

3601

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to eliminating the reference to "inmate" when referring to residents of veterans health 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, subdi-  
3 vision 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] VETERANS HEALTH ADMINIS-  
20 TRATION HOSPITAL in which any veteran entitled to vote in this state is  
21 [an inmate] A RESIDENT or patient, is located outside the State of New  
22 York, an application for an absentee ballot signed by such veteran or  
23 his OR HER spouse, parent or child accompanying or being with him OR

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

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1 HER, if a qualified voter and a resident of the same election district,  
2 shall constitute permanent personal 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] VETERANS HEALTH  
16 administration 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] VETERANS  
21 HEALTH administration 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']  
28 VETERANS HEALTH administration hospital as to whom the medical super-  
29 intendent or medical head of such hospital has attested that he OR SHE  
30 expects that he OR SHE will not be discharged prior to the day following  
31 the next general or special village, primary, special, general or New  
32 York city community school board district or city of Buffalo school  
33 district election, and the application for registration by the spouse,  
34 parent or child of such [inmate] RESIDENT or patient, accompanying or  
35 being with him or her, if a qualified voter and a resident of the same  
36 election district, the board of elections, without further investigation  
37 and without further application by the applicant, shall send to him OR  
38 HER at such hospital an absentee ballot and shall record in the signa-  
39 ture column on the back of his OR HER permanent personal registration  
40 poll record that such 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'] VETERANS HEALTH administration hospital of all  
46 [inmates] RESIDENTS and patients of [veterans'] VETERANS HEALTH adminis-  
47 tration hospitals who appear by the records of such board to be "hospi-  
48 talized veterans" entitled to receive absentee ballots at each such  
49 hospital pursuant to the provisions of this section. Each [veterans']  
50 VETERANS HEALTH administration hospital shall no later than fifteen days  
51 following the receipt of such list, return it with notations made there-  
52 on showing whether the [inmate] RESIDENT or patient continues to be  
53 confined therein or has been discharged therefrom. Upon the receipt of  
54 such returned list from each [veterans'] VETERANS HEALTH administration  
55 hospital with the proper notations showing that a "hospitalized veteran"  
56 continues to be confined in such hospital, the board of elections, by

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

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

37 S 5. This act shall take effect immediately.