

3253

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sens. ADDABBO, DIAZ, DILAN, ESPADA, HASSELL-THOMPSON,
C. JOHNSON, ONORATO, OPPENHEIMER, PERKINS, STAVISKY -- read twice and
ordered printed, and when printed to be committed to the Committee on
Education

AN ACT to amend the education law, in relation to applications for
absentee ballots for school district elections

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

1 Section 1. Paragraphs b, c, d, e, f and g of subdivision 2 of section
2 2018-a of the education law, paragraph b as amended by chapter 136 of
3 the laws of 1991, paragraph c as amended by chapter 26 of the laws of
4 1994, paragraph d as amended by chapter 72 of the laws of 1988, para-
5 graph e as added by chapter 219 of the laws of 1978 and paragraph g as
6 amended by chapter 825 of the laws of 1984, are amended to read as
7 follows:

8 b. [(1)] Where such duties, occupation, business, or studies are of
9 such a nature as ordinarily to require such absence, a brief description
10 of such duties, occupation, business, or studies shall be set forth in
11 such application. [(2) Where such duties, occupation, business, or
12 studies are not of such a nature as ordinarily to require such absence,
13 such application shall contain a statement of the special circumstances
14 on account of which such absence is required.]

15 c. [Where the applicant expects in good faith to be absent on the day
16 of the election because he will be on vacation elsewhere on such day,
17 such application shall also contain the dates upon which he expects to
18 begin and end such vacation, the place or places where he expects to be
19 on such vacation, the name and address of his employer, if any, and if
20 self-employed or retired, a statement to that effect.

21 d.] Where the absence is because of detention or confinement to jail,
22 such application shall state whether the voter is detained awaiting

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

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1 action of the grand jury or is confined after conviction for an offense
2 other than a felony.

3 [e] D. Where a person is or would be, if he OR SHE were a qualified
4 voter, entitled to apply for the right to vote by absentee ballot under
5 the provisions of this section, his OR HER spouse, parent or child, if a
6 qualified voter and a resident of the same school district, shall be
7 entitled to vote as an absentee voter upon personally making and signing
8 an application in accordance with the preceding provisions of this
9 subdivision and showing that he OR SHE expects to be absent from the
10 school district on the day of the school district election by reason of
11 accompanying or being with the spouse, child or parent who is or would
12 be, if he OR SHE were a qualified voter, so entitled to apply for the
13 right to vote by absentee ballot, and, in the event no application is
14 made by such spouse, child or parent, such further information as the
15 board of registration shall require.

16 [f] E. Such application shall include the following statement to be
17 signed by the voter.

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 application for absentee
21 ballots, I shall be guilty of a misdemeanor.

22 Date.....Signature of Voter

23 [g] F. An applicant whose ability to appear personally at the polling
24 place of the school district of which he OR SHE is a qualified voter is
25 substantially impaired by reason of permanent illness or physical disa-
26 bility and whose registration record has been marked "permanently disa-
27 bled" by the board of elections pursuant to the provisions of the
28 election law shall be entitled to receive an absentee ballot pursuant to
29 the provisions of this section without making separate application for
30 such absentee ballot, and the board of registration upon being advised
31 by the board of elections on or with the list of registered voters that
32 the registration record of a voter is marked "permanently disabled"
33 shall send an absentee ballot to such voter at his last known address
34 with a request to the postal authorities not to forward same but to
35 return same in five days in the event that it cannot be delivered to the
36 addressee. The board of education shall determine whether such ballot
37 shall be sent by first class or by certified mail. All such ballots
38 shall be mailed in the same manner as determined by the board of educa-
39 tion. The board of registration shall make an appropriate entry on the
40 registration indicating the fact that an absentee ballot has been sent
41 and the date of mailing.

42 S 2. This act shall take effect on the ninetieth day after it shall
43 have become a law.