

3227

2009-2010 Regular Sessions

I N   S E N A T E

March 13, 2009

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Introduced by Sens. FLANAGAN, BONACIC, DeFRANCISCO, LANZA, LARKIN, LITTLE, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to absentee ballots for patients or inmates of Veteran Administration medical facilities

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

1     Section 1. Section 8-404 of the election law, the opening paragraph of  
2     subdivision 1 as amended by chapter 359 of the laws of 1989 and para-  
3     graph (b) of subdivision 1 as amended by chapter 373 of the laws of  
4     1978, is amended to read as follows:  
5     S 8-404. Absentee voting; hospitalized veterans, special provisions.  
6     1. UNITED STATES VETERANS' (V.A.) MEDICAL FACILITIES USUALLY ARE CLASSI-  
7     FIED AS MEDICAL CENTERS FOR ACUTE-CARE FACILITIES AND AS EXTENDED CARE  
8     CENTERS FOR LONG-TERM CARE FACILITIES. After entering upon the registra-  
9     tion records, the application for registration of an inmate or patient  
10    of a [veterans' administration hospital] V.A. EXTENDED CARE CENTER as to  
11    whom the medical superintendent or medical head of such hospital has  
12    attested that he OR SHE expects that he OR SHE will not be discharged  
13    prior to the day following the next general or special village, primary,  
14    special, general or New York city community school board district or  
15    city of Buffalo school district election, and the application for regis-  
16    tration by the spouse, parent or child of such inmate or patient, accom-  
17    panying or being with him or her, if a qualified voter and a resident of  
18    the same election district, the board of elections, without further  
19    investigation and without further application by the applicant, shall  
20    send to him at such hospital an absentee ballot and shall record in the  
21    signature column on the back of his OR HER permanent personal registra-  
22    tion poll record that such ballot has been sent.  
23    (a) Any voter who is duly registered and whose registration records  
24    are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative"

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

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1 need not thereafter make application for an absentee ballot. Sixty days  
2 before each election, the board of elections shall compile and send a  
3 list to each [veterans' administration hospital] V.A. EXTENDED CARE  
4 CENTER of all inmates and patients of [veterans' administration hospi-  
5 tals] V.A. EXTENDED CARE CENTERS who appear by the records of such board  
6 to be "hospitalized veterans" entitled to receive absentee ballots at  
7 each such [hospital] V.A. EXTENDED CARE CENTER pursuant to the  
8 provisions of this section. Each [veterans' administration hospital]  
9 V.A. EXTENDED CARE CENTER shall no later than fifteen days following the  
10 receipt of such list, return it with notations made thereon showing  
11 whether the inmate or patient continues to be confined therein or has  
12 been discharged therefrom. Upon the receipt of such returned list from  
13 each [veterans' administration hospital] V.A. EXTENDED CARE CENTER with  
14 the proper notations showing that a "hospitalized veteran" continues to  
15 be confined in such [hospital] V.A. EXTENDED CARE CENTER, the board of  
16 elections, by mail addressed to such "hospitalized veteran" at his OR  
17 HER last known [hospital] V.A. EXTENDED CARE CENTER address and by mail  
18 addressed to such "hospitalized veteran's relative" at his OR HER last  
19 known address shall send an absentee ballot for the ensuing election to  
20 such "hospitalized veteran" and such "hospitalized veteran's relative"  
21 an absentee ballot in the same manner as provided herein for a qualified  
22 voter entitled to an absentee ballot because of permanent disability.  
23 The board shall record on the back of his OR HER registration poll  
24 record in the space reserved for his OR HER signature at such election,  
25 the fact that such ballot has been sent.

26 (b) If the returned list from a [veterans' administration hospital]  
27 V.A. EXTENDED CARE CENTER contains a notation showing that a "hospital-  
28 ized veteran" is no longer an inmate or patient at the [veterans' admin-  
29 istration hospital] V.A. EXTENDED CARE CENTER where he OR SHE is  
30 recorded as staying, or if such letter containing an absentee voter's  
31 ballot for a "hospitalized veteran" or a "hospitalized veterans' rela-  
32 tive" is returned by the post office as undeliverable, the board of  
33 elections shall ascertain whether the "hospitalized veteran" or "hospi-  
34 talized veteran's relative" is residing at the address given on his OR  
35 HER registration records as his OR HER permanent address. If he OR SHE  
36 is residing there, the board shall not send him OR HER any further  
37 absentee ballots unless he OR SHE applies therefor in the regular way.  
38 If he OR SHE is not residing at the place of residence given on his OR  
39 HER registration records but the board ascertains that he OR SHE has  
40 been transferred to another [veterans' administration hospital] V.A.  
41 EXTENDED CARE CENTER, the board shall cause a central board of registra-  
42 tion to make the necessary changes of temporary address on his OR HER  
43 registration records and shall continue sending him OR HER absentee  
44 ballots at the [veterans' administration hospital] V.A. EXTENDED CARE  
45 CENTER where he OR SHE is staying. If he OR SHE is not residing at the  
46 place of residence given on his OR HER registration records and the  
47 board cannot ascertain that he OR SHE has been transferred to another  
48 [veterans' administration hospital] V.A. EXTENDED CARE CENTER, the board  
49 shall cancel his OR HER registration. Whenever a registration is  
50 cancelled pursuant hereto notice shall be mailed to the veteran or his  
51 OR HER relative at his OR HER permanent residence address and last  
52 temporary address.

53 2. The board of elections shall furnish to each party county chairman  
54 in such county a list of the names and residence addresses of the hospi-  
55 talized veterans and hospitalized veterans' relatives to whom absentee  
56 ballots have been sent.

1 3. Such ballots shall be mailed, voted, returned, counted, and  
2 canvassed as provided in this chapter for other absentee voters'  
3 ballots.

4 4. ONE DAY PRIOR TO A GENERAL OR SPECIAL VILLAGE, PRIMARY, SPECIAL,  
5 GENERAL OR NEW YORK CITY COMMUNITY SCHOOL BOARD DISTRICT OR CITY OF  
6 BUFFALO SCHOOL DISTRICT ELECTION; THE PATIENTS AND INMATES OF V.A.  
7 MEDICAL CENTERS AND V.A. EXTENDED CARE CENTERS WILL BE CANVASSED BY THE  
8 LOCAL BOARD OF ELECTIONS TO IDENTIFY QUALIFIED VOTERS NOT REGISTERED TO  
9 RECEIVE ABSENTEE BALLOTS WHO ARE REQUESTING EMERGENCY AFFIDAVIT BALLOTS  
10 FOR THE ELECTION DISTRICTS IN WHICH THEY RESIDE. ON ELECTION DAY THE  
11 LOCAL BOARD OF ELECTIONS SHALL DISTRIBUTE THOSE EMERGENCY AFFIDAVIT  
12 BALLOTS TO THE PATIENTS AND INMATES OF THE V.A. MEDICAL CENTERS AND V.A.  
13 EXTENDED CARE CENTERS WHO ARE QUALIFIED VOTERS, WHO HAVE NOT REGISTERED  
14 FOR ABSENTEE BALLOTS AND WHO HAVE REQUESTED EMERGENCY AFFIDAVIT BALLOTS.  
15 THE LOCAL BOARD OF ELECTIONS ON ELECTION DAY SHALL COLLECT THE EMERGENCY  
16 AFFIDAVIT BALLOTS FROM SUCH PATIENTS.

17 S 2. This act shall take effect immediately.