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

3125

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BRADLEY, BENJAMIN, BING, CANESTRARI, CLARK, DINOWITZ, ESPAILLAT, GALEF, MILLMAN, PAULIN, PEOPLES, PHEFFER, POWELL, SCHIMMINGER -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing election inspectors to vote through the use of an absentee ballot rather than through the use of a special ballot

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

Section 1. Paragraph (f) of subdivision 1 of section 8-400 of the election law is amended and a new paragraph (g) is added to read as follows:

(f) absent from his OR HER voting residence because he OR SHE is detained in jail awaiting action by a grand jury or awaiting trial, or confined in prison after a conviction for an offense other than a felony, provided that he OR SHE is qualified to vote in the election district of his residence[.]; OR

(G) UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE OF THE ELECTION DISTRICT IN WHICH HE OR SHE IS A QUALIFIED VOTER BECAUSE HE OR SHE IS A POLLING INSPECTOR AT ANOTHER POLLING PLACE.

S 2. Section 11-302 of the election law, as amended by chapter 243 of the laws of 2003, is amended to read as follows:

S 11-302. Special ballots for board of election employees. A person who is an employee of the board of elections or who has been appointed to serve as an inspector of elections, poll clerk or election coordinator at a polling place other than the one at which he or she is registered to vote, may deliver to the inspectors of election of the election district in which he or she is registered, or to the board of elections, at any time during the period in which an application for an absentee ballot may be so delivered pursuant to the provisions of this chapter, a written statement that he or she will be unable to appear at the polling

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

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place for such election district on the day of an election because his or her duties as an employee of such board or as an inspector, poll clerk or election coordinator require him or her to be elsewhere. The board of elections shall (I) provide such voter a special ballot not earlier than two weeks before the election and not later than the close of the polls on election day; OR (II) INFORM ANY INSPECTOR OF ELECTIONS THAT HE OR SHE MAY CAST HIS OR HER VOTE THROUGH THE USE OF AN ABSENTEE BALLOT. [Such cast] ALL SUCH SPECIAL ballots may be delivered to an office of such board of elections or to any board of inspectors not later than the close of the polls on election day. Such ballots may be delivered to the inspectors of election in the manner prescribed by this chapter for absentee ballots or retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter as such board shall, in its discretion, determine by resolution adopted at least thirty days before election day. ANY INSPECTOR OF ELECTIONS WHO CHOOSES TO CAST HIS OR HER VOTE THROUGH AN ABSENTEE BALLOT SHALL COMPLY WITH THE PROCEDURES FOR CASTING AN ABSENTEE BALLOT AS PROVIDED IN ARTICLE EIGHT OF THIS CHAPTER.

S 3. This act shall take effect immediately.