

2760--A

2011-2012 Regular Sessions

I N   S E N A T E

February 1, 2011

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL RELEASE OR POST-RELEASE SUPER-  
2 VISION.

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

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

14 S 4. Section 259-c of the executive law is amended by adding a new  
15 subdivision 7 to read as follows:

16 7. HAVE THE DUTY TO PROVIDE VOTER REGISTRATION FORMS TO EVERY PERSON  
17 ON PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL RELEASE OR POST-RELEASE  
18 SUPERVISION AT THE TIME SUCH PERSON IS RELEASED TO SUPERVISION OR AS  
19 SOON THEREAFTER AS PRACTICABLE.

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