

422

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the town law and the education law, in relation to the right to vote

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

1 Section 1. The legislature hereby finds and declares that the right to
2 vote is an essential part of membership in the communities which make up
3 the state of New York. In order to ensure that all persons who perma-
4 nently and legally reside in our state have a voice and a stake in the
5 decisions made by the political process, it is necessary and proper to
6 extend the right to them, as citizens of New York state, to vote in
7 elections for offices and on issues which affect them.
8 S 2. Subdivision 1 of section 5-102 of the election law is amended to
9 read as follows:
10 1. No person shall be qualified to register for and vote at any
11 election unless he OR SHE is a citizen of the United States OR AN ALIEN
12 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and is or
13 will be, on the day of such election, eighteen years of age or over, and
14 a resident of this state and of the county, city or village for a mini-
15 mum of thirty days next preceding such election.
16 S 3. Paragraph (g) of subdivision 5 of section 5-210 of the election
17 law, as amended by chapter 179 of the laws of 2005, is amended to read
18 as follows:
19 (g) Notice that the applicant must be a citizen of the United States
20 OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED
21 STATES, is or will be at least eighteen years old not later than Decem-
22 ber thirty-first of the calendar year in which he or she registers and a
23 resident of the county or city to which application is made.

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

LBD00666-01-3

S 4. Subdivision 8 of section 7-122 of the election law, as amended by chapter 165 of the laws of 2010, is amended to read as follows:

8. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20.....

.....
Signature or mark of voter

.....
Signature of Witness (required only
if voter does not sign his own name)

.....
Address of Witness

S 5. Subdivision 3 of section 7-123 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

3. The board of elections shall furnish an inner affirmation envelope with each military ballot upon which envelope shall be printed:

BALLOT FOR MILITARY VOTER
AFFIRMATION

I swear or affirm that:

(a) I am a member of the uniformed services or merchant marine on active duty or an eligible spouse, parent, child or dependent of such a member, and

(b) I am a United States citizen OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and

(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and

(d) I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, and

(e) My signature and date below indicate when I completed this document, and

(f) The information on this form is true and complete to the best of my knowledge.

I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.

Date 20....

.....
Signature or mark of voter

.....
Signature of Witness (required
only if voter does not sign his
or her own name)

.....
Address of Witness

S 6. Subdivision 3 of section 7-125 of the election law, as amended by chapter 235 of the laws of 2000, is amended to read as follows:

3. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF SPECIAL PRESIDENTIAL VOTER

I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement, I shall be guilty of a misdemeanor.

Date.....20.....

.....
Signature or mark of Voter

.....
Signature of Witness (required
only if voter does not sign his
own name)

.....
Address of Witness

S 7. Subdivision 3 of section 8-504 of the election law, as renumbered by chapter 373 of the laws of 1978, is amended to read as follows:

3. After receiving the answers as above specified, of any applicant, the board shall, if it believes the applicant to be qualified or the challenge is withdrawn, permit him OR HER to vote. Otherwise, the board shall point out to him OR HER the qualifications, if any, in respect of which he OR SHE shall appear deficient. If, after such deficiencies have been so indicated, the applicant shall persist in his OR HER claim to vote, an inspector shall administer to him OR HER the following oath, which shall be known as "The Qualification Oath": "You do swear (or affirm) that you are eighteen years of age, that you are a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and that you have been a resident of this state, and of this county (of the city of New York) (village) for thirty days

1 next preceding this election, that you still reside at the same address
2 from which you have been duly registered in this election district, that
3 you have not voted at this election, and that you do not know of any
4 reason why you are not qualified to vote at this election. You do
5 further declare that you are aware that it is a crime to make any false
6 statement. That all the statements you have made to the board have been
7 true and that you understand that a false statement is perjury and you
8 will be guilty of a misdemeanor."

9 S 8. Paragraph b of subdivision 5 of section 84-a of the town law, as
10 amended by section 10 of part LL of chapter 56 of the laws of 2010, is
11 amended to read as follows:

12 b. On the reverse side of such envelope shall be printed the following
13 statement:

