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

4645

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the town law and the education law, in relation to the right to vote

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

Section 1. The legislature hereby finds and declares that the right to vote is an essential part of membership in the communities which make up the state of New York. In order to ensure that all persons who permanently and legally reside in our state have a voice and a stake in the decisions made by the political process, it is necessary and proper to extend the right to them, as citizens of New York state, to vote in elections for offices and on issues which affect them.

S 2. Subdivision 1 of section 5-102 of the election law is amended to read as follows:

1. No person shall be qualified to register for and vote at any election unless he OR SHE is a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and is or will be, on the day of such election, eighteen years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.

S 3. Paragraph (g) of subdivision 5 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

(g) Notice that the applicant must be a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, is or will be at least eighteen years old not later than December thirty-first of the calendar year in which he or she registers and a resident of the county or city to which application is made.

S 4. Subdivision 8 of section 7-122 of the election law, as amended by chapter 235 of the laws of 2000, is amended to read as follows:

8. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

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

LBD05015-02-9

I do declare that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his own name)

.....
Address of Witness

S 5. Subdivision 3 of section 7-123 of the election law, as amended by chapter 235 of the laws of 2000, is amended to read as follows:

3. Each ballot shall be furnished with a ballot envelope upon which shall be printed:

BALLOT FOR MILITARY VOTER
STATEMENT

I do state (or affirm) that I am (MUST CHECK ONE)

(a) in the actual military service of the State of New York, or of the United States..... []

(b) the spouse..... []

(c) parent..... []

(d) child..... []

of a voter in the actual military service of the State of New York or of the United States, accompanying or being with such voter and a resident of the same election district; that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES; that on the date of the election for which this ballot is voted I will be at least eighteen years of age and immediately preceding said date will have been a resident of the county, city or village in which I offer my vote for thirty days, that I have not voted any other ballot for any candidate from any address other than hereinafter set forth; and that I have not committed any act, nor am I under any impediment which denies me the right to vote.

My voting residence in the State of New York is:

Street and Number, or R.F.D.....
City, Village or Town.....
County.....

I hereby declare, that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of military voter, I shall be guilty of a misdemeanor.

Date.....20.....

.....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his own name)

.....
Address of Witness

S 6. Subdivision 3 of section 7-125 of the election law, as amended by chapter 235 of the laws of 2000, is amended to read as follows:

3. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF SPECIAL PRESIDENTIAL VOTER

I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement, I shall be guilty of a misdemeanor.

Date.....20.....

.....
Signature or mark of Voter

.....
Signature of Witness (required only if voter does not sign his own name)

.....
Address of Witness

S 7. Subdivision 3 of section 8-504 of the election law, as renumbered by chapter 373 of the laws of 1978, is amended to read as follows:

3. After receiving the answers as above specified, of any applicant, the board shall, if it believes the applicant to be qualified or the challenge is withdrawn, permit him OR HER to vote. Otherwise, the board shall point out to him OR HER the qualifications, if any, in respect of which he OR SHE shall appear deficient. If, after such deficiencies have been so indicated, the applicant shall persist in his OR HER claim

to vote, an inspector shall administer to him OR HER the following oath, which shall be known as "The Qualification Oath": "You do swear (or affirm) that you are eighteen years of age, that you are a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and that you have been a resident of this state, and of this county (of the city of New York) (village) for thirty days next preceding this election, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement. That all the statements you have made to the board have been true and that you understand that a false statement is perjury and you will be guilty of a misdemeanor."

S 8. Paragraph b of subdivision 5 of section 84-a of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I will be unable to appear personally on the day of said special town election at the polling place of the election district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this special town election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this special town election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter.....

