

April 2, 2024

Contact:

Audrey Martin
The Legal Aid Society
amartin@legal-aid.org

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

On Primary Day, Vote In NYC Jails Coalition Calls on New York City Council to Hold an Oversight Hearing on the City's Efforts to Ensure Incarcerated Individuals' Access to the Ballot Box

(NEW YORK, NY) - The Vote in NYC Jails Coalition, on primary day, issued a [letter](#) today calling on the New York City Council to hold an [immediate oversight hearing](#) on the City's efforts to ensure incarcerated New Yorkers' access to the ballot box.

The letter states:

Access to the ballot is foundational to our democracy, necessary for our communities, and is a vital part of New Yorkers' sense of belonging and engagement with the City. While voting is always of great import, this election year New Yorkers will vote for all levels of federal government, as well as members of the state legislature, and ballot measures that could amend the State Constitution. We must ensure that people incarcerated have the same level of access to the ballot for these important elections that those who are not currently within the criminal legal system do.

“On this and every election day, incarcerated New Yorkers deserve to have their voices heard at the polls,” said **Rigodis Appling, Staff Attorney with the Criminal Defense Practice's Special Litigation Unit and Community Justice Unit at The Legal Aid Society**. “Voting is a fundamental right in this country, and the BOE and DOC have an obligation to effectively facilitate a system that ensures every individual housed in City jails who is eligible to vote has the unfettered opportunity to cast their ballot. The NYC Council must hold an oversight hearing to enhance the City's commitment to and investment in voter registration, education, and ballot collection for all incarcerated New Yorkers.”

"Rikers Island is full of people who have already been failed by all levels of government, and are now having their access to voting severely limited. The huge majority of people in city jails are still eligible to vote, but BOE has so far seemed uninterested in providing the means for them to exercise it. Oversight from our City Council is needed to make sure BOE and DOC make the right to vote real for people on Rikers," said **Darren Mack, Co-Director of Freedom Agenda**.

“It's a blow to our democracy every time the City fails to provide adequate voting access to incarcerated New Yorkers who are eligible to vote. I will continue to push the Board of Elections and the Department of Correction to do everything in their power to facilitate ballot box access in our City jails, where pretrial detainees are entitled to make their voices heard,” said **Council Member Lincoln Restler**.

“Every New Yorker deserves access to the ballot,” said **Johari Menelik Frasier, Equal Justice Works Fellow sponsored by Fenwick & West at The Bronx Defenders**. “As we enter a vitally important election year, we must ensure that our incarcerated community members can register to vote and exercise their right to vote. The Board of Elections and the Department of Correction must ensure that incarcerated New Yorkers are able to make

their voices heard. The Bronx Defenders urges the City Council to hold a hearing on this vital issue and use its oversight powers to ensure every New Yorker has the opportunity to exercise their right to vote.”

Background:

The [Vote in NYC Jails Coalition](#) is a group of legal service providers, government offices, and community-based organizations dedicated to delivering the full promise of enfranchisement to people currently incarcerated in jails. Members of the VJC routinely register people to vote in jails and provide them with information and education regarding their voting rights. The VJC also works with agencies to ensure robust registration, voter education, and absentee ballot delivery programs. Coalition members include: The Legal Aid Society, Latino Justice, The Community Services Society of New York (CSS), Freedom Agenda, The Bronx Defenders, National Action Network, VOCAL-NY, League of Women Voters NYC, Sorensen Center, New York City Public Advocate's Office, PROP (Police Reform Organizing Project), NAACP Legal Defense Fund, Five Boro Defenders, NYC Civic Engagement Commission, Legal Action Center.

In February, the Coalition penned a [sign-on letter](#) demanding that the DOC and BOE invest and commit to making sure all people in NYC Jails have their ballots cast and counted. The letter called for:

- the Board of Elections must provide detailed anonymized feedback about their rejections of ballots coming from Rikers Island from the past two years and for future elections and implement measures to meaningfully mitigate the rejection rate;
- the Department of Correction must devote more resources around election season to support voters with registering to vote, requesting, receiving, and returning absentee ballots. This must include working with the Board of Elections to provide voters with the opportunity to cure their ballot before it is rejected;
- the Board of Elections must provide voters at Rikers with the same opportunity to vote in-person via the same mechanism the law provides for nursing home residents. This provision includes appointing election inspectors to preside over portable voting machines on-site at Rikers Island so that registered voters can cast their ballot directly with the Board of Elections, eliminating the need for a logistically complex curing process that the Board must undertake with regard to the absentee ballots of the detainees;
- finally, offering a voter education program and providing non-partisan resources on voting is critical to cultivating an informed and robust voting culture at NYC jails.

###