14 STATEMENT OF ABSENTEE VOTER

15 I do declare that I will have been a citizen of the United States OR
16 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES
17 for thirty days, and will be at least eighteen years of age, on the date
18 of the special town election; that I will have been a resident of this
19 state and of the town shown on the reverse side of this envelope for
20 thirty days next preceding the said election; that I am or on such date
21 will be, a registered voter of said town; that I will be unable to
22 appear personally on the day of said special town election at the poll-
23 ing place of the election district in which I am or will be a qualified
24 voter because of the reason stated on my application heretofore submit-
25 ted; that I have not qualified, or do I intend to vote, elsewhere than
26 as set forth on the reverse side of this envelope; that I have not
27 received or offered, do not expect to receive, have not paid, offered or
28 promised to pay, contributed, offered or promised to contribute to
29 another to be paid or used, any money or other valuable thing, as a
30 compensation or reward for the giving or withholding of a vote at this
31 special town election, and have not made any promise to influence the
32 giving or withholding of any such votes; that I have not made or become
33 directly or indirectly interested in any bet or wager depending upon the
34 result of this special town election; and that I have not been convicted
35 of bribery or any infamous crime, or, if so convicted, that I have been
36 pardoned or restored to all the rights of a citizen, without restriction
37 as to the right of suffrage, or received a certificate of relief from
38 disabilities or a certificate of good conduct pursuant to article twen-
39 ty-three of the correction law removing my disability to register and
40 vote.

41 I hereby declare that the foregoing is a true statement to the best of
42 my knowledge and belief, and I understand that if I make any material
43 false statement in the foregoing statement of absentee voter, I shall be
44 guilty of a misdemeanor.

45 Date..... Signature of Voter.....

46 S 9. Paragraph a of subdivision 2 of section 213-b of the town law, as
47 added by chapter 400 of the laws of 1985, is amended to read as follows:

48 a. An applicant for such an absentee ballot shall submit an applica-
49 tion setting forth (1) his OR HER name and residence address, including
50 the street and number, if any, or town and rural delivery route, if any;
51 (2) that he OR SHE is or will be, on the day of the election, a quali-
52 fied voter of the district in which OR SHE he resides in that he OR SHE
53 is or will be, on such date, over eighteen years of age, a citizen of
54 the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
55 IN THE UNITED STATES and has or will have resided in the district for
56 thirty days next preceding such date; (3) that he OR SHE is registered

1 in the town; (4) that he OR SHE will be unable to appear to vote in
2 person on the day of the election for which the absentee ballot is
3 requested because he OR SHE is, or will be on such day (a) a patient in
4 a hospital, or unable to appear personally at the polling place on such
5 day because of illness or physical disability or (b) because his OR HER
6 duties, occupation or business will require him OR HER to be outside of
7 the county or city of his OR HER residence on such day, (c) because he
8 OR SHE will be on vacation outside the county or city of his OR HER
9 residence on such day; or, (d) absent from his OR HER voting residence
10 because he OR SHE is detained in jail awaiting action by a grand jury or
11 awaiting trial or is confined in prison after conviction for an offense
12 other than a felony. Such application must be received by the district
13 secretary at least seven days before the election if the ballot is to be
14 mailed to the voter, or the day before the election, if the ballot is to
15 be delivered personally to the voter or his OR HER agent.

16 S 10. Paragraph b of subdivision 5 of section 213-b of the town law,
17 as added by section 12 of part LL of chapter 56 of the laws of 2010, is
18 amended to read as follows:

19 b. On the reverse side of such envelope shall be printed the follow-
20 ing statement:

21 STATEMENT OF ABSENTEE VOTER

22 I do declare that I will have been a citizen of the United States OR
23 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES
24 for thirty days, and will be at least eighteen years of age, on the date
25 of the district election; that I will have been a resident of this state
26 and of the district if any, shown on the reverse side of this envelope
27 for thirty days next preceding the said election and that I am or on
28 such date will be, a registered voter of said district; that I will be
29 unable to appear personally on the day of said district election at the
30 polling place of the said district in which I am or will be a qualified
31 voter because of the reason stated on my application heretofore submit-
32 ted; that I have not qualified, or do I intend to vote, elsewhere than
33 as set forth on the reverse side of this envelope; that I have not
34 received or offered, do not expect to receive, have not paid, offered or
35 promised to pay, contributed, offered or promised to contribute to
36 another to be paid or used, any money or other valuable thing, as a
37 compensation or reward for the giving or withholding of a vote at this
38 district election, and have not made any promise to influence the giving
39 or withholding of any such votes; that I have not made or become direct-
40 ly or indirectly interested in any bet or wager depending upon the
41 result of this district election; and that I have not been convicted of
42 bribery or any infamous crime, or, if so convicted, that I have been
43 pardoned or restored to all the rights of a citizen, without restriction
44 as to the right of suffrage, or received a certificate of relief from
45 disabilities or a certificate of good conduct pursuant to article twen-
46 ty-three of the correction law removing my disability to register and
47 vote.

48 I hereby declare that the foregoing is a true statement to the best of
49 my knowledge and belief, and I understand that if I make any material
50 false statement in the foregoing statement of absentee voter, I shall be
51 guilty of a misdemeanor.

