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

1414

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, O'DONNELL, GREENE -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing certain persons on parole the right to register and vote at any election

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

Section 1. Subdivision 2 of section 5-106 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the governor, or [his] (II) SUCH PERSON'S maximum sentence of imprisonment has expired, or [he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him] (III) SUCH PERSON IS SERVING A TERM OF PAROLE AND SUCH PERSON'S CRIME OF CONVICTION IS ONE FOR WHICH A MERIT TIME ALLOWANCE IS PERMITTED PURSUANT TO SECTION EIGHT HUNDRED THREE OR EIGHT HUNDRED FOUR OF THE CORRECTION LAW.

S 2. Subdivision 3 of section 5-106 of the election law is amended to read as follows:

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under the laws of this state, shall have the right to register for or vote at any election unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the president of the United States, or [his] (II) SUCH PERSON'S maximum sentence of imprisonment has expired, or [he has been discharged from parole] (III) SUCH PERSON IS SERVING A TERM OF

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

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PAROLE AND SUCH PERSON'S CRIME OF CONVICTION IS ONE FOR WHICH A MERIT TIME ALLOWANCE WOULD BE PERMITTED PURSUANT TO SECTION EIGHT HUNDRED THREE OR EIGHT HUNDRED FOUR OF THE CORRECTION LAW.

S 3. Subdivision 4 of section 5-106 of the election law is amended to read as follows:

4. No person who has been convicted in another state for a crime or offense which would constitute a felony under the laws of this state shall have the right to register for or vote at any election in this state unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or [his] (II) SUCH PERSON'S maximum sentence has expired, or [he has been discharged from parole] (III) SUCH PERSON IS SERVING A TERM OF PAROLE AND SUCH PERSON'S CRIME OF CONVICTION IS ONE FOR WHICH A MERIT TIME ALLOWANCE WOULD BE PERMITTED PURSUANT TO SECTION EIGHT HUNDRED THREE OR EIGHT HUNDRED FOUR OF THE CORRECTION LAW.

S 4. This act shall take effect immediately.