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

3367

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. ENGLEBRIGHT, V. LOPEZ, MORELLE, LUPARDO, KAVANAGH -- Multi-Sponsored by -- M. of A. CAHILL, CHRISTENSEN, CYMBROWITZ, FARRELL, GALEF, PHEFFER, RAMOS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law and the education law, in relation to absentee voting for primary care givers

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

Section 1. Paragraph (c) of subdivision 1 of section 8-400 of the election law is amended to read as follows:

(c) unable to appear personally at the polling place of the election district in which he OR SHE is a qualified voter because of illness or physical disability, whether permanent or temporary, OR IS THE PRIMARY CARE GIVER FOR A PERSON SUFFERING FROM A PHYSICAL DISABILITY OR ILLNESS AND THE RESPONSIBILITIES OF SUCH PRIMARY CARE GIVER ARE SUCH THAT HE OR SHE CANNOT LEAVE TO VOTE PERSONALLY, or because he OR SHE will be or is a patient in a hospital; or

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

a. An applicant for such an absentee ballot shall submit an application setting forth (1) his OR HER name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he OR SHE is or will be, on the day of the school district election, a qualified voter of the school district in which he OR SHE resides in that he OR SHE is or will be, on such date, over eighteen years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date; (3) whether he OR SHE is registered in the district; (4) that he OR SHE will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because he OR SHE

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

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is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability, OR IS THE PRIMARY CARE GIVER FOR A PERSON SUFFERING FROM A PHYSICAL DISABILITY OR ILLNESS AND THE RESPONSIBILITIES OF SUCH PRIMARY CARE GIVER ARE SUCH THAT HE OR SHE CANNOT LEAVE TO VOTE PERSONALLY, or (b) because his OR HER duties, occupation, business, or studies will require him OR HER to be outside of the county or city of his OR HER residence on such day, (c) because he OR SHE will be on vacation outside the county or city of his OR HER residence on such day; or, (d) 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 is confined in prison after conviction for an offense other than a felony. Such application must be received by the district clerk at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall apply to every election, annual school board meeting, annual election for board of education or board of education trustees members and annual budget vote or referendum held on or after such effective date.