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Notice to Judges, Corrections Staff, Parole & Probation Officers,
Attorneys, Elected Officials and the Public

Changes to Felon/Parolee Voting Rights

Chapter 103 of the Laws of 2021 removed the prohibition that a person convicted of a felony that is discharged from incarceration but on parole, cannot legally register to and vote. The law also requires that judges, corrections staff, parole and probation officers, attorneys, elected officials, and the public be advised of this new law.

The law now provides that prior to accepting a plea of guilty for a felony in an indictment or a Superior Court Information, that the Court must advise the defendant that by virtue of this felony conviction that he/she is forfeiting their right to vote while incarcerated and when they are discharged from the correctional facility, that their right to register and vote will be restored.

Upon processing the inmate for discharge, a jail or prison official, must advise the person being released, in writing, with written information regarding their right to register to vote and the process to submit that registration form. The person shall, then and there, prior to being discharged, be given the opportunity register to vote or take a voter registration form with them. If the person chooses to fill out the registration form at that time, the facility staff shall assist the person with filling out the same and shall transmit the form to the appropriate board of elections for processing. If the person declines, at that time, to register to vote, the correctional facility must obtain a signed declination acknowledging the declination and provide them with a voter registration form to take with them.

Chapter 473 of the Laws of 2023 further expanded this statute to charge the chief administrative officer of local correctional facilities to distribute to every person eighteen years of age or older a written notice of their voting rights. Such information should include the mechanics and importance of voting, and when a person is or may become eligible to vote. The person should also be offered a voter registration form and if the individual declines such form, the chief administrative officer shall maintain a written record of such declination. A notice is not required for individuals who are being transferred or released to the custody of a state correctional facility or institution, or the custody of a hospital or mental health institution for treatment.

If the parole status of the individual is ever revoked, meaning that the person will be returned to an incarcerated status, the presiding officer revoking the parole, must advise the person, in writing, that while they are incarcerated in a correctional facility, their previously restored right to register and vote shall be again revoked and that their ability to do so shall be restored, upon their release.