of color. We join our partners to demand equal and unfettered access to the ballot for people in pre-trial detention. Our democracy doesn't work unless we all have an equal opportunity to participate in it," said **Cesar Z. Ruiz, Attorney and EJW legal fellow (Sponsored by the Lavan-Harris Family) at LatinoJustice PRLDEF**.

"Our right to vote should never be impeded, nor should barriers be put into place that restrict a person's voting rights, as they did in the Jim Crow south, whether it is someone in the

community or an incarcerated individual. As a formerly incarcerated person it is important that full access to participate in the civic process remains accessible to all persons. There is no good reason why an incarcerated person should not have full access to the right to vote except to maintain a systemic continuum of disenfranchisement and exclusion from the decision making process that affects their lives,” said **Victor Pate, Chairman of the National Action Network NYC Chapter Second Chance Committee.**

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*