52 Date..... Signature of Voter

53 S 11. Subdivision 1 of section 2012 of the education law, as amended by
54 chapter 1169 of the laws of 1971, is amended to read as follows:

1 1. A citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR
2 PERMANENT RESIDENCE IN THE UNITED STATES.

3 S 12. Paragraph a of subdivision 2 of section 2018-a of the education
4 law, as amended by chapter 136 of the laws of 1991, is amended to read
5 as follows:

6 a. An applicant for such an absentee ballot shall submit an applica-
7 tion setting forth (1) his OR HER name and residence address, including
8 the street and number, if any, or town and rural delivery route, if any;
9 (2) that he OR SHE is or will be, on the day of the school district
10 election, a qualified voter of the school district in which he OR SHE
11 resides in that he OR SHE is or will be, on such date, over eighteen
12 years of age, a citizen of the United States OR AN ALIEN LAWFULLY ADMIT-
13 TED FOR PERMANENT RESIDENCE IN THE UNITED STATES and has or will have
14 resided in the district for thirty days next preceding such date; (3)
15 whether he OR SHE is registered in the district; (4) that he OR SHE will
16 be unable to appear to vote in person on the day of the school district
17 election for which the absentee ballot is requested because he OR SHE
18 is, or will be on such day (a) a patient in a hospital, or unable to
19 appear personally at the polling place on such day because of illness or
20 physical disability or (b) because his OR HER duties, occupation, busi-
21 ness, or studies will require him OR HER to be outside of the county or
22 city of his OR HER residence on such day, (c) because he OR SHE will be
23 on vacation outside the county or city of his OR HER residence on such
24 day; or, (d) absent from his OR HER voting residence because he OR SHE
25 is detained in jail awaiting action by a grand jury or awaiting trial or
26 is confined in prison after conviction for an offense other than a felo-
27 ny. Such application must be received by the district clerk at least
28 seven days before the election if the ballot is to be mailed to the
29 voter, or the day before the election, if the ballot is to be delivered
30 personally to the voter.

31 S 13. Paragraph b of subdivision 5 of section 2018-a of the education
32 law, as amended by section 8 of part LL of chapter 56 of the laws of
33 2010, is amended to read as follows:

34 b. On the reverse side of such envelope shall be printed the following
35 statement:

36 STATEMENT OF ABSENTEE VOTER

37 I do declare that I am a citizen of the United States OR AN ALIEN
38 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will
39 be at least eighteen years of age, on the date of the school district
40 election; that I will have been a resident of this state and of the
41 school district and school election district, if any, shown on the
42 reverse side of this envelope for thirty days next preceding the said
43 election and duly registered in the school district and school election
44 district, if any, shown on the reverse side of this envelope and that I
45 am or on such date will be, a qualified voter of said school district;
46 that I will be unable to appear personally on the day of said school
47 district election at the polling place of the said district in which I
48 am or will be a qualified voter because of the reason stated on my
49 application heretofore submitted; that I have not qualified, or do I
50 intend to vote, elsewhere than as set forth on the reverse side of this
51 envelope; that I have not received or offered, do not expect to receive,
52 have not paid, offered or promised to pay, contributed, offered or prom-
53 ised to contribute to another to be paid or used, any money or other
54 valuable thing, as a compensation or reward for the giving or withhold-

1 ing of a vote at this school district election, and have not made any
2 promise to influence the giving or withholding of any such votes; that I
3 have not made or become directly or indirectly interested in any bet or
4 wager depending upon the result of this school district election; and
5 that I have not been convicted of bribery or any infamous crime, or, if
6 so convicted, that I have been pardoned or restored to all the rights of
7 a citizen, without restriction as to the right of suffrage, or received
8 a certificate of relief from disabilities or a certificate of good
9 conduct pursuant to article twenty-three of the correction law removing
10 my disability to register and vote.

11 I hereby declare that the foregoing is a true statement to the best of
12 my knowledge and belief, and I understand that if I make any material
13 false statement in the foregoing statement of absentee voter, I shall be
14 guilty of a misdemeanor.

