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

3227

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sens. FLANAGAN, BONACIC, DeFRANCISCO, LANZA, LARKIN, LITTLE, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to absentee ballots for patients or inmates of Veteran Administration medical facilities

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

Section 1. Section 8-404 of the election law, the opening paragraph of subdivision 1 as amended by chapter 359 of the laws of 1989 and paragraph (b) of subdivision 1 as amended by chapter 373 of the laws of 1978, is amended to read as follows:

S 8-404. Absentee voting; hospitalized veterans, special provisions. 1. UNITED STATES VETERANS' (V.A.) MEDICAL FACILITIES USUALLY ARE CLASSIFIED AS MEDICAL CENTERS FOR ACUTE-CARE FACILITIES AND AS EXTENDED CARE CENTERS FOR LONG-TERM CARE FACILITIES. After entering upon the registration records, the application for registration of an inmate or patient of a [veterans' administration hospital] V.A. EXTENDED CARE CENTER as to whom the medical superintendent or medical head of such hospital has attested that he OR SHE expects that he OR SHE will not be discharged prior to the day following the next general or special village, primary, special, general or New York city community school board district or city of Buffalo school district election, and the application for registration by the spouse, parent or child of such inmate or patient, accompanying or being with him or her, if a qualified voter and a resident of the same election district, the board of elections, without further investigation and without further application by the applicant, shall send to him at such hospital an absentee ballot and shall record in the signature column on the back of his OR HER permanent personal registration poll record that such ballot has been sent.

(a) Any voter who is duly registered and whose registration records are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative"

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

LBD00285-01-9

need not thereafter make application for an absentee ballot. Sixty days before each election, the board of elections shall compile and send a list to each [veterans' administration hospital] V.A. EXTENDED CARE CENTER of all inmates and patients of [veterans' administration hospitals] V.A. EXTENDED CARE CENTERS who appear by the records of such board to be "hospitalized veterans" entitled to receive absentee ballots at each such [hospital] V.A. EXTENDED CARE CENTER pursuant to the provisions of this section. Each [veterans' administration hospital] V.A. EXTENDED CARE CENTER shall no later than fifteen days following the receipt of such list, return it with notations made thereon showing whether the inmate or patient continues to be confined therein or has been discharged therefrom. Upon the receipt of such returned list from each [veterans' administration hospital] V.A. EXTENDED CARE CENTER with the proper notations showing that a "hospitalized veteran" continues to be confined in such [hospital] V.A. EXTENDED CARE CENTER, the board of elections, by mail addressed to such "hospitalized veteran" at his OR HER last known [hospital] V.A. EXTENDED CARE CENTER address and by mail addressed to such "hospitalized veteran's relative" at his OR HER last known address shall send an absentee ballot for the ensuing election to such "hospitalized veteran" and such "hospitalized veteran's relative" an absentee ballot in the same manner as provided herein for a qualified voter entitled to an absentee ballot because of permanent disability. The board shall record on the back of his OR HER registration poll record in the space reserved for his OR HER signature at such election, the fact that such ballot has been sent.

(b) If the returned list from a [veterans' administration hospital] V.A. EXTENDED CARE CENTER contains a notation showing that a "hospitalized veteran" is no longer an inmate or patient at the [veterans' administration hospital] V.A. EXTENDED CARE CENTER where he OR SHE is recorded as staying, or if such letter containing an absentee voter's ballot for a "hospitalized veteran" or a "hospitalized veterans' relative" is returned by the post office as undeliverable, the board of elections shall ascertain whether the "hospitalized veteran" or "hospitalized veteran's relative" is residing at the address given on his OR HER registration records as his OR HER permanent address. If he OR SHE is residing there, the board shall not send him OR HER any further absentee ballots unless he OR SHE applies therefor in the regular way. If he OR SHE is not residing at the place of residence given on his OR HER registration records but the board ascertains that he OR SHE has been transferred to another [veterans' administration hospital] V.A. EXTENDED CARE CENTER, the board shall cause a central board of registration to make the necessary changes of temporary address on his OR HER registration records and shall continue sending him OR HER absentee ballots at the [veterans' administration hospital] V.A. EXTENDED CARE CENTER where he OR SHE is staying. If he OR SHE is not residing at the place of residence given on his OR HER registration records and the board cannot ascertain that he OR SHE has been transferred to another [veterans' administration hospital] V.A. EXTENDED CARE CENTER, the board shall cancel his OR HER registration. Whenever a registration is cancelled pursuant hereto notice shall be mailed to the veteran or his OR HER relative at his OR HER permanent residence address and last temporary address.

2. The board of elections shall furnish to each party county chairman in such county a list of the names and residence addresses of the hospitalized veterans and hospitalized veterans' relatives to whom absentee ballots have been sent.

3. Such ballots shall be mailed, voted, returned, counted, and canvassed as provided in this chapter for other absentee voters' ballots.

4. ONE DAY PRIOR TO A GENERAL OR SPECIAL VILLAGE, PRIMARY, SPECIAL, GENERAL OR NEW YORK CITY COMMUNITY SCHOOL BOARD DISTRICT OR CITY OF BUFFALO SCHOOL DISTRICT ELECTION; THE PATIENTS AND INMATES OF V.A. MEDICAL CENTERS AND V.A. EXTENDED CARE CENTERS WILL BE CANVASSED BY THE LOCAL BOARD OF ELECTIONS TO IDENTIFY QUALIFIED VOTERS NOT REGISTERED TO RECEIVE ABSENTEE BALLOTS WHO ARE REQUESTING EMERGENCY AFFIDAVIT BALLOTS FOR THE ELECTION DISTRICTS IN WHICH THEY RESIDE. ON ELECTION DAY THE LOCAL BOARD OF ELECTIONS SHALL DISTRIBUTE THOSE EMERGENCY AFFIDAVIT BALLOTS TO THE PATIENTS AND INMATES OF THE V.A. MEDICAL CENTERS AND V.A. EXTENDED CARE CENTERS WHO ARE QUALIFIED VOTERS, WHO HAVE NOT REGISTERED FOR ABSENTEE BALLOTS AND WHO HAVE REQUESTED EMERGENCY AFFIDAVIT BALLOTS. THE LOCAL BOARD OF ELECTIONS ON ELECTION DAY SHALL COLLECT THE EMERGENCY AFFIDAVIT BALLOTS FROM SUCH PATIENTS.

S 2. This act shall take effect immediately.