

2633--A

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

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Introduced by Sens. PARKER, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction 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 correction law and the election law, in relation to absentee voting by eligible inmates of local correctional facilities and designating certain agencies as assisting agencies for voter registration

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

1     Section 1. The correction law is amended by adding a new section 510  
2     to read as follows:  
3     S 510. ABSENTEE VOTING BY QUALIFIED INMATES. THE CHIEF ADMINISTRATIVE  
4     OFFICER OF THE LOCAL CORRECTIONAL FACILITY, OR HIS OR HER DESIGNEE,  
5     SHALL INFORM EACH INMATE AT SUCH FACILITY OF THEIR RIGHT TO REGISTER TO  
6     VOTE. IN ADDITION, SUCH NOTICE SHALL BE POSTED IN A PROMINENT PLACE  
7     WHERE INMATES CONGREGATE AND PRINTED IN BLOCK LETTERS. SUCH POSTED  
8     NOTICE SHALL INCLUDE QUALIFICATIONS REQUIRED TO EXERCISE THE RIGHT TO  
9     VOTE, AND OF THE AVAILABILITY AT THE LOCAL CORRECTIONAL FACILITY OF  
10    ASSISTANCE TO REGISTER TO VOTE, REQUEST AN ABSENTEE BALLOT APPLICATION,  
11    AND TO VOTE VIA ABSENTEE BALLOT. SUCH CHIEF ADMINISTRATIVE OFFICER, OR  
12    HIS OR HER DESIGNEE, SHALL ASSIST ANY OTHERWISE ELIGIBLE INMATES IN  
13    REGISTERING TO VOTE IN THE SAME MANNER AND EXTENT AS THE AGENCIES LISTED  
14    IN SECTION 5-211 OF THE ELECTION LAW, ASSIST ANY OTHERWISE ELIGIBLE  
15    INMATES IN REQUESTING AN ABSENTEE BALLOT APPLICATION PURSUANT TO SECTION  
16    8-400 OF THE ELECTION LAW, AND ASSIST ANY OTHERWISE ELIGIBLE INMATES IN  
17    VOTING BY ABSENTEE BALLOT PURSUANT TO SECTION 8-407 OF THE ELECTION LAW.  
18    S 2. Section 8-406 of the election law, as amended by chapter 296 of  
19    the laws of 1988, is amended to read as follows:  
20    S 8-406. Absentee ballots, delivery of. If the board shall find that  
21    the applicant is a qualified voter of the election district containing

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

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1 his residence as stated in his statement and that his statement is  
2 sufficient, it shall, as soon as practicable after it shall have deter-  
3 mined his right thereto, mail to him at an address designated by him, or  
4 deliver to him, or to any person designated for such purpose in writing  
5 by him, at the office of the board, such an absentee voter's ballot or  
6 set of ballots and an envelope therefor. If the ballot or ballots are to  
7 be sent outside of the United States to a country other than Canada or  
8 Mexico, such ballot or ballots shall be sent by air mail. However, if an  
9 applicant who is eligible for an absentee ballot is a resident of a  
10 facility operated or licensed by, or under the jurisdiction of, the  
11 department of mental hygiene, or a resident of a facility defined as a  
12 nursing home or residential health care facility pursuant to subdivi-  
13 sions two and three of section two thousand eight hundred one of the  
14 public health law, or a resident of a hospital or other facility oper-  
15 ated by the Veteran's Administration of the United States, OR A LOCAL  
16 CORRECTIONAL FACILITY such absentee ballot need not be so mailed or  
17 delivered to any such applicant but, may be delivered to the voter in  
18 the manner prescribed by section 8-407 of this [chapter] TITLE if such  
19 facility is located in the county or city in which such voter is eligi-  
20 ble to vote.

21 S 3. The section heading and subdivisions 1 and 3 of section 8-407 of  
22 the election law, the section heading as added by chapter 296 of the  
23 laws of 1988 and subdivisions 1 and 3 as amended by chapter 195 of the  
24 laws of 2001, are amended to read as follows:

