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

3570

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY, KAVANAGH -- Multi-Sponsored by -- M. of A. CLARK, V. LOPEZ, MENG, PERALTA, J. RIVERA, P. RIVERA, WRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to granting certain resident aliens the right to vote in local elections

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

Section 1. The election law is amended by adding a new section 5-108 to read as follows:

S 5-108. QUALIFICATION OF SPECIAL LOCAL VOTERS. 1. ANY PERSON WHO IS A RESIDENT ALIEN, WHO HAS EARNED PERMANENT LEGAL STATUS IN THE UNITED STATES FOR AT LEAST THREE YEARS, AND WHO HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST THREE YEARS MAY REGISTER AS A SPECIAL LOCAL VOTER AND SHALL BE ENTITLED TO VOTE IN LOCAL ELECTIONS, PROVIDED, HOWEVER, THAT NO PERSON WHO THOUGH ELIGIBLE, HAS NOT FILED AN APPLICATION FOR CITIZENSHIP IN THE UNITED STATES SHALL BE DEEMED ELIGIBLE UNDER THIS SECTION. FOR PURPOSES OF THIS SECTION, THE TERM "LOCAL ELECTION" SHALL MEAN A GENERAL, SPECIAL OR PRIMARY ELECTION FOR AN OFFICIAL OTHER THAN PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, UNITED STATES SENATE, HOUSE OF REPRESENTATIVES, GOVERNOR AND LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL.

2. THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO ELECTIONS CONDUCTED (A) WITHIN THE CITY OF NEW YORK; AND (B) WITHIN ANY OTHER POLITICAL SUBDIVISION OF THIS STATE WHERE A LOCAL LAW, ORDINANCE OR RESOLUTION, PERMITTING ELECTIONS TO BE CONDUCTED THEREIN PURSUANT TO THE PROVISIONS OF THIS SECTION HAS BEEN DULY ENACTED OR ADOPTED.

3. A PERSON WHO, PURSUANT TO THE PROVISIONS OF THIS SECTION, IS QUALIFIED MAY REGISTER WITH THE BOARD OF ELECTIONS OF HIS COUNTY OF RESIDENCE AND VOTE IN A LOCAL ELECTION.

4. THE FORM FOR REGISTRATION APPLICATION, POLL LEDGERS, AND COMPUTER GENERATED REGISTRATION LISTS TO IDENTIFY SPECIAL LOCAL VOTERS SHALL BE

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

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OF A DISTINCTIVE COLOR AND IN THE FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS. A FORM OF APPLICATION FOR REGISTRATION UNDER THIS SECTION SHALL BE FURNISHED BY THE BOARD OF ELECTIONS TO THE APPLICANT WHO SHALL REQUEST SUCH FORM WITHIN THE TIME PRESCRIBED FOR REGISTRATION AS OTHERWISE PROVIDED FOR IN THIS CHAPTER.

5. UPON RECEIPT OF THE APPLICATION, THE BOARD OF ELECTIONS SHALL DETERMINE UPON SUCH INQUIRY AS IT DEEMS PROPER WHETHER THE APPLICANT HAS ANSWERED ALL THE QUESTIONS CONTAINED IN THE APPLICATION AND WHETHER THE APPLICANT IS LEGALLY QUALIFIED TO REGISTER AND VOTE AS A SPECIAL LOCAL VOTER, AND, IF IT FINDS HE OR SHE IS NOT SO QUALIFIED, SHALL REJECT THE APPLICATION AND SHALL NOTIFY THE APPLICANT OF SUCH REJECTION AND GIVE THE REASON OR REASONS THEREFOR. ALL INVESTIGATIONS BY THE BOARD OF ELECTIONS SHALL BE CONCLUDED AND ALL DETERMINATIONS MADE NOT LATER THAN THE SIXTH DAY BEFORE ELECTION. IF THE BOARD OF ELECTIONS SHALL DETERMINE THAT THE APPLICANT MAKING THE APPLICATION PROVIDED FOR IN THIS SECTION IS QUALIFIED TO REGISTER AND VOTE AS A SPECIAL LOCAL VOTER, IT SHALL, AS SOON AS PRACTICABLE AFTER IT SHALL HAVE SO DETERMINED, MAIL TO HIM AT THE RESIDENCE ADDRESS SHOWN IN HIS OR HER APPLICATION, A NOTICE THAT HE OR SHE IS SO QUALIFIED.

6. THE BOARD OF ELECTIONS SHALL KEEP A REGISTER OF THE PERSONS WHO HAVE MADE AND SIGNED APPLICATIONS TO REGISTER AND VOTE AS A SPECIAL LOCAL VOTER AND OF THE APPLICANTS WHO HAVE BEEN DETERMINED TO BE QUALIFIED. THE BOARD SHALL KEEP OPEN TO PUBLIC INSPECTION SUCH REGISTER OF APPLICANTS WITH THEIR NAMES, ADDRESSES AND APPLICATION DATES AND SHALL GIVE TO THE CHAIR OF EACH POLITICAL PARTY IN THE COUNTY A COMPLETE LIST OF APPLICANTS TO REGISTER AS A SPECIAL LOCAL VOTER, CONTAINING THEIR NAMES AND PLACES OF RESIDENCE, INCLUDING THE ELECTION DISTRICT AND WARD, IF ANY, AND, IN THE CITY OF NEW YORK AND THE COUNTY OF NASSAU, THE ASSEMBLY DISTRICT.

7. VOTING MACHINES SHALL BE SO EQUIPPED TO ACCOMMODATE THOSE PERSONS AUTHORIZED TO VOTE PURSUANT TO THE PROVISIONS OF THIS SECTION AND SUCH MACHINES SHALL BE ADJUSTED TO ACCEPT THE VOTES OF A SPECIAL LOCAL VOTER.

8. THE GENERAL PROVISIONS OF THIS CHAPTER APPLICABLE TO REGISTRATION AND VOTING SHALL APPLY EXCEPT AS THEY ARE INCONSISTENT WITH THIS SECTION, AND THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED LIBERALLY FOR THE PURPOSES HEREIN EXPRESSED OR INTENDED.

S 2. This act shall take effect immediately.