

4329

2015-2016 Regular Sessions

I N S E N A T E

March 16, 2015

Introduced by Sen. FUNKE -- 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 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, 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] 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.