

TESTIMONY OF EMILY DINDIAL, IN FRONT OF THE BOARD OF CORRECTION
SEPTEMBER 10, 2019

My name is Emily Dindial. I'm a member of the Jails Action Coalition. The Jails Action Coalition ("JAC") is a coalition of activists that includes formerly incarcerated and currently incarcerated people, family members and other community members who are working to promote human rights, dignity and safety for people in New York City jails. On behalf of JAC, we thank the Board for making time to address voting rights for people incarcerated in New York City Jails and the Department of Correction ("DOC") for presenting their policies today.

The vast majority of people in New York City jails are there pre-trial. Some are serving time for misdemeanors. New York criminal disenfranchisement laws only apply to people who are serving time for a felony conviction or who are in custody for a parole violation. Thus, a significant portion of the population in New York City jails should be eligible to vote. However, there are still no clear mechanisms in place to ensure that their right to vote is protected. The right to vote is a right in name only unless eligible persons have reasonable access to registration, ballots, and education materials, including candidate guides or debates and relevant political news.

Access to the ballot

Disenfranchisement by law

For the upcoming November 5 election, the last day to submit an application for an absentee ballot by mail is October 29 and the last day to postmark an absentee ballot is November 4. It is incumbent on the Board and DOC to work together, with the Board of Elections ("BOE"), to ensure that people admitted into DOC custody after the deadline to apply for an absentee ballot by mail and held through the following election are not systematically disenfranchised in the November 5 election or any special, primary, or general election moving forward.

Disenfranchisement by practice

Last year, the Legal Aid Society, NYCLU, and volunteers from the community lead a registration effort on Rikers Island, successfully registering a few hundred people. The DOC assisted that effort by agreeing to hand-deliver absentee ballot applications and absentee ballots to the BOE in order to avoid the risk of late or lost applications or ballots through the notoriously unreliable mail system. When I asked if the DOC needed volunteers for the June primary, I was told no. When I asked how many registration forms and applications for absentee ballots were completed for the June primary, I was told that information wasn't available because this time, people were expected to rely on the mail system.

Publicly available, uniform voting policies would help prevent this type of inconsistency and ensure that voting rights are adequately honored in every city jail for every election.

Access to Civic Education

Voting rights advocates know that voter education is critical to increasing voter turnout. People vote when they understand the issues at stake and feel like their vote is meaningful.

In addition to the restrictions on how and when to cast a ballot and the lack of uniform registration and voting procedures, the inherently dehumanizing nature of jails makes voter engagement there especially challenging. A robust civic education program is necessary to convince voters in NYC jails that they can and should trust DOC staff to help deliver their vote to the BOE.

Political News

Access to political news is an essential form of civic education. But it's been reported that the DOC has censored relevant political news on topics ranging from the criminal justice reform package passed in Albany this year to the Queens District Attorney race. There is no justifiable reason for the DOC to be censoring relevant political news from eligible voters.

Civic Programming

Outside groups should be able to conduct civic education programming in NYC jails throughout the year. Candidates should be able to have town halls and have debates in front of their constituents. Currently, there is no clear, easily accessible information about how to apply to conduct programming or criteria for the selection process, making it difficult to make programming requests through the DOC.

We hope the Board and the DOC will work to address these concerns by developing clear procedures and policies regarding registration, voting, and voter education, so that all New Yorkers, including those in DOC custody, can exercise their right to vote to the fullest extent possible. Thank you.