

4911

2011-2012 Regular Sessions

I N S E N A T E

April 29, 2011

Introduced by Sens. KLEIN, CARLUCCI, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to eliminating the reference to "inmate" when referring to residents of veteran's administration hospitals for purposes of absentee voting

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

1 Section 1. Subdivisions 1, 5 and 8 of section 5-215 of the election
2 law, subdivision 1 as amended by chapter 90 of the laws of 1991, subdivi-
3 sion 8 as added by chapter 347 of the laws of 1982, and such section
4 as renumbered by chapter 659 of the laws of 1994, are amended to read as
5 follows:
6 1. The board of elections in the county in which a veterans' hospital
7 is located shall appoint a board of registration which shall attend each
8 veterans' hospital between the hours of nine o'clock in the morning and
9 five o'clock in the evening on the seventh Thursday before each general
10 election and, in the event that it be necessary for the completion of
11 its duties, on the seventh Friday before such election except that if
12 any of the religious holidays of Yom Kippur, Rosh Hashanah, Simchas
13 Torah, Shmini Atzereth or Succoth shall fall on such days, such regis-
14 tration shall be held on the next regular business day which does not
15 fall on any of such religious holidays, and shall receive from [inmates]
16 RESIDENTS or patients therein, or their spouses, parents and children,
17 the applications of such of them as desire and are qualified to be
18 registered by absentee registration.
19 5. If a Veterans' Administration Hospital in which any veteran enti-
20 tled to vote in this state is [an inmate] A RESIDENT or patient, is
21 located outside the State of New York, an application for an absentee
22 ballot signed by such veteran or his OR HER spouse, parent or child
23 accompanying or being with him OR HER, if a qualified voter and a resi-

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

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1 dent of the same election district, shall constitute permanent personal
2 registration.

3 8. The board of elections shall not be required to send a board of
4 central registration to each veterans' hospital in such county, pursuant
5 to the provisions of this section, if, in lieu thereof, it shall provide
6 such hospital with mail registration application forms in sufficient
7 quantity so that each [inmate] RESIDENT or patient of such hospital who
8 wishes to register will be able to do so. A complete application
9 received from [an inmate] A RESIDENT or patient whose residence is in a
10 county other than the county in which the hospital is located shall be
11 immediately transmitted to the appropriate board of elections.

12 S 2. Paragraph (c) of subdivision 1 of section 8-400 of the election
13 law, as amended by chapter 63 of the laws of 2010, is amended to read as
14 follows:

15 (c) [an inmate] A RESIDENT or patient of a veteran's administration
16 hospital; or

17 S 3. Subparagraph (iii) of paragraph (c) of subdivision 3 of section
18 8-400 of the election law, as amended by chapter 63 of the laws of 2010,
19 is amended to read as follows:

20 (iii) [an inmate] A RESIDENT or patient of a veteran's administration
21 hospital; or

22 S 4. Subdivision 1 of section 8-404 of the election law, the opening
23 paragraph as amended by chapter 359 of the laws of 1989, paragraph (b)
24 as amended by chapter 373 of the laws of 1978, is amended to read as
25 follows:

26 1. After entering upon the registration records, the application for
27 registration of [an inmate] A RESIDENT or patient of a veterans' admin-
28 istration hospital as to whom the medical superintendent or medical head
29 of such hospital has attested that he OR SHE expects that he OR SHE will
30 not be discharged prior to the day following the next general or special
31 village, primary, special, general or New York city community school
32 board district or city of Buffalo school district election, and the
33 application for registration by the spouse, parent or child of such
34 [inmate] RESIDENT or patient, accompanying or being with him or her, if
35 a qualified voter and a resident of the same election district, the
36 board of elections, without further investigation and without further
37 application by the applicant, shall send to him OR HER at such hospital
38 an absentee ballot and shall record in the signature column on the back
39 of his OR HER permanent personal registration poll record that such
40 ballot has been sent.

41 (a) Any voter who is duly registered and whose registration records
42 are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative"
43 need not thereafter make application for an absentee ballot. Sixty days
44 before each election, the board of elections shall compile and send a
45 list to each veterans' administration hospital of all [inmates] RESI-
46 DENTS and patients of veterans' administration hospitals who appear by
47 the records of such board to be "hospitalized veterans" entitled to
48 receive absentee ballots at each such hospital pursuant to the
49 provisions of this section. Each veterans' administration hospital shall
50 no later than fifteen days following the receipt of such list, return it
51 with notations made thereon showing whether the [inmate] RESIDENT or
52 patient continues to be confined therein or has been discharged there-
53 from. Upon the receipt of such returned list from each veterans' admin-
54 istration hospital with the proper notations showing that a "hospital-
55 ized veteran" continues to be confined in such hospital, the board of
56 elections, by mail addressed to such "hospitalized veteran" at his OR

1 HER last known hospital address and by mail addressed to such "hospital-
2 ized veteran's relative" at his OR HER last known address shall send an
3 absentee ballot for the ensuing election to such "hospitalized veteran"
4 and such "hospitalized veteran's relative" an absentee ballot in the
5 same manner as provided [herein] IN THIS SECTION for a qualified voter
6 entitled to an absentee ballot because of permanent disability. The
7 board shall record on the back of his OR HER registration poll record in
8 the space reserved for his OR HER signature at such election, the fact
9 that such ballot has been sent.

10 (b) If the returned list from a veterans' administration hospital
11 contains a notation showing that a "hospitalized veteran" is no longer
12 [an inmate] A RESIDENT or patient at the veterans' administration hospi-
13 tal where he OR SHE is recorded as staying, or if such letter containing
14 an absentee voter's ballot for a "hospitalized veteran" or a "hospital-
15 ized veterans' relative" is returned by the post office as undelivera-
16 ble, the board of elections shall ascertain whether the "hospitalized
17 veteran" or "hospitalized veteran's relative" is residing at the address
18 given on his OR HER registration records as his OR HER permanent
19 address. If he OR SHE is residing there, the board shall not send him OR
20 HER any further absentee ballots unless he OR SHE applies therefor in
21 the regular way. If he OR SHE is not residing at the place of residence
22 given on his OR HER registration records but the board ascertains that
23 he OR SHE has been transferred to another veterans' administration
24 hospital, the board shall cause a central board of registration to make
25 the necessary changes of temporary address on his OR HER registration
26 records and shall continue sending him OR HER absentee ballots at the
27 veterans' administration hospital where he OR SHE is staying. If he OR
28 SHE is not residing at the place of residence given on his OR HER regis-
29 tration records and the board cannot ascertain that he OR SHE has been
30 transferred to another veterans' administration hospital, the board
31 shall cancel his OR HER registration. Whenever a registration is
32 cancelled pursuant [hereto] TO THIS PARAGRAPH notice shall be mailed to
33 the veteran or his OR HER relative at his OR HER permanent residence
34 address and last temporary address.

35 S 5. This act shall take effect immediately.