S T A T E O F N E W Y O R K

4911

2011-2012 Regular Sessions

I N S E N A T E

April 29, 2011

Introduced by Sens. KLEIN, CARLUCCI, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to eliminating the reference to "inmate" when referring to residents of veteran's administration hospitals for purposes of absentee voting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1, 5 and 8 of section 5-215 of the election law, subdivision 1 as amended by chapter 90 of the laws of 1991, subdivision 8 as added by chapter 347 of the laws of 1982, and such section as renumbered by chapter 659 of the laws of 1994, are amended to read as follows:

1. The board of elections in the county in which a veterans' hospital is located shall appoint a board of registration which shall attend each veterans' hospital between the hours of nine o'clock in the morning and five o'clock in the evening on the seventh Thursday before each general election and, in the event that it be necessary for the completion of its duties, on the seventh Friday before such election except that if any of the religious holidays of Yom Kippur, Rosh Hashanah, Simchas Torah, Shmini Atzereth or Succoth shall fall on such days, such registration shall be held on the next regular business day which does not fall on any of such religious holidays, and shall receive from [inmates] RESIDENTS or patients therein, or their spouses, parents and children, the applications of such of them as desire and are qualified to be registered by absentee registration.

5. If a Veterans' Administration Hospital in which any veteran entitled to vote in this state is [an inmate] A RESIDENT or patient, is located outside the State of New York, an application for an absentee ballot signed by such veteran or his OR HER spouse, parent or child accompanying or being with him OR HER, if a qualified voter and a resi-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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dent of the same election district, shall constitute permanent personal registration.

8. The board of elections shall not be required to send a board of central registration to each veterans' hospital in such county, pursuant to the provisions of this section, if, in lieu thereof, it shall provide such hospital with mail registration application forms in sufficient quantity so that each [inmate] RESIDENT or patient of such hospital who wishes to register will be able to do so. A complete application received from [an inmate] A RESIDENT or patient whose residence is in a county other than the county in which the hospital is located shall be immediately transmitted to the appropriate board of elections.

S 2. Paragraph (c) of subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

(c) [an inmate] A RESIDENT or patient of a veteran's administration hospital; or

S 3. Subparagraph (iii) of paragraph (c) of subdivision 3 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

(iii) [an inmate] A RESIDENT or patient of a veteran's administration hospital; or

S 4. Subdivision 1 of section 8-404 of the election law, the opening paragraph as amended by chapter 359 of the laws of 1989, paragraph (b) as amended by chapter 373 of the laws of 1978, is amended to read as follows:

1. After entering upon the registration records, the application for registration of [an inmate] A RESIDENT or patient of a veterans' administration hospital as to whom the medical superintendent or medical head of such hospital has attested that he OR SHE expects that he OR SHE will not be discharged prior to the day following the next general or special village, primary, special, general or New York city community school board district or city of Buffalo school district election, and the application for registration by the spouse, parent or child of such [inmate] RESIDENT or patient, accompanying or being with him or her, if a qualified voter and a resident of the same election district, the board of elections, without further investigation and without further application by the applicant, shall send to him OR HER at such hospital an absentee ballot and shall record in the signature column on the back of his OR HER permanent personal registration poll record that such ballot has been sent.

(a) Any voter who is duly registered and whose registration records are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative" need not thereafter make application for an absentee ballot. Sixty days before each election, the board of elections shall compile and send a list to each veterans' administration hospital of all [inmates] RESIDENTS and patients of veterans' administration hospitals who appear by the records of such board to be "hospitalized veterans" entitled to receive absentee ballots at each such hospital pursuant to the provisions of this section. Each veterans' administration hospital shall no later than fifteen days following the receipt of such list, return it with notations made thereon showing whether the [inmate] RESIDENT or patient continues to be confined therein or has been discharged therefrom. Upon the receipt of such returned list from each veterans' administration hospital with the proper notations showing that a "hospitalized veteran" continues to be confined in such hospital, the board of elections, by mail addressed to such "hospitalized veteran" at his OR

HER last known hospital address and by mail addressed to such "hospitalized veteran's relative" at his OR HER last known address shall send an absentee ballot for the ensuing election to such "hospitalized veteran" and such "hospitalized veteran's relative" an absentee ballot in the same manner as provided [herein] IN THIS SECTION for a qualified voter entitled to an absentee ballot because of permanent disability. The board shall record on the back of his OR HER registration poll record in the space reserved for his OR HER signature at such election, the fact that such ballot has been sent.

(b) If the returned list from a veterans' administration hospital contains a notation showing that a "hospitalized veteran" is no longer [an inmate] A RESIDENT or patient at the veterans' administration hospital where he OR SHE is recorded as staying, or if such letter containing an absentee voter's ballot for a "hospitalized veteran" or a "hospitalized veterans' relative" is returned by the post office as undeliverable, the board of elections shall ascertain whether the "hospitalized veteran" or "hospitalized veteran's relative" is residing at the address given on his OR HER registration records as his OR HER permanent address. If he OR SHE is residing there, the board shall not send him OR HER any further absentee ballots unless he OR SHE applies therefor in the regular way. If he OR SHE is not residing at the place of residence given on his OR HER registration records but the board ascertains that he OR SHE has been transferred to another veterans' administration hospital, the board shall cause a central board of registration to make the necessary changes of temporary address on his OR HER registration records and shall continue sending him OR HER absentee ballots at the veterans' administration hospital where he OR SHE is staying. If he OR SHE is not residing at the place of residence given on his OR HER registration records and the board cannot ascertain that he OR SHE has been transferred to another veterans' administration hospital, the board shall cancel his OR HER registration. Whenever a registration is cancelled pursuant [hereto] TO THIS PARAGRAPH notice shall be mailed to the veteran or his OR HER relative at his OR HER permanent residence address and last temporary address.

S 5. This act shall take effect immediately.