

3910--A

Cal. No. 294

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. GABRYSZAK, ALFANO, BACALLES, CLARK, ERRIGO, FINCH, GOTTFRIED, GUNTHER, JAFFEE, JOHN, KAVANAGH, LIFTON, MILLMAN, RAI, ABBATE, LUPARDO, GALEF, ROSENTHAL, KOON -- Multi-Sponsored by -- M. of A. BALL, BARRA, BENJAMIN, BRENNAN, CAHILL, DINOWITZ, FIELDS, HOOPER, KOLB, MAISEL, MAYERSOHN, McDONOUGH, MCENENY, MOLINARO, PEOPLES-STOKES, PERRY, QUINN, THIELE, WEISENBERG -- read once and referred to the Committee on Election Law -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to special ballots for victims of domestic violence

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

1 Section 1. Section 11-306 of the election law, as added by chapter 702
2 of the laws of 1996, is amended to read as follows:
3 S 11-306. Special ballots; victims of domestic violence. 1. A voter
4 may deliver to the board of elections, at any time during the period in
5 which absentee ballot applications may be delivered, a signed written
6 statement swearing or affirming:
7 [1.] (A) that [they are] HE OR SHE IS the victim of domestic violence;
8 [2.] (B) that [they have been forced to leave their] HE OR SHE HAS
9 LEFT HIS OR HER residence because of such violence; and
10 [3.] (C) that because of the threat of physical OR EMOTIONAL harm to
11 [themselves] HIMSELF OR HERSELF or TO FAMILY OR HOUSEHOLD members [of
12 their family residing with them], [they wish] HE OR SHE WISHES to cast a
13 special ballot in the next election. The statement must include [their]
14 THE VOTER'S address of registration. The board of elections shall permit
15 such a voter to cast a special ballot at an office of such board of
16 elections not earlier than one week before the election and not later
17 than the close of the polls on election day. Such ballots may be deliv-
18 ered to the inspectors of election in the manner prescribed by this

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

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1 chapter for absentee ballots or retained at the board of elections and
2 cast and canvassed pursuant to the provisions of section 9-209 of this
3 chapter as such board shall, in its discretion, determine by resolution
4 adopted at least thirty days before election day.

5 2. "FAMILY OR HOUSEHOLD MEMBERS" MEAN THE FOLLOWING INDIVIDUALS:

6 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

7 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

8 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY
9 STILL RESIDE IN THE SAME HOUSEHOLD;

10 (D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
11 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

12 (E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO
13 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH
14 PERSONS HAVE LIVED TOGETHER AT ANY TIME.

15 S 2. This act shall take effect immediately.