

**TESTIMONY OF EMILY DINDIAL
BEFORE THE NYC BOARD OF CORRECTION
RE: VOTING RIGHTS FOR PEOPLE IN NYC JAILS**

NOVEMBER 13, 2018

My name is Emily Dindial. I'm a member of the Jails Action Coalition. On behalf of the Jails Action Coalition, Anthony Posada from the Legal Aid Society, and fellow activist Ananya Kumar-Banerjee, we appreciate the opportunity to submit testimony to the Board regarding the voting rights of people held in New York City jails. Too many New Yorkers who pass through the criminal legal system are disenfranchised either by law or by practice (de facto). We urge the Board to take steps to ensure that all eligible voters in New York City jails are free to exercise their right to vote to the fullest extent possible in future federal, state, local, and special elections.

New York state law categorically prohibits people incarcerated for felony convictions from voting. However, people incarcerated pretrial or for misdemeanor convictions retain the right to vote. Thus, a significant portion of the New York City jail population is eligible. Over the last several months the Legal Aid Society, in collaboration with local civic engagement groups and their volunteers, registered hundreds of people on Rikers Island. But a volunteer-lead registration drive is only one step toward enfranchisement.

For New Yorkers to exercise their constitutional right to vote to the fullest extent, they must have the opportunity to cast their ballots in an environment that is consistent with the gravity and dignity of the franchise. New York voters who are not detained can choose to vote at their local poll site or to cast an absentee ballot in the time and place appropriate for their personal circumstances. New York voters in custody have no such choice; they are required to vote by absentee ballot. Absentee voting from jail presents unique challenges and privacy concerns that could deter eligible voters in custody from exercising their right to vote. Creating a system that delivers ballots to detainees promptly and allows them to cast their ballots with privacy and security is critical to preventing disenfranchisement and disengagement. While there have been initiatives to help deliver absentee ballots to these voters, this system depends on active external volunteer engagement. The effort to enfranchise New Yorkers detained in New York City jails should not fall on the shoulders of civilian volunteers. Rather, the City should be working to implement proper protections and protocols.

We urge the Board to take steps to maximize voter engagement in New York City jails by establishing a city-wide policy for facilitating absentee voting in city jails for future federal, state, local, and special elections. That policy should include processes for (1) voter registration and education, (2) distribution of absentee

ballots, (3) completion of absentee ballots to the standard of privacy available at poll sites, (4) secure collection of ballots and their timely submission to the Board of Elections; and (5) a mechanism for voters to know whether their absentee ballot was received and counted.

Thank you again for the opportunity to testify. We hope the Board will do what it can to protect ballot access for eligible voters in New York City jails.