

STATE OF NEW YORK

8677

2019-2020 Regular Sessions

IN ASSEMBLY

October 23, 2019

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the correction law, in relation to promoting inmate voter registration and voting; and to repeal certain provisions of the election law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 5-104 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. For the purpose of registering and voting, an inmate incarcerated in a state or local correctional facility shall be considered a resident of the address he or she resided at prior to his or her incarceration.

§ 2. Subdivisions 2, 3, 4 and 5 of section 5-106 of the election law are REPEALED and subdivision 6 is renumbered subdivision 2.

§ 3. Subdivision 1 of section 5-400 of the election law, as amended by chapter 659 of the laws of 1994, paragraph (a) as amended by chapter 3 of the laws of 2019, is amended and a new subdivision 1-a is added to read as follows:

1. A voter's registration, including the registration of a voter in inactive status, shall be cancelled if, since the time of his or her last registration, he or she:

(a) Moved his or her residence outside the state.

(b) ~~[was convicted of a felony disqualifying him from voting pursuant to the provisions of section 5-106 of this article.~~

~~(c)~~ Has been adjudicated an incompetent.

~~(d)~~ (c) Refused to take a challenge oath.

~~(e)~~ (d) Has died.

~~(f)~~ (e) Did not vote in any election conducted by the board of elections during the period ending with the second general election at which candidates for federal office are on the ballot after his or her name was placed in inactive status and for whom the board of elections

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

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1 did not, during such period, in any other way, receive any information
2 that such voter still resides in the same county or city.

3 ~~[(g)]~~ (f) Personally requested to have his or her name removed from
4 the list of registered voters.

5 ~~[(h)]~~ (g) For any other reason, is no longer qualified to vote as
6 provided in this chapter.

7 1-a. A voter's registration shall not be cancelled while he or she is
8 incarcerated in a state or local correctional facility and no munici-
9 pality shall enact any local law, rule, regulation or ordinance that
10 prevents or restricts an inmate's ability to register or vote.

11 § 4. Subdivision 2 of section 5-708 of the election law is REPEALED
12 and subdivisions 3, 4, 5, 6 and 7, subdivision 3 as renumbered by chap-
13 ter 659 of the laws of 1994, are renumbered subdivisions 2, 3, 4, 5 and
14 6.

15 § 5. Subdivision 3 of section 5-708 of the election law, as added by
16 chapter 659 of the laws of 1994 and as renumbered by section four of
17 this act, paragraph a as amended by chapter 200 of the laws of 1996, is
18 amended to read as follows:

19 3. a. If a board of elections receives any notices pursuant to the
20 provisions of ~~[subdivisions]~~ subdivision two ~~[and three]~~ of this section
21 which set forth a residence address outside of the city or county of
22 such board's jurisdiction, it shall, at least once a month, transmit
23 such notices to the appropriate board of elections, or, if such address
24 is outside the state, to the state board of elections.

25 b. The state board shall arrange such notices and the names received
26 pursuant to the other provisions of this section by county of residence
27 and transmit such notices ~~[and any notices of conviction for a felony~~
28 ~~received from a United States attorney]~~ to the appropriate board of
29 elections.

30 c. If any such notices, or names received pursuant to the other
31 provisions of this section, set forth a residence address outside New
32 York state, the state board shall transmit such notices to the chief
33 state election official of such state at such times and in such manner
34 as it deems appropriate.

35 § 6. Section 75 of the correction law, as amended by section 18 of
36 subpart A of part C of chapter 62 of the laws of 2011, is amended to
37 read as follows:

38 § 75. Notice of voting rights. 1. The department, in collaboration
39 with the state and county boards of election, shall establish a program
40 to promote inmate voter registration and voting. Such program shall
41 include:

42 (a) development and distribution of an inmate voter information guide
43 to be distributed to inmates and shall include but not be limited to the
44 following information:

45 (i) important dates and deadlines;
46 (ii) registration requirements and instructions;
47 (iii) how to request and cast an absentee ballot while incarcerated;
48 and

49 (iv) resources for any additional questions; and
50 (b) voter information and registration clinics for inmates. Such
51 clinics shall:

52 (i) be held every other year to coincide with election cycles;
53 (ii) be held at least ninety days prior to an election to allow
54 adequate time for voter registration and the requesting and mailing of
55 absentee ballots;

56 (iii) inform inmates of:

1 (A) their ability to vote while incarcerated;
2 (B) important dates and deadlines;
3 (C) registration requirements and instructions; and
4 (D) guidance on requesting and casting absentee ballots while incar-
5 cerated; and

6 (iv) serve as voter registration drives for qualified inmates. A
7 department staff member or designee shall be available to assist inmates
8 in filling out paper or electronic registration forms and to provide the
9 appropriate address for the mailing of completed registration forms.

10 2. Upon the discharge from a correctional facility [~~of any person~~
11 ~~whose maximum sentence of imprisonment has expired~~] or upon a person's
12 discharge from community supervision, the department shall notify such
13 person of his or her right to vote and provide such person with a form
14 of application for voter registration together with written information
15 distributed by the board of elections on the importance and the mechan-
16 ics of voting.

17 § 7. This act shall take effect on the ninetieth day after it shall
18 have become a law. Effective immediately, the addition, amendment and/or
19 repeal of any rule or regulation necessary for the implementation of
20 this act on its effective date are authorized to be made and completed
21 on or before such effective date.