S T A T E O F N E W Y O R K

3601

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

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:

Section 1. Subdivision 2 of section 5-106 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the governor, or [his] (II) SUCH PERSON'S maximum sentence of imprisonment has expired, or [he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him] (III) SUCH PERSON IS SERVING A TERM OF PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION.

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

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under the laws of this state, shall have the right to register for or vote at any election unless [he]: (I) SUCH PERSON shall have been pardoned or restored to the rights of citizenship by the president of the United States, or [his] (II) SUCH PERSON'S maximum sentence of imprisonment has expired, or [he has been discharged from parole] (III) SUCH PERSON IS SERVING A TERM OF PAROLE, PRESUMPTIVE RELEASE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION.

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

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

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

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

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

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