



# Your Right to Vote in New York State: Individuals with Criminal Convictions and Those Detained in Jail or Prison

Voting is an important part of being a U. S. citizen. The people who are elected this year will make decisions about things that directly affect your life, like your taxes, the education of your children and/or grandchildren, and changes in the laws of our state and nation. Voting is your chance to choose the decision makers and tell them what you want. To be eligible to vote in New York State, you must:

- be a United States citizen
- be 18 years old by December 31 of the year in which you register (note: you must be 18 years old by the date of the general, primary or other election in which you want to vote)
- live at your present address at least 30 days before an election
- not be in jail for a felony conviction or on parole for a felony conviction
- not claim the right to vote elsewhere
- have registered to vote.

## *I have a criminal history. Am I eligible to vote?*

According to New York State Election Law § 5-106, individuals who are either in jail/ prison for a **felony** conviction OR are on parole for **felony** conviction cannot vote. While this means that some persons with criminal convictions are legally prohibited from voting, the majority of individuals with criminal histories *can* and *should* vote.

The following list has examples of individuals with criminal histories who **are eligible** to register and vote:

- those convicted of a misdemeanor, not a felony;
- those currently in jail awaiting grand jury action, trial or disposition of a case, but not yet convicted;
- those convicted of a felony who do not receive a sentence of imprisonment;
- those convicted of a felony who did receive a sentence of incarceration, but who are no longer in prison and not on parole.

## *Can I vote in New York if I'm on probation?*

Yes. If you are otherwise qualified to vote, anyone who is on probation, even if convicted of a felony, may register and vote in New York.

## *How do I register to vote?*

You need to fill out and submit a Voter Registration form. You may register in person at your local board of elections or at any state agency participating in the National Voter Registration Act, on any business day throughout the year. You may register by mail. Forms are available from your county board of elections, town and city halls, post office, political parties, various state offices, and the League of Women Voters. Contact the League of Women Voters of New York State - 1-866-LWVNYS1, the New York State Board of Elections - 1-800-FOR-VOTE, or your county board of elections to have a voter registration form sent to you. You may also download a voter registration form in New York State from <http://www.elections.state.ny.us/>. Complete, sign, and submit the form, either in person or by mail.

## *Do I have to have a Certificate of Relief from Disabilities or other documentation about my criminal history in order to register to vote?*

No. You do not need to provide any documentation about your criminal history in order to register.

## *What address should I put on the voter registration form if I am in jail?*

If you are in jail or prison awaiting grand jury action or trial, or confined after conviction for an offense other than a felony, you should register to vote in the county of your permanent address. Put your permanent home address on the registration form, not the address of the facility where you are incarcerated.

## *How do I vote if I'm in jail?*

You will vote by absentee ballot. To get an absentee ballot, you must fill out an absentee ballot application form. You can request the application form by writing to your county board of elections or you can download one from the New York State Board of Elections website (<http://www.elections.state.ny.us/>). See the instructions below for writing to the board of elections; if the information you provide them in the letter is sufficient, they may consider the letter an absentee ballot application. Upon completion, your application must be mailed or delivered to your county board of elections. Once they have received your application, your county board of elections will mail your ballot to you. To vote by absentee ballot in New York State, your ballot must be post-marked on or before Election Day and must be received by the board of elections no later than seven days after Election Day.

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*\*\*The League of Women Voters of New York State is a unique, multi-issue, nonpartisan, political organization. It encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. \*\**

### ***How should I request an Absentee Ballot?***

Request an Absentee Ballot by sending a letter to the Board of Elections of the county where you are registered. The letter must be received by the county board of elections no earlier than 30 days and no later than seven days before the election. The letter must contain the following information:

- the address where you registered
- the address where the ballot is to be sent
- the reason for the request
- the signature of the voter.

An Absentee Ballot application and your Absentee Ballot will then be mailed to you. The application form must be complete and mailed with your ballot. Your ballot must be postmarked no later than the day before the election.

Alternatively, you may pick up an absentee ballot application from your county Board of Elections. Upon completion, applications must be mailed to your county board of elections no later than the seventh day before the election, or they may be delivered in person no later than the day before the election. You will then receive your ballot, which you must return to the board with a postmark no later than the day before the election.

If you cannot pick up your ballot, or will not be able to receive it through the mail on time, you have the right to designate someone to pick your ballot up for you as late as the day before the election. Only the person designated on your application may pick up and deliver your ballot.

### ***How do I fill out the absentee ballot application?***

Fill in your name and the permanent address where you are registered to vote. If you are detained in jail or prison awaiting grand jury action or trial, or confined after you have been convicted for an offense that was not a felony, fill in the appropriate information in section E. Write the jail or prison address as the location where the ballot should be mailed, or designate a person to pick it up, or a person's address to receive it in the mail for you.

### ***If I register to vote, will I be called for jury duty?***

The rolls of prospective jurors are compiled from a number of sources, so registering to vote does not necessarily mean that you will be called. Similarly, *not* registering to vote does not necessarily mean that you will *not* be called for jury duty. If you are called and feel that you cannot serve, jurors can often be excused for a valid health reason.

### ***To obtain a Voter Registration form or Absentee Ballot Application form, or to find out dates for the elections, for registering, for filing absentee ballot applications and submitting ballots:***

- Call the NYS Board of Elections at 1-800-367-8683, or download the forms/calendar from the web site for the New York State Board of Elections (<http://www.elections.state.ny.us/>).
- Call, write to, or download forms/calendar from the web site for your local county board of elections. You can get their contact information from the NYS Board of Elections.
- Call your local League of Women Voters, or the League of Women Voters of New York State at 518-465-4162 or toll free at 1-866-598-6971, or go to our web site at <http://www.lwvny.org/>.

### ***To check your voter registration status:***

You should receive in the mail before the election a card that informs you of your polling place. If you do not receive such a card, call your local board of elections and ask them:

1. Am I registered to vote?
2. Is my registration status set to "Active"? If not, to what is it set?
3. Will my name appear in the polling place roll book on Election Day?

### ***If you are not on the rolls at your polling place:***

If you believe you are registered to vote and are not on the rolls, ask for an "affidavit" (paper) ballot, and ask the poll worker for advisement about following up on your status. You are legally entitled to an affidavit (paper) ballot and must be given one.

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