



Testimony of

The Legal Aid Society

Before the Board of Corrections

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Presented by:

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My name is Anthony Posada, I'm the Supervising Attorney in the Legal Aid Society's Community Justice Unit. Thank you for allowing me to testify today about voting rights for people in New York City jails.

I have been organizing voter registration in New York City jails since 2016. While the Department of Correction (DOC) has allowed us to bring volunteers into the jails and worked with us to register voters and to distribute and collect absentee ballots, there still doesn't appear to be any clear policy or procedures in place to ensure that voting rights are consistently, uniformly protected in every city jail in every election.

One major concern is the absence of a policy regarding the gap between the last day to submit an application for an absentee ballot by mail (October 29) and the last day to postmark an absentee ballot (November 4). Since people in DOC custody are required to vote absentee, any eligible voter admitted into DOC custody after October 29 and held through the November 5 election is necessarily disenfranchised.

Last Fall, the DOC agreed to hand-deliver absentee ballot applications and absentee ballots to the BOE to avoid this loophole and to prevent applications and ballots from getting lost or delayed by the unreliable jail mail system. In June, we were told there was no attempt by DOC to hand deliver applications or ballots and that people were instructed to send their voting materials by mail. It is still unclear how ballots will be submitted for the November 5th election and whether any effort will be made to avoid the absentee ballot deadline loophole.

I urge the Board to identify a solution with the DOC and BOE to avoid systematic disenfranchisement for the upcoming election and for every special, primary, or general election moving forward. The DOC should be required to report how many applications for absentee

ballots and completed absentee ballots are delivered to the BOE, as well as how many are counted by the BOE.

The DOC claims to have conducted voter registration training programs for their staff, but in my experience registering voters in NYC jails in Fall 2018 and again this Fall, not nearly enough has changed. The registration and voting process is still too heavily dependent on volunteers. For instance, one counselor told me he conducted voter registration in one of the jails and got 20 people registered. I went into the same jail with my volunteers and we registered more than 100 people. However, we can't know where the DOC registration went wrong or how it can be improved because the DOC still hasn't made a written policy publicly available.

I testified in front of the Board on this same issue almost a year ago and have yet to see any meaningful improvement to voter protection. I agree with the Board member from the last meeting who encouraged DOC to explore in person, same day voting, as was done in Cook County, Illinois, but DOC has continued to do less than even the bare minimum and action must be taken to hold them accountable. I hope the Board will finally recognize the urgency of this issue and treat it with the attention it requires.

The Legal Aid Society

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public health model of the New York City Crisis Management System in specific catchment areas citywide. Our partners are Cure Violence organizations providing anti-violence services through the Council-funded CureViolence model. This public health model responds to gun violence with comprehensive wrap-around services in the community including mediation, legal services, social services, violence interrupters, and education.