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

1707

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. PARKER, BRESLIN, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, ONORATO, OPPENHEIMER, SAMPSON, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law and the election law, in relation to absentee voting by eligible inmates of local correctional facilities and designating certain agencies as assisting agencies for voter registration

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

Section 1. The correction law is amended by adding a new section 510 to read as follows:

S 510. ABSENTEE VOTING BY QUALIFIED INMATES. THE CHIEF ADMINISTRATIVE OFFICER OF THE LOCAL CORRECTIONAL FACILITY, OR HIS OR HER DESIGNEE, SHALL INFORM EACH INMATE AT SUCH FACILITY OF THEIR RIGHT TO REGISTER TO VOTE. IN ADDITION, SUCH NOTICE SHALL BE POSTED IN A PROMINENT PLACE WHERE INMATES CONGREGATE AND PRINTED IN BLOCK LETTERS. SUCH POSTED NOTICE SHALL INCLUDE QUALIFICATIONS REQUIRED TO EXERCISE THE RIGHT TO VOTE, AND OF THE AVAILABILITY AT THE LOCAL CORRECTIONAL FACILITY OF ASSISTANCE TO REGISTER TO VOTE, REQUEST AN ABSENTEE BALLOT APPLICATION, AND TO VOTE VIA ABSENTEE BALLOT. SUCH CHIEF ADMINISTRATIVE OFFICER, OR HIS OR HER DESIGNEE, SHALL ASSIST ANY OTHERWISE ELIGIBLE INMATES IN REGISTERING TO VOTE IN THE SAME MANNER AND EXTENT AS THE AGENCIES LISTED IN SECTION 5-211 OF THE ELECTION LAW, ASSIST ANY OTHERWISE ELIGIBLE INMATES IN REQUESTING AN ABSENTEE BALLOT APPLICATION PURSUANT TO SECTION 8-400 OF THE ELECTION LAW, AND ASSIST ANY OTHERWISE ELIGIBLE INMATES IN VOTING BY ABSENTEE BALLOT PURSUANT TO SECTION 8-407 OF THE ELECTION LAW.

S 2. Section 8-406 of the election law, as amended by chapter 296 of the laws of 1988, is amended to read as follows:

S 8-406. Absentee ballots, delivery of. If the board shall find that the applicant is a qualified voter of the election district containing

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

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his residence as stated in his statement and that his statement is sufficient, it shall, as soon as practicable after it shall have determined his right thereto, mail to him at an address designated by him, or deliver to him, or to any person designated for such purpose in writing by him, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, OR A LOCAL CORRECTIONAL FACILITY such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this [chapter] TITLE if such facility is located in the county or city in which such voter is eligible to vote.

S 3. The section heading and subdivisions 1 and 3 of section 8-407 of the election law, the section heading as added by chapter 296 of the laws of 1988 and subdivisions 1 and 3 as amended by chapter 195 of the laws of 2001, are amended to read as follows:

Voting by residents of nursing homes, residential health care facilities, facilities operated or licensed, or under the jurisdiction of, the department of mental hygiene or hospitals or facilities operated by the Veteran's Administration of the United States, OR A LOCAL CORRECTIONAL FACILITY. 1. The board of elections of a county or city in which there is located at least one facility operated or licensed, or under the jurisdiction of, the department of mental hygiene, or a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law or an adult care facility subject to the provisions of title two of article seven of the social services law, or a hospital or other facility operated by the Veteran's Administration of the United States, OR A LOCAL CORRECTIONAL FACILITY AS DEFINED BY SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW shall provide that residents of each such facility for which such board has received [twenty-five] FIFTEEN or more applications for absentee ballots from voters who are eligible to vote by absentee ballot in such city or county at such election, may vote by absentee ballot only in the manner provided for in this section. Such board may, in its discretion, provide that the procedure described in this subdivision shall be applicable to all such facilities in such county or city without regard to the number of absentee ballot applications received from the residents of any such facility.

3. Not earlier than thirteen days before or later than the day before such an election such a board of inspectors shall, between the hours of nine o'clock in the morning and five o'clock in the evening, attend at each such facility for the residents of which the board of elections has custody of [twenty-five] FIFTEEN or more absentee ballots or, if the board of elections has so provided, each such facility for which the board has custody of one or more such absentee ballots, pursuant to the provisions of this chapter.

S 4. The opening paragraph of section 5-211 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the department of [social services] FAMILY ASSISTANCE and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind and visually handicapped, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state [and], the division of workers' compensation, THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES, THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.