

3552

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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.
21 d. Where the absence is because of detention or confinement to jail,
22 such application shall state whether the voter is detained awaiting
23 action of the grand jury or is confined after conviction for an offense
24 other than a felony.

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

LBD04498-01-3

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

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

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

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

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

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

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

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

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

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

42 (3) A STATEMENT, AS APPROPRIATE, THAT ON THE DAY OF SUCH ELECTION THE
43 APPLICANT EXPECTS IN GOOD FAITH TO BE IN ONE OF THE FOLLOWING CATEGO-
44 RIES:

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

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

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

54 (D) DETAINED IN JAIL AWAITING ACTION BY A GRAND JURY OR AWAITING TRIAL
55 OR CONFINED IN JAIL OR PRISON AFTER A CONVICTION FOR AN OFFENSE OTHER

1 THAN A FELONY AND STATING THE PLACE WHERE HE OR SHE IS SO DETAINED OR
2 CONFINED.

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

5 I hereby declare that the foregoing is a true statement to the best of
6 my knowledge and belief, and I understand that if I make any material
7 false statement in the foregoing statement of application for absentee
8 ballots, I shall be guilty of a misdemeanor.

9 Date.....Signature of Voter

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

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

39 H. NO LATER THAN SIX DAYS BEFORE THE ELECTION FOR WHICH AN APPLICATION
40 HAS BEEN RECEIVED AND FOR WHICH THE DISTRICT CLERK HAS DETERMINED THE
41 APPLICANT TO BE QUALIFIED TO VOTE BY ABSENTEE BALLOT THE DISTRICT CLERK
42 SHALL MAIL, BY REGULAR MAIL, AN ABSENTEE BALLOT TO EACH QUALIFIED APPLI-
43 CANT WHO HAS APPLIED BEFORE SUCH DAY AND WHO HAS REQUESTED THAT SUCH
44 ABSENTEE BALLOT BE MAILED TO HIM OR HER AT THE ADDRESS SET FORTH IN HIS
45 OR HER APPLICATION. IF THE APPLICANT OR HIS OR HER AGENT DELIVERS THE
46 APPLICATION TO THE DISTRICT CLERK IN PERSON AFTER THE SEVENTH DAY BEFORE
47 THE ELECTION AND NOT LATER THAN THE DAY BEFORE THE ELECTION, THE
48 DISTRICT CLERK SHALL FORTHWITH DELIVER SUCH ABSENTEE BALLOTS FOR THOSE
49 APPLICANTS WHOM HE OR SHE DETERMINES ARE QUALIFIED TO MAKE SUCH APPLICA-
50 TIONS AND TO RECEIVE SUCH BALLOTS TO SUCH APPLICANTS OR THE AGENTS NAMED
51 IN THE APPLICATIONS WHEN SUCH APPLICANTS OR AGENTS APPEAR IN THE
52 DISTRICT CLERK'S OFFICE.

53 S 2. This act shall take effect on the ninetieth day after it shall
54 have become a law.