15 Date.....Signature of Voter

16 S 14. Paragraph a of subdivision 2 of section 2018-b of the education
17 law, as amended by chapter 46 of the laws of 1992, is amended to read as
18 follows:

19 a. An applicant for such an absentee ballot shall submit an applica-
20 tion setting forth (1) his OR HER name and residence address, including
21 the street and number, if any, or town and rural delivery route, if any;
22 (2) that he OR SHE is or will be, on the day of the school district
23 election, a qualified voter of the school district in which he OR SHE
24 resides in that he OR SHE is or will be, on such date, over eighteen
25 years of age, a citizen of the United States OR AN ALIEN LAWFULLY ADMIT-
26 TED FOR PERMANENT RESIDENCE IN THE UNITED STATES and has or will have
27 resided in the district for thirty days next preceding such date; (3)
28 that he OR SHE will be unable to appear to vote in person on the day of
29 the school district election for which the absentee ballot is requested
30 because he OR SHE is, or will be on such day (a) a patient in a hospi-
31 tal, or unable to appear personally at the polling place on such day
32 because of illness or physical disability or (b) because his OR HER
33 duties, occupation, business, or studies will require him OR HER to be
34 outside of the county or city of his OR HER residence on such day, (c)
35 because he OR SHE will be on vacation outside the county or city of his
36 OR HER residence on such day; or, (d) absent from his OR HER voting
37 residence because he OR SHE is detained in jail awaiting action by a
38 grand jury or awaiting trial or is confined in prison after conviction
39 for an offense other than a felony. Such application must be received by
40 the district clerk or designee of the trustees or school board at least
41 seven days before the election if the ballot is to be mailed to the
42 voter, or the day before the election, if the ballot is to be delivered
43 personally to the voter.

44 S 15. Paragraph b of subdivision 6 of section 2018-b of the education
45 law, as amended by section 9 of part LL of chapter 56 of the laws of
46 2010, is amended to read as follows:

47 b. On the reverse side of such envelope shall be printed the following
48 statement:

49 STATEMENT OF ABSENTEE VOTER

50 I do declare that I am a citizen of the United States OR AN ALIEN
51 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will
52 be at least eighteen years of age on the date of the school district

1 election; that I will have been a resident of this state and of the
2 school district and school election district, if any, shown on the
3 reverse side of this envelope for thirty days next preceding the said
4 election and that I am or on such date will be, a qualified voter of
5 said school district; that I will be unable to appear personally on the
6 day of said school district election at the polling place of the said
7 district in which I am or will be a qualified voter because of the
8 reason stated on my application heretofore submitted; that I have not
9 qualified, or do I intend to vote, elsewhere than as set forth on the
10 reverse side of this envelope; that I have not received or offered, do
11 not expect to receive, have not paid, offered or promised to pay,
12 contributed, offered or promised to contribute to another to be paid or
13 used, any money or other valuable thing, as a compensation or reward for
14 the giving or withholding of a vote at this school district election,
15 and have not made any promise to influence the giving or withholding of
16 any such votes; that I have not made or become directly or indirectly
17 interested in any bet or wager depending upon the result of this school
18 district election; and that I have not been convicted of bribery or any
19 infamous crime, or, if so convicted, that I have been pardoned or
20 restored to all the rights of a citizen, without restriction as to the
21 right of suffrage, or have received a certificate of relief from disa-
22 bilities or a certificate of good conduct pursuant to article twenty-
23 three of the correction law removing my disability to vote.

24 I hereby declare that the foregoing is a true statement to the best of
25 my knowledge and belief, and I understand that if I make any material
26 false statement in the foregoing statement of absentee voter, I shall be
27 guilty of a misdemeanor.

28 Date.....Signature of Voter

29 S 16. Subdivision 1 of section 2603 of the education law, as amended
30 by chapter 182 of the laws of 1952, is amended to read as follows:

31 1. A citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR
32 PERMANENT RESIDENCE IN THE UNITED STATES.

33 S 17. Subdivision 5 of section 2609 of the education law, as amended
34 by chapter 919 of the laws of 1974, is amended to read as follows:

35 5. Any qualified voter of a city school district may challenge the
36 right of a person to vote at the time when he OR SHE requests a ballot.
37 All persons named upon the applicable register as having been challenged
38 prior to the day of the election shall also be challenged before they
39 are given ballots to vote. The chairman of the board of inspectors
40 shall administer to each person so challenged the following oath: "I do
41 solemnly swear (or affirm) that I am a citizen of the United States OR
42 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES;
43 that I am of the age of eighteen years or more; that I have been an
44 inhabitant of the State for the past year, a resident of the county for
45 the past four months and for the thirty days past an actual resident of
46 this city school district and am therefore qualified to vote at this
47 election." If the person challenged so swears or affirms, he OR SHE
48 shall be permitted to vote at such election; but if he OR SHE shall
49 refuse to so swear or affirm, he OR SHE shall not be given a ballot or
50 be permitted to vote.

51 S 18. This act shall take effect on the first of January next succeed-
52 ing the date on which it shall have become a law.