

5081

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. GALEF, PAULIN, ORTIZ, SCHIMMINGER, JAFFEE --
Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, COLTON, DINOWITZ,
DUPREY, FARRELL, FINCH, GIGLIO, GOTTFRIED, GUNTHER, JORDAN, LIFTON,
MAGEE, McDONOUGH, McKEVITT, RABBITT, RIVERA, ROBINSON, SWEENEY,
THIELE, WEISENBERG -- read once and referred to the Committee on
Education

AN ACT to amend the education law, in relation to applications for
absentee ballots for school district elections

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

1 Section 1. Paragraphs b, c, d, e, f and g of subdivision 2 of section
2 2018-a of the education law, paragraph b as amended by chapter 136 of
3 the laws of 1991, paragraph c as amended by chapter 26 of the laws of
4 1994, paragraph d as amended by chapter 72 of the laws of 1988, para-
5 graphs e and f as added by chapter 219 of the laws of 1978 and paragraph
6 g as amended by chapter 825 of the laws of 1984, are amended and a new
7 paragraph h, is added to read as follows:
8 b. [(1) Where such duties, occupation, business, or studies are of
9 such a nature as ordinarily to require such absence, a brief description
10 of such duties, occupation, business, or studies shall be set forth in
11 such application. (2) Where such duties, occupation, business, or
12 studies are not of such a nature as ordinarily to require such absence,
13 such application shall contain a statement of the special circumstances
14 on account of which such absence is required.
15 c. Where the applicant expects in good faith to be absent on the day
16 of the election because he will be on vacation elsewhere on such day,
17 such application shall also contain the dates upon which he expects to
18 begin and end such vacation, the place or places where he expects to be
19 on such vacation, the name and address of his employer, if any, and if
20 self-employed or retired, a statement to that effect.

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

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d. Where the absence is because of detention or confinement to jail, such application shall state whether the voter is detained awaiting action of the grand jury or is confined after conviction for an offense other than a felony.

e. Where a person is or would be, if he were a qualified voter, entitled to apply for the right to vote by absentee ballot under the provisions of this section, his spouse, parent or child, if a qualified voter and a resident of the same school district, shall be entitled to vote as an absentee voter upon personally making and signing an application in accordance with the preceding provisions of this subdivision and showing that he expects to be absent from the school district on the day of the school district election by reason of accompanying or being with the spouse, child or parent who is or would be, if he were a qualified voter, so entitled to apply for the right to vote by absentee ballot, and, in the event no application is made by such spouse, child or parent, such further information as the board of registration shall require.

f] A QUALIFIED VOTER MAY VOTE AS AN ABSENTEE VOTER UNDER THIS SECTION IF DURING ALL THE HOURS OF VOTING ON THE DAY OF AN ELECTION HE OR SHE WILL BE:

(1) ABSENT FROM THE COUNTY OF HIS OR HER RESIDENCE; OR

(2) UNABLE TO APPEAR AT THE POLLING PLACE BECAUSE OF ILLNESS OR PHYSICAL DISABILITY, OR DUTIES RELATED TO THE PRIMARY CARE OF ONE OR MORE INDIVIDUALS WHO ARE ILL OR PHYSICALLY DISABLED, OR BECAUSE HE OR SHE WILL BE OR IS A PATIENT IN A HOSPITAL; OR

(3) AN INMATE OR PATIENT OF A VETERAN'S ADMINISTRATION HOSPITAL; OR

(4) ABSENT FROM HIS OR HER VOTING RESIDENCE BECAUSE HE OR SHE IS DETAINED IN JAIL AWAITING ACTION BY A GRAND JURY OR AWAITING TRIAL, OR CONFINED IN JAIL OR PRISON AFTER A CONVICTION FOR AN OFFENSE OTHER THAN A FELONY, PROVIDED THAT HE OR SHE IS QUALIFIED TO VOTE IN THE ELECTION DISTRICT OF HIS OR HER RESIDENCE.

C. EACH PERSON ENTITLED TO VOTE AS AN ABSENTEE VOTER PURSUANT TO THIS SECTION AND DESIROUS OF OBTAINING AN ABSENTEE BALLOT SHALL MAKE WRITTEN APPLICATION THEREFOR TO THE DISTRICT CLERK. APPLICATION FORMS FOR USE PURSUANT TO THIS SECTION SHALL BE IN A FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS. THE USE OF ANY APPLICATION WHICH IS ON A FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS SHALL BE ACCEPTABLE.

D. THE APPLICATION FOR AN ABSENTEE BALLOT WHEN FILED MUST CONTAIN IN EACH INSTANCE THE FOLLOWING INFORMATION:

(1) APPLICANT'S FULL NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS, INCLUDING THE STREET AND NUMBER, IF ANY, RURAL DELIVERY ROUTE, IF ANY, MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE ADDRESS AND AN ADDRESS TO WHICH THE BALLOT SHALL BE MAILED.

(2) A STATEMENT THAT THE APPLICANT IS A QUALIFIED AND REGISTERED VOTER.

