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As November General Election Approaches, Vote In NYC Jails Coalition Demands Polling Sites in Jails and Equal Access to the Ballot for Incarcerated New Yorkers

(NEW YORK, NY) - **The Vote in NYC Jails Coalition**, ahead of Election Day on November 5, 2024, today held a rally calling on the New York City Board of Elections (BOE) and New York City Department of Correction (DOC) to invest in and commit to making sure that all people incarcerated in NYC jails have their ballots cast and counted on this and every upcoming election.

The Coalition called on BOE to immediately provide voters at Rikers with the same opportunity to vote in-person via the mechanism the law provides for nursing home residents. This includes appointing election inspectors to preside over portable voting machines on-site at Rikers Island so that registered voters can cast their ballot directly, eliminating the need for a logistically complex absentee ballot request process and curing process that the Board must undertake with regard to the absentee ballots of the detainees.

The Coalition also urged DOC and BOE to devote more resources around election season to support voters with registering to vote and requesting, receiving, and returning absentee ballots. Ralliers also called for the implementation of a voter education program to provide non-partisan resources on voting, which is critical to cultivating an informed and robust voting culture at NYC jails.

Members of the Coalition demanded that the BOE provide detailed anonymized feedback about their rejections of ballots coming from Rikers Island from the past two years, as well as implement measures to meaningfully mitigate the rejection rate.

This event is part of a series of rallies held each Election Day in 2024 to call for action and accountability from BOE and DOC and ensure that each eligible voter has their voice heard.

"New York law is clear: individuals not currently serving a term of incarceration can vote," **said Cesar Ruiz, Associate Counsel at LatinoJustice PRLDEF.** "It's shameful that those held in pre-trial detention at Rikers are

denied this right in such a pivotal election. We urge the Department of Corrections to ensure that every eligible person in detention can exercise their right to vote; the time to act is now."

"A person's inability to pay their bail should not result in their disenfranchisement, but each election cycle thousands of eligible voters are denied their right to vote while incarcerated in a NY jail," said **Claire Stottlemeyer, staff attorney at The Legal Aid Society**. "The current practice of absentee-ballot voting has repeatedly failed people who are incarcerated, and polling sites in jails are essential if we are serious about addressing their systematic exclusion."

"It has been far too long that eligible incarcerated voters do not have full and complete access to the ballot box as is their right while detained pretrial," said **Victor Pate, Co-founder Second Chance Committee and member of the Vote in NYC Jails Coalition**. We demand full and complete access to voting, including placing a polling site on Rikers Island and NYC Jails to truly ensure every vote counts."

"While the opportunity to cast a vote in a free and fair election is a fundamental constitutional right, it is routinely denied to incarcerated voters," said **Stephen Dunn, Senior Staff Attorney at the Community Service Society of New York**. "The fact that 90 percent of individuals currently detained in New York City jails are nonwhite underscores the racial implications of this policy. It's time to finally reform discriminatory policies and procedures that have failed to ensure full participation in the democratic process, and that deny our fellow citizens who are confined in NYC's jails the opportunity to exercise their constitutional rights."

"We all believe that the right to vote must be protected and accessible," said **Darren Mack, Co-Director at Freedom Agenda**. "Unfortunately, there has been a long history of voter disenfranchisement and suppression of marginalized communities across the country that still lingers today in a so-called 'progressive' city. As we carry this baton today in the struggle for voting rights for incarcerated New Yorkers, know that we stand on the shoulders of those who fought for access to the ballot and just like them we are on the right side of history. Now is the time to right these wrongs."

"The League of Women Voters of NYC has worked for more than 100 years to engage all New Yorkers' participation in local communities and government through voting, civic education and issue advocacy. This is especially important for individuals in NYC jails who have the legal right to vote," said **Kai Rosenthal, Co-President, League of Women Voters of the City of New York**. "The League is committed to increasing ballot access and education about important ballot issues for those detained pretrial or serving misdemeanors to ensure that this often-overlooked community have their voices heard in our democratic process."

"Almost all the New Yorkers locked up on Rikers are presumed innocent and have a legal right to vote. But they have been effectively disenfranchised because of the negligence and incompetence of the responsible government agencies," said **Robert Gangi, Director of the Police Reform Organizing Project (PROP)**. "We call on the powers that be in our great city -- Mayor Adams, Council Speaker Adams, Public Advocate Williams, & Comptroller Lander -- to make sure that the Department of Correction and the Board of Election take all practical steps needed to provide voting access for our fellow citizens who are confined in NYC's jails."

"On Saturday, early voting will begin in New York City, leading up to Election Day two weeks from today. While many New Yorkers will vote early, absentee, or in person on November 5th, people incarcerated in New York City jails face incredible and unnecessary barriers to casting their vote, putting thousands at risk of

disenfranchisement,” said **Michael Klinger, Jail Services Attorney with Brooklyn Defender Services**. “We join the Vote in NYC Jails Coalition to urge NYC to establish a polling site at Rikers Island and ensure all New Yorkers have equal access to this fundamental right.”

“Denying incarcerated New Yorkers meaningful access to the ballot box adds to a long and shameful history of disenfranchising Black and Brown voters,” said **Djuna Schamus, Legal Fellow at the Center on Race, Inequality, and the Law at NYU School of Law**. “It is time that the DOC and BOE take the long overdue and necessary steps to address this serious civil and racial justice issue.”

Background on voting in NY jails:

Since 2020, the Vote in NYC Jails Coalition has facilitated a program within Rikers Island to help New Yorkers detained pretrial register to vote and request an absentee ballot in advance of Election Day. Through this initiative, there has been an increase in voter engagement and awareness among incarcerated individuals.

However, in 2023, only 227 absentee ballots were returned to the Board of Elections and issues remain to ensure all returned ballots are counted. Thousands of New Yorkers miss out on this opportunity each Election Day to have their voices heard, and the Coalition has seen the absentee ballot process repeatedly fall short, preventing thousands at Rikers from having true access to the ballot.

Systemic biases in policing have led to massive racial disparities in who is jailed, meaning that Black and Brown New Yorkers are the ones being disenfranchised by inadequate jail voting policies. Currently, more than 92 percent of the Rikers population is non-white, and the vast majority of them are eligible to vote each Election Day.

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