

1339

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, DIAZ, PARKER -- 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 permanently and legally reside in our state have a voice and a stake in the
4 decisions made by the political process, it is necessary and proper to
5 extend the right to them, as citizens of New York state, to vote in
6 elections for offices and on issues which affect them.

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

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

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

17 (g) Notice that the applicant must be a citizen of the United States
18 OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED
19 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
20 resident of the county or city to which application is made.

21 S 4. Subdivision 8 of section 7-122 of the election law, as amended by
22 chapter 165 of the laws of 2010, is amended to read as follows:

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

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

AFFIRMATION

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 104 of the laws of 2010, is amended to read as follows:

3. The board of elections shall furnish an inner affirmation envelope with each military ballot upon which envelope shall be printed:

BALLOT FOR MILITARY VOTER
AFFIRMATION

I swear or affirm that:

(a) I am a member of the uniformed services or merchant marine on active duty or an eligible spouse, parent, child or dependent of such a member, and

(b) I am a United States citizen OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and

(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and

(d) I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, and

(e) My signature and date below indicate when I completed this document, and

(f) The information on this form is true and complete to the best of my knowledge.

I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.

1 Date 20....

2
3 Signature or mark of voter
4
5 Signature of Witness (required
6 only if voter does not sign his
7 or her own name)
8
9 Address of Witness

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

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

14 STATEMENT OF SPECIAL PRESIDENTIAL VOTER

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

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

27 Date.....20.....

28
29 Signature or mark of Voter
30
31 Signature of Witness (required
32 only if voter does not sign his
33 own name)
34
35 Address of Witness

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

38 3. After receiving the answers as above specified, of any applicant,
39 the board shall, if it believes the applicant to be qualified or the
40 challenge is withdrawn, permit him OR HER to vote. Otherwise, the board
41 shall point out to him OR HER the qualifications, if any, in respect of
42 which he OR SHE shall appear deficient. If, after such deficiencies
43 have been so indicated, the applicant shall persist in his OR HER claim
44 to vote, an inspector shall administer to him OR HER the following oath,
45 which shall be known as "The Qualification Oath": "You do swear (or
46 affirm) that you are eighteen years of age, that you are a citizen of
47 the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
48 IN THE UNITED STATES and that you have been a resident of this state,
49 and of this county (of the city of New York) (village) for thirty days
50 next preceding this election, that you still reside at the same address
51 from which you have been duly registered in this election district, that
52 you have not voted at this election, and that you do not know of any

1 reason why you are not qualified to vote at this election. You do
2 further declare that you are aware that it is a crime to make any false
3 statement. That all the statements you have made to the board have been
4 true and that you understand that a false statement is perjury and you
5 will be guilty of a misdemeanor."

6 S 8. Paragraph b of subdivision 5 of section 84-a of the town law, as
7 amended by section 10 of part LL of chapter 56 of the laws of 2010, is
8 amended to read as follows:

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

11 STATEMENT OF ABSENTEE VOTER

12 I do declare that I will have been a citizen of the United States OR
13 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES
14 for thirty days, and will be at least eighteen years of age, on the date
15 of the special town election; that I will have been a resident of this
16 state and of the town shown on the reverse side of this envelope for
17 thirty days next preceding the said election; that I am or on such date
18 will be, a registered voter of said town; that I will be unable to
19 appear personally on the day of said special town election at the poll-
20 ing place of the election district in which I am or will be a qualified
21 voter because of the reason stated on my application heretofore submit-
22 ted; that I have not qualified, or do I intend to vote, elsewhere than
23 as set forth on the reverse side of this envelope; that I have not
24 received or offered, do not expect to receive, have not paid, offered or
25 promised to pay, contributed, offered or promised to contribute to
26 another to be paid or used, any money or other valuable thing, as a
27 compensation or reward for the giving or withholding of a vote at this
28 special town election, and have not made any promise to influence the
29 giving or withholding of any such votes; that I have not made or become
30 directly or indirectly interested in any bet or wager depending upon the
31 result of this special town election; and that I have not been convicted
32 of bribery or any infamous crime, or, if so convicted, that I have been
33 pardoned or restored to all the rights of a citizen, without restriction
34 as to the right of suffrage, or received a certificate of relief from
35 disabilities or a certificate of good conduct pursuant to article twen-
36 ty-three of the correction law removing my disability to register and
37 vote.

