

1364

2009-2010 Regular Sessions

I N S E N A T E

January 29, 2009

Introduced by Sens. DILAN, ADAMS, DIAZ, HUNTLEY, PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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:

1 Section 1. The legislature hereby finds and declares that the right to
2 vote is an essential part of membership in the communities which make up
3 the state of New York. In order to ensure that all persons who perma-
4 nently and legally reside in our state have a voice and a stake in the
5 decisions made by the political process, it is necessary and proper to
6 extend the right to them, as citizens of New York state, to vote in
7 elections for offices and on issues which affect them.
8 S 2. Subdivision 1 of section 5-102 of the election law is amended to
9 read as follows:
10 1. No person shall be qualified to register for and vote at any
11 election unless he OR SHE is a citizen of the United States OR AN ALIEN
12 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES and is or
13 will be, on the day of such election, eighteen years of age or over, and
14 a resident of this state and of the county, city or village for a mini-
15 mum of thirty days next preceding such election.
16 S 3. Paragraph (g) of subdivision 5 of section 5-210 of the election
17 law, as amended by chapter 179 of the laws of 2005, is amended to read
18 as follows:
19 (g) Notice that the applicant must be a citizen of the United States
20 OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED
21 STATES, is or will be at least eighteen years old not later than Decem-
22 ber thirty-first of the calendar year in which he or she registers and a
23 resident of the county or city to which application is made.

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

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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

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

1 offer my vote for thirty days, that I have not voted any other ballot
2 for any candidate from any address other than hereinafter set forth; and
3 that I have not committed any act, nor am I under any impediment which
4 denies me the right to vote.

5 My voting residence in the State of New York is:

6 Street and Number, or R.F.D.....

7 City, Village or Town.....

8 County.....

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

13 Date.....20.....

14
15 Signature or mark of voter

16
17 Signature of Witness (required
18 only if voter does not sign his
19 own name)

20
21 Address of Witness

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

24 3. On the reverse side of such envelope shall be printed the follow-
25 ing statement:

26 STATEMENT OF SPECIAL PRESIDENTIAL VOTER

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

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

39 Date.....20.....

40
41 Signature or mark of Voter

42
43 Signature of Witness (required
44 only if voter does not sign his
45 own name)

46
47 Address of Witness

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

1 3. After receiving the answers as above specified, of any applicant,
2 the board shall, if it believes the applicant to be qualified or the
3 challenge is withdrawn, permit him OR HER to vote. Otherwise, the board
4 shall point out to him OR HER the qualifications, if any, in respect of
5 which he OR SHE shall appear deficient. If, after such deficiencies
6 have been so indicated, the applicant shall persist in his OR HER claim
7 to vote, an inspector shall administer to him OR HER the following oath,
8 which shall be known as "The Qualification Oath": "You do swear (or
9 affirm) that you are eighteen years of age, that you are a citizen of
10 the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
11 IN THE UNITED STATES and that you have been a resident of this state,
12 and of this county (of the city of New York) (village) for thirty days
13 next preceding this election, that you still reside at the same address
14 from which you have been duly registered in this election district, that
15 you have not voted at this election, and that you do not know of any
16 reason why you are not qualified to vote at this election. You do
17 further declare that you are aware that it is a crime to make any false
18 statement. That all the statements you have made to the board have been
19 true and that you understand that a false statement is perjury and you
20 will be guilty of a misdemeanor."

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

24 b. On the reverse side of such envelope shall be printed the follow-
25 ing statement:

26 STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

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

30 b. On the reverse side of such envelope shall be printed the follow-
31 ing statement:

32 STATEMENT OF ABSENTEE VOTER

33 I do declare that I will have been a citizen of the United States OR
34 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES
35 for thirty days, and will be at least eighteen years of age, on the date
36 of the district election; that I will have been a resident of this state
37 and of the district if any, shown on the reverse side of this envelope
38 for thirty days next preceding the said election and that I am or on
39 such date will be, a registered voter of said district; that I will be
40 unable to appear personally on the day of said district election at the
41 polling place of the said district in which I am or will be a qualified
42 voter because of the reason stated on my application heretofore submit-
43 ted; that I have not qualified, or do I intend to vote, elsewhere than
44 as set forth on the reverse side of this envelope; that I have not
45 received or offered, do not expect to receive, have not paid, offered or
46 promised to pay, contributed, offered or promised to contribute to
47 another to be paid or used, any money or other valuable thing, as a
48 compensation or reward for the giving or withholding of a vote at this
49 district election, and have not made any promise to influence the giving
50 or withholding of any such votes; that I have not made or become direct-
51 ly or indirectly interested in any bet or wager depending upon the
52 result of this district election; and that I have not been convicted of
53 bribery or any infamous crime, or, if so convicted, that I have been
54 pardoned or restored to all the rights of a citizen, without restriction
55 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

1 am or will be a qualified voter because of the reason stated on my
2 application heretofore submitted; that I have not qualified, or do I
3 intend to vote, elsewhere than as set forth on the reverse side of this
4 envelope; that I have not received or offered, do not expect to receive,
5 have not paid, offered or promised to pay, contributed, offered or prom-
6 ised to contribute to another to be paid or used, any money or other
7 valuable thing, as a compensation or reward for the giving or withhold-
8 ing of a vote at this school district election, and have not made any
9 promise to influence the giving or withholding of any such votes; that I
10 have not made or become directly or indirectly interested in any bet or
11 wager depending upon the result of this school district election; and
12 that I have not been convicted of bribery or any infamous crime, or, if
13 so convicted, that I have been pardoned or restored to all the rights of
14 a citizen, without restriction as to the right of suffrage, or received
15 a certificate of good conduct granted by the board of parole pursuant to
16 the provisions of the executive law removing my disability to register
17 and vote.

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

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

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

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

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

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

56 STATEMENT OF ABSENTEE VOTER

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

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

31 Date..... Signature of Voter

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

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

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

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

1 S 18. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law.