(3) A STATEMENT, AS APPROPRIATE, THAT ON THE DAY OF SUCH ELECTION THE APPLICANT EXPECTS IN GOOD FAITH TO BE IN ONE OF THE FOLLOWING CATEGORIES:

(A) ABSENT FROM THE COUNTY OF HIS OR HER RESIDENCE; PROVIDED, HOWEVER, IF THE APPLICANT EXPECTS TO BE ABSENT FROM SUCH COUNTY FOR A DURATION COVERING MORE THAN ONE ELECTION AND SEEKS AN ABSENTEE BALLOT FOR EACH ELECTION, HE OR SHE SHALL STATE THE DATES WHEN HE OR SHE EXPECTS TO BEGIN AND END SUCH ABSENCE; OR

(B) UNABLE TO APPEAR AT A POLLING PLACE BECAUSE OF ILLNESS OR PHYSICAL DISABILITY OR DUTIES RELATED TO THE PRIMARY CARE OF ONE OR MORE INDIVIDUALS WHO ARE ILL OR PHYSICALLY DISABLED; OR

(C) AN INMATE OR PATIENT OF A VETERAN'S ADMINISTRATION HOSPITAL; OR
(D) DETAINED IN JAIL AWAITING ACTION BY A GRAND JURY OR AWAITING TRIAL
OR CONFINED IN JAIL OR PRISON AFTER A CONVICTION FOR AN OFFENSE OTHER
THAN A FELONY AND STATING THE PLACE WHERE HE OR SHE IS SO DETAINED OR
CONFINED.

E. Such application shall include the following statement to be
signed by the voter.

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 application for absentee
ballots, I shall be guilty of a misdemeanor.

Date.....Signature of Voter

[g] F. An applicant whose ability to appear personally at the polling
place of the school district of which he OR SHE is a qualified voter is
substantially impaired by reason of permanent illness or physical disa-
bility and whose registration record has been marked "permanently disa-
bled" by the board of elections pursuant to the provisions of the
election law shall be entitled to receive an absentee ballot pursuant to
the provisions of this section without making separate application for
such absentee ballot, and the board of registration upon being advised
by the board of elections on or with the list of registered voters that
the registration record of a voter is marked "permanently disabled"
shall send an absentee ballot to such voter at his last known address
with a request to the postal authorities not to forward same but to
return same in five days in the event that it cannot be delivered to the
addressee. The board of education shall determine whether such ballot
shall be sent by first class or by certified mail. All such ballots
shall be mailed in the same manner as determined by the board of educa-
tion. The board of registration shall make an appropriate entry on the
registration indicating the fact that an absentee ballot has been sent
and the date of mailing.

G. AN APPLICATION MUST BE RECEIVED BY THE DISTRICT CLERK NO EARLIER
THAN THE THIRTIETH DAY BEFORE THE ELECTION FOR WHICH AN ABSENTEE BALLOT
IS SOUGHT. IF THE APPLICATION REQUESTS THAT THE ABSENTEE BALLOT BE
MAILED, SUCH APPLICATION MUST BE RECEIVED NOT LATER THAN SEVEN DAYS
BEFORE THE ELECTION. IF THE APPLICANT OR HIS OR HER AGENT DELIVERS THE
APPLICATION TO THE DISTRICT CLERK IN PERSON, SUCH APPLICATION MUST BE
RECEIVED NOT LATER THAN THE DAY BEFORE THE ELECTION. THE DISTRICT CLERK
SHALL EXAMINE EACH APPLICATION AND SHALL DETERMINE FROM THE INFORMATION
CONTAINED THEREIN WHETHER THE APPLICANT IS QUALIFIED UNDER THIS SECTION
TO RECEIVE AN ABSENTEE BALLOT.

H. NO LATER THAN SIX DAYS BEFORE THE ELECTION FOR WHICH AN APPLICATION
HAS BEEN RECEIVED AND FOR WHICH THE DISTRICT CLERK HAS DETERMINED THE
APPLICANT TO BE QUALIFIED TO VOTE BY ABSENTEE BALLOT THE DISTRICT CLERK
SHALL MAIL, BY REGULAR MAIL, AN ABSENTEE BALLOT TO EACH QUALIFIED APPLI-
CANT WHO HAS APPLIED BEFORE SUCH DAY AND WHO HAS REQUESTED THAT SUCH
ABSENTEE BALLOT BE MAILED TO HIM OR HER AT THE ADDRESS SET FORTH IN HIS
OR HER APPLICATION. IF THE APPLICANT OR HIS OR HER AGENT DELIVERS THE
APPLICATION TO THE DISTRICT CLERK IN PERSON AFTER THE SEVENTH DAY BEFORE
THE ELECTION AND NOT LATER THAN THE DAY BEFORE THE ELECTION, THE
DISTRICT CLERK SHALL FORTHWITH DELIVER SUCH ABSENTEE BALLOTS FOR THOSE
APPLICANTS WHOM HE OR SHE DETERMINES ARE QUALIFIED TO MAKE SUCH APPLICA-
TIONS AND TO RECEIVE SUCH BALLOTS TO SUCH APPLICANTS OR THE AGENTS NAMED

1 IN THE APPLICATIONS WHEN SUCH APPLICANTS OR AGENTS APPEAR IN THE
2 DISTRICT CLERK'S OFFICE.
3 S 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.