

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:

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

3 S 510. ABSENTEE VOTING BY QUALIFIED INMATES. THE CHIEF ADMINISTRATIVE
4 OFFICER OF THE LOCAL CORRECTIONAL FACILITY, OR HIS OR HER DESIGNEE,
5 SHALL INFORM EACH INMATE AT SUCH FACILITY OF THEIR RIGHT TO REGISTER TO
6 VOTE. IN ADDITION, SUCH NOTICE SHALL BE POSTED IN A PROMINENT PLACE
7 WHERE INMATES CONGREGATE AND PRINTED IN BLOCK LETTERS. SUCH POSTED
8 NOTICE SHALL INCLUDE QUALIFICATIONS REQUIRED TO EXERCISE THE RIGHT TO
9 VOTE, AND OF THE AVAILABILITY AT THE LOCAL CORRECTIONAL FACILITY OF
10 ASSISTANCE TO REGISTER TO VOTE, REQUEST AN ABSENTEE BALLOT APPLICATION,
11 AND TO VOTE VIA ABSENTEE BALLOT. SUCH CHIEF ADMINISTRATIVE OFFICER, OR
12 HIS OR HER DESIGNEE, SHALL ASSIST ANY OTHERWISE ELIGIBLE INMATES IN
13 REGISTERING TO VOTE IN THE SAME MANNER AND EXTENT AS THE AGENCIES LISTED
14 IN SECTION 5-211 OF THE ELECTION LAW, ASSIST ANY OTHERWISE ELIGIBLE
15 INMATES IN REQUESTING AN ABSENTEE BALLOT APPLICATION PURSUANT TO SECTION
16 8-400 OF THE ELECTION LAW, AND ASSIST ANY OTHERWISE ELIGIBLE INMATES IN
17 VOTING BY ABSENTEE BALLOT PURSUANT TO SECTION 8-407 OF THE ELECTION LAW.

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

20 S 8-406. Absentee ballots, delivery of. If the board shall find that
21 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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1 his residence as stated in his statement and that his statement is
2 sufficient, it shall, as soon as practicable after it shall have deter-
3 mined his right thereto, mail to him at an address designated by him, or
4 deliver to him, or to any person designated for such purpose in writing
5 by him, at the office of the board, such an absentee voter's ballot or
6 set of ballots and an envelope therefor. If the ballot or ballots are to
7 be sent outside of the United States to a country other than Canada or
8 Mexico, such ballot or ballots shall be sent by air mail. However, if an
9 applicant who is eligible for an absentee ballot is a resident of a
10 facility operated or licensed by, or under the jurisdiction of, the
11 department of mental hygiene, or a resident of a facility defined as a
12 nursing home or residential health care facility pursuant to subdivi-
13 sions two and three of section two thousand eight hundred one of the
14 public health law, or a resident of a hospital or other facility oper-
15 ated by the Veteran's Administration of the United States, OR A LOCAL
16 CORRECTIONAL FACILITY such absentee ballot need not be so mailed or
17 delivered to any such applicant but, may be delivered to the voter in
18 the manner prescribed by section 8-407 of this [chapter] TITLE if such
19 facility is located in the county or city in which such voter is eligi-
20 ble to vote.

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

25 Voting by residents of nursing homes, residential health care facili-
26 ties, facilities operated or licensed, or under the jurisdiction of, the
27 department of mental hygiene or hospitals or facilities operated by the
28 Veteran's Administration of the United States, OR A LOCAL CORRECTIONAL
29 FACILITY. 1. The board of elections of a county or city in which there
30 is located at least one facility operated or licensed, or under the
31 jurisdiction of, the department of mental hygiene, or a facility defined
32 as a nursing home or residential health care facility pursuant to subdivi-
33 sions two and three of section two thousand eight hundred one of the
34 public health law or an adult care facility subject to the provisions of
35 title two of article seven of the social services law, or a hospital or
36 other facility operated by the Veteran's Administration of the United
37 States, OR A LOCAL CORRECTIONAL FACILITY AS DEFINED BY SUBDIVISION
38 SIXTEEN OF SECTION TWO OF THE CORRECTION LAW shall provide that resi-
39 dents of each such facility for which such board has received [twenty-
40 five] FIFTEEN or more applications for absentee ballots from voters who
41 are eligible to vote by absentee ballot in such city or county at such
42 election, may vote by absentee ballot only in the manner provided for in
43 this section. Such board may, in its discretion, provide that the proce-
44 dure described in this subdivision shall be applicable to all such
45 facilities in such county or city without regard to the number of absen-
46 tee ballot applications received from the residents of any such facili-
47 ty.

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

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

4 Each agency designated as a participating agency under the provisions
5 of this section shall implement and administer a program of distribution
6 of voter registration forms pursuant to the provisions of this section.
7 The following offices which provide public assistance and/or provide
8 state funded programs primarily engaged in providing services to persons
9 with disabilities are hereby designated as voter registration agencies:
10 designated as the state agencies which provide public assistance are the
11 department of [social services] FAMILY ASSISTANCE and the department of
12 health. Also designated as public assistance agencies are all agencies
13 of local government that provide such assistance. Designated as state
14 agencies that provide programs primarily engaged in providing services
15 to people with disabilities are the department of labor, office for the
16 aging, division of veterans' affairs, office of mental health, office of
17 vocational and educational services for individuals with disabilities,
18 commission on quality of care for the mentally disabled, office of
19 mental retardation and developmental disabilities, commission for the
20 blind and visually handicapped, office of alcoholism and substance abuse
21 services, the office of the advocate for the disabled and all offices
22 which administer programs established or funded by such agencies. Addi-
23 tional state agencies designated as voter registration offices are the
24 department of state [and], the division of workers' compensation, THE
25 DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES, THE DEPARTMENT OF
26 CORRECTIONAL SERVICES AND THE DIVISION OF PAROLE. Such agencies shall be
27 required to offer voter registration forms to persons upon initial
28 application for services, renewal or recertification for services and
29 change of address relating to such services. Such agencies shall also be
30 responsible for providing assistance to applicants in completing voter
31 registration forms, receiving and transmitting the completed application
32 form from all applicants who wish to have such form transmitted to the
33 appropriate board of elections. The state board of elections shall,
34 together with representatives of the department of defense, develop and
35 implement procedures for including recruitment offices of the armed
36 forces of the United States as voter registration offices when such
37 offices are so designated by federal law. The state board shall also
38 make request of the United States Immigration and Naturalization Service
39 to include applications for registration by mail with any materials
40 which are given to new citizens. All institutions of the state univer-
41 sity of New York and the city university of New York, shall, at the
42 beginning of the school year, and again in January of a year in which
43 the president of the United States is to be elected, provide an applica-
44 tion for registration to each student in each such institution. The
45 state board of elections may, by regulation, grant a waiver from any or
46 all of the requirements of this section to any office or program of an
47 agency, if it determines that it is not feasible for such office or
48 program to administer such requirement.

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