S 9. Paragraph a of subdivision 2 of section 213-b of the town law, as added by chapter 400 of the laws of 1985, is amended to read as follows:

a. An applicant for such an absentee ballot shall submit an application setting forth (1) his OR HER name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he OR SHE is or will be, on the day of the election, a quali-

fied voter of the district in which he OR SHE resides in that he OR SHE is or will be, on such date, over eighteen years of age, a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and has or will have resided in the district for thirty days next preceding such date; (3) that he OR SHE is registered in the town; (4) that he OR SHE will be unable to appear to vote in person on the day of the election for which the absentee ballot is requested because he OR SHE is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability or (b) because his OR HER duties, occupation or business will require him OR HER to be outside of the county or city of his OR HER residence on such day, (c) because he OR SHE will be on vacation outside the county or city of his OR HER residence on such day; or, (d) absent from his OR HER voting residence because he OR SHE is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony. Such application must be received by the district secretary at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter or his OR HER agent.

S 10. Paragraph b of subdivision 5 of section 213-b of the town law, as added by chapter 400 of the laws of 1985, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter.....

S 11. Subdivision 1 of section 2012 of the education law, as amended by chapter 1169 of the laws of 1971, is amended to read as follows:

1. A citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES.

S 12. Paragraph a of subdivision 2 of section 2018-a of the education law, as amended by chapter 136 of the laws of 1991, is amended to read as follows:

a. An applicant for such an absentee ballot shall submit an application setting forth (1) his OR HER name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he OR SHE is or will be, on the day of the school district election, a qualified voter of the school district in which he OR SHE resides in that he OR SHE is or will be, on such date, over eighteen years of age, a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and has or will have resided in the district for thirty days next preceding such date; (3) whether he OR SHE is registered in the district; (4) that he OR SHE will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because he OR SHE is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability or (b) because his OR HER duties, occupation, business, or studies will require him OR HER to be outside of the county or city of his OR HER residence on such day, (c) because he OR SHE will be on vacation outside the county or city of his OR HER residence on such day; or, (d) absent from his OR HER voting residence because he OR SHE is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony. Such application must be received by the district clerk at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

S 13. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by chapter 506 of the laws of 1991, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withhold-

ing of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter.....

S 14. Paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

a. An applicant for such an absentee ballot shall submit an application setting forth (1) his OR HER name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that he OR SHE is or will be, on the day of the school district election, a qualified voter of the school district in which he OR SHE resides in that he OR SHE is or will be, on such date, over eighteen years of age, a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and has or will have resided in the district for thirty days next preceding such date; (3) that he OR SHE will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because he OR SHE is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability or (b) because his OR HER duties, occupation, business, or studies will require him OR HER to be outside of the county or city of his residence on such day, (c) because he OR SHE will be on vacation outside the county or city of his OR HER residence on such day; or, (d) absent from his OR HER voting residence because he OR SHE is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony. Such application must be received by the district clerk or designee of the trustees or school board at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

S 15. Paragraph b of subdivision 6 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will be at least eighteen years of age on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said

election and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery [of] OR any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter

S 16. Subdivision 1 of section 2603 of the education law, as amended by chapter 182 of the laws of 1952, is amended to read as follows:

1. A citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES.

S 17. Subdivision 5 of section 2609 of the education law, as amended by chapter 919 of the laws of 1974, is amended to read as follows:

5. Any qualified voter of a city school district may challenge the right of a person to vote at the time when he OR SHE requests a ballot. All persons named upon the applicable register as having been challenged prior to the day of the election shall also be challenged before they are given ballots to vote. The chairman of the board of inspectors shall administer to each person so challenged the following oath: "I do solemnly swear (or affirm) that I am a citizen of the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES; that I am of the age of eighteen years or more; that I have been an inhabitant of the State for the past year, a resident of the county for the past four months and for the thirty days past an actual resident of this city school district and am therefore qualified to vote at this election." If the person challenged so swears or affirms, he OR SHE shall be permitted to vote at such election; but if he OR SHE shall refuse to so swear or affirm, he OR SHE shall not be given a ballot or be permitted to vote.

S 18. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.