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

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

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

45 a. An applicant for such an absentee ballot shall submit an applica-
46 tion setting forth (1) his OR HER name and residence address, including
47 the street and number, if any, or town and rural delivery route, if any;
48 (2) that he OR SHE is or will be, on the day of the election, a quali-
49 fied voter of the district in which OR SHE he resides in that he OR SHE
50 is or will be, on such date, over eighteen years of age, a citizen of
51 the United States OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
52 IN THE UNITED STATES and has or will have resided in the district for
53 thirty days next preceding such date; (3) that he OR SHE is registered
54 in the town; (4) that he OR SHE will be unable to appear to vote in
55 person on the day of the election for which the absentee ballot is
56 requested because he OR SHE is, or will be on such day (a) a patient in

1 a hospital, or unable to appear personally at the polling place on such
 2 day because of illness or physical disability or (b) because his OR HER
 3 duties, occupation or business will require him OR HER to be outside of
 4 the county or city of his OR HER residence on such day, (c) because he
 5 OR SHE will be on vacation outside the county or city of his OR HER
 6 residence on such day; or, (d) absent from his OR HER voting residence
 7 because he OR SHE is detained in jail awaiting action by a grand jury or
 8 awaiting trial or is confined in prison after conviction for an offense
 9 other than a felony. Such application must be received by the district
 10 secretary at least seven days before the election if the ballot is to be
 11 mailed to the voter, or the day before the election, if the ballot is to
 12 be delivered personally to the voter or his OR HER agent.

13 S 10. Paragraph b of subdivision 5 of section 213-b of the town law,
 14 as added by section 12 of part LL of chapter 56 of the laws of 2010, is
 15 amended to read as follows:

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

18 STATEMENT OF ABSENTEE VOTER

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

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

49 Date..... Signature of Voter

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

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

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

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

29 S 13. Paragraph b of subdivision 5 of section 2018-a of the education
30 law, as amended by section 8 of part LL of chapter 56 of the laws of
31 2010, is amended to read as follows:

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

34 STATEMENT OF ABSENTEE VOTER

35 I do declare that I am a citizen of the United States OR AN ALIEN
36 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will
37 be at least eighteen years of age, on the date of the school district
38 election; that I will have been a resident of this state and of the
39 school district and school election district, if any, shown on the
40 reverse side of this envelope for thirty days next preceding the said
41 election and duly registered in the school district and school election
42 district, if any, shown on the reverse side of this envelope and that I
43 am or on such date will be, a qualified voter of said school district;
44 that I will be unable to appear personally on the day of said school
45 district election at the polling place of the said district in which I
46 am or will be a qualified voter because of the reason stated on my
47 application heretofore submitted; that I have not qualified, or do I
48 intend to vote, elsewhere than as set forth on the reverse side of this
49 envelope; that I have not received or offered, do not expect to receive,
50 have not paid, offered or promised to pay, contributed, offered or prom-
51 ised to contribute to another to be paid or used, any money or other
52 valuable thing, as a compensation or reward for the giving or withhold-
53 ing of a vote at this school district election, and have not made any
54 promise to influence the giving or withholding of any such votes; that I

1 have not made or become directly or indirectly interested in any bet or
2 wager depending upon the result of this school district election; and
3 that I have not been convicted of bribery or any infamous crime, or, if
4 so convicted, that I have been pardoned or restored to all the rights of
5 a citizen, without restriction as to the right of suffrage, or received
6 a certificate of relief from disabilities or a certificate of good
7 conduct pursuant to article twenty-three of the correction law removing
8 my disability to register and vote.

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

13 Date.....Signature of Voter

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

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

42 S 15. Paragraph b of subdivision 6 of section 2018-b of the education
43 law, as amended by section 9 of part LL of chapter 56 of the laws of
44 2010, is amended to read as follows:

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

47 STATEMENT OF ABSENTEE VOTER

48 I do declare that I am a citizen of the United States OR AN ALIEN
49 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, and will
50 be at least eighteen years of age on the date of the school district
51 election; that I will have been a resident of this state and of the
52 school district and school election district, if any, shown on the

1 reverse side of this envelope for thirty days next preceding the said
 2 election and that I am or on such date will be, a qualified voter of
 3 said school district; that I will be unable to appear personally on the
 4 day of said school district election at the polling place of the said
 5 district in which I am or will be a qualified voter because of the
 6 reason stated on my application heretofore submitted; that I have not
 7 qualified, or do I intend to vote, elsewhere than as set forth on the
 8 reverse side of this envelope; that I have not received or offered, do
 9 not expect to receive, have not paid, offered or promised to pay,
 10 contributed, offered or promised to contribute to another to be paid or
 11 used, any money or other valuable thing, as a compensation or reward for
 12 the giving or withholding of a vote at this school district election,
 13 and have not made any promise to influence the giving or withholding of
 14 any such votes; that I have not made or become directly or indirectly
 15 interested in any bet or wager depending upon the result of this school
 16 district election; and that I have not been convicted of bribery or any
 17 infamous crime, or, if so convicted, that I have been pardoned or
 18 restored to all the rights of a citizen, without restriction as to the
 19 right of suffrage, or have received a certificate of relief from disa-
 20 bilities or a certificate of good conduct pursuant to article twenty-
 21 three of the correction law removing my disability to vote.

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

26 Date.....Signature of Voter

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

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

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

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

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