

3601

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 26, 2011

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Introduced by M. of A. O'DONNELL, CLARK, KAVANAGH, MAISEL, J. RIVERA --  
read once and referred to the Committee on Election Law

AN ACT to amend the election law and the executive law, in relation to  
voting by convicted felons

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

1     Section 1. Subdivision 2 of section 5-106 of the election law, as  
2 amended by chapter 373 of the laws of 1978, is amended to read as  
3 follows:  
4     2. No person who has been convicted of a felony pursuant to the laws  
5 of this state, shall have the right to register for or vote at any  
6 election unless [he]: (I) SUCH PERSON shall have been pardoned or  
7 restored to the rights of citizenship by the governor, or [his] (II)  
8 SUCH PERSON'S maximum sentence of imprisonment has expired, or [he has  
9 been discharged from parole. The governor, however, may attach as a  
10 condition to any such pardon a provision that any such person shall not  
11 have the right of suffrage until it shall have been separately restored  
12 to him] (III) SUCH PERSON IS SERVING A TERM OF PAROLE, PRESUMPTIVE  
13 RELEASE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION.  
14     S 2. Subdivision 3 of section 5-106 of the election law is amended to  
15 read as follows:  
16     3. No person who has been convicted in a federal court, of a felony,  
17 or a crime or offense which would constitute a felony under the laws of  
18 this state, shall have the right to register for or vote at any election  
19 unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the  
20 rights of citizenship by the president of the United States, or [his]  
21 (II) SUCH PERSON'S maximum sentence of imprisonment has expired, or [he  
22 has been discharged from parole] (III) SUCH PERSON IS SERVING A TERM OF  
23 PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL RELEASE OR POST-RELEASE SUPER-  
24 VISION.

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

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1 S 3. Subdivision 4 of section 5-106 of the election law is amended to  
2 read as follows:

3 4. No person who has been convicted in another state for a crime or  
4 offense which would constitute a felony under the laws of this state  
5 shall have the right to register for or vote at any election in this  
6 state unless [he]: (I) SUCH PERSON shall have been pardoned or restored  
7 to the rights of citizenship by the governor or other appropriate  
8 authority of such other state, or [his] (II) SUCH PERSON'S maximum  
9 sentence has expired, or [he has been discharged from parole] (III) SUCH  
10 PERSON IS SERVING A TERM OF PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL  
11 RELEASE OR POST-RELEASE SUPERVISION.

12 S 4. Section 259-a of the executive law is amended by adding a new  
13 subdivision 6-b to read as follows:

14 6-B. THE DIVISION SHALL HAVE THE DUTY TO PROVIDE VOTER REGISTRATION  
15 FORMS TO EVERY PERSON ON PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL  
16 RELEASE OR POST-RELEASE SUPERVISION AT THE TIME SUCH PERSON IS RELEASED  
17 TO SUPERVISION OR AS SOON THEREAFTER AS PRACTICABLE.

18 S 5. This act shall take effect immediately, provided, however, that  
19 section four of this act shall take effect on the one hundred twentieth  
20 day after it shall have become a law.