25 Voting by residents of nursing homes, residential health care facili-  
26 ties, facilities operated or licensed, or under the jurisdiction of, the  
27 department of mental hygiene or hospitals or facilities operated by the  
28 Veteran's Administration of the United States, OR A LOCAL CORRECTIONAL  
29 FACILITY. 1. The board of elections of a county or city in which there  
30 is located at least one facility operated or licensed, or under the  
31 jurisdiction of, the department of mental hygiene, or a facility defined  
32 as a nursing home or residential health care facility pursuant to subdivi-  
33 sions two and three of section two thousand eight hundred one of the  
34 public health law or an adult care facility subject to the provisions of  
35 title two of article seven of the social services law, or a hospital or  
36 other facility operated by the Veteran's Administration of the United  
37 States, OR A LOCAL CORRECTIONAL FACILITY AS DEFINED BY SUBDIVISION  
38 SIXTEEN OF SECTION TWO OF THE CORRECTION LAW shall provide that resi-  
39 dents of each such facility for which such board has received [twenty-  
40 five] FIFTEEN or more applications for absentee ballots from voters who  
41 are eligible to vote by absentee ballot in such city or county at such  
42 election, may vote by absentee ballot only in the manner provided for in  
43 this section. Such board may, in its discretion, provide that the proce-  
44 dure described in this subdivision shall be applicable to all such  
45 facilities in such county or city without regard to the number of absen-  
46 tee ballot applications received from the residents of any such facili-  
47 ty.

48 3. Not earlier than thirteen days before or later than the day before  
49 such an election such a board of inspectors shall, between the hours of  
50 nine o'clock in the morning and five o'clock in the evening, attend at  
51 each such facility for the residents of which the board of elections has  
52 custody of [twenty-five] FIFTEEN or more absentee ballots or, if the  
53 board of elections has so provided, each such facility for which the  
54 board has custody of one or more such absentee ballots, pursuant to the  
55 provisions of this chapter.

1 S 4. The opening paragraph of section 5-211 of the election law, as  
2 amended by chapter 265 of the laws of 2013, is amended to read as  
3 follows:

4 Each agency designated as a participating agency under the provisions  
5 of this section shall implement and administer a program of distribution  
6 of voter registration forms pursuant to the provisions of this section.  
7 The following offices which provide public assistance and/or provide  
8 state funded programs primarily engaged in providing services to persons  
9 with disabilities are hereby designated as voter registration agencies:  
10 designated as the state agencies which provide public assistance are the  
11 office of children and family services, the office of temporary and  
12 disability assistance and the department of health. Also designated as  
13 public assistance agencies are all agencies of local government that  
14 provide such assistance. Designated as state agencies that provide  
15 programs primarily engaged in providing services to people with disabili-  
16 ties are the department of labor, office for the aging, division of  
17 veterans' affairs, office of mental health, office of vocational and  
18 educational services for individuals with disabilities, commission on  
19 quality of care for the mentally disabled, office [of mental retardation  
20 and] FOR PEOPLE WITH developmental disabilities, commission for the  
21 blind, office of alcoholism and substance abuse services, the office of  
22 the advocate for the disabled and all offices which administer programs  
23 established or funded by such agencies. Additional state agencies desig-  
24 nated as voter registration offices are the department of state and the  
25 division of workers' compensation, THE DIVISION OF PROBATION AND CORREC-  
26 TIONAL ALTERNATIVES, THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE  
27 DIVISION OF PAROLE. Such agencies shall be required to offer voter  
28 registration forms to persons upon initial application for services,  
29 renewal or recertification for services and change of address relating  
30 to such services. Such agencies shall also be responsible for providing  
31 assistance to applicants in completing voter registration forms, receiv-  
32 ing and transmitting the completed application form from all applicants  
33 who wish to have such form transmitted to the appropriate board of  
34 elections. The state board of elections shall, together with represen-  
35 tatives of the department of defense, develop and implement procedures  
36 for including recruitment offices of the armed forces of the United  
37 States as voter registration offices when such offices are so designated  
38 by federal law. The state board shall also make request of the United  
39 States Immigration and Naturalization Service to include applications  
40 for registration by mail with any materials which are given to new citi-  
41 zens. All institutions of the state university of New York and the city  
42 university of New York, shall, at the beginning of the school year, and  
43 again in January of a year in which the president of the United States  
44 is to be elected, provide an application for registration to each  
45 student in each such institution. The state board of elections may, by  
46 regulation, grant a waiver from any or all of the requirements of this  
47 section to any office or program of an agency, if it determines that it  
48 is not feasible for such office or program to administer such require-  
49 ment.

50 S 5. This act shall take effect on the one hundred eightieth day after  
51 it shall have become a law, provided, however that effective immediate-  
52 ly, the addition, amendment and/or repeal of any rules or regulations  
53 necessary for the implementation of this act on its effective date is  
54 authorized and directed to be made and completed on or before such  
55 effective date.