

2023--A

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sens. HASSELL-THOMPSON, MONTGOMERY, PARKER, PERKINS, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the correction law, in relation to voting by convicted felons

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

1 Section 1. Subdivision 2 of section 5-106 of the election law, as
2 amended by chapter 373 of the laws of 1978, is amended to read as
3 follows:

4 2. No person who has been convicted of a felony AND SENTENCED TO A
5 PERIOD OF IMPRISONMENT FOR SUCH FELONY pursuant to the laws of this
6 state, shall have the right to register for or vote at any election
7 unless he [shall have been pardoned or restored to the rights of citi-
8 zenship by the governor, or his maximum sentence of imprisonment has
9 expired, or he has been discharged from parole. The governor, however,
10 may attach as a condition to any such pardon a provision that any such
11 person shall not have the right of suffrage until it shall have been
12 separately restored to him] OR SHE HAS BEEN RELEASED FROM INCARCERATION
13 FOR SUCH FELONY OR RELEASED FROM SERVING A TIME ASSESSMENT PURSUANT TO
14 SUBPARAGRAPH (X) OF PARAGRAPH (F) OF SUBDIVISION THREE OF SECTION TWO
15 HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW.

16 S 2. Subdivision 3 of section 5-106 of the election law is amended to
17 read as follows:

18 3. No person who has been convicted in a federal court, of a felony,
19 or a crime or offense which would constitute a felony under the laws of
20 this state, AND SENTENCED TO A PERIOD OF IMPRISONMENT FOR SUCH FELONY,
21 shall have the right to register for or vote at any election unless he
22 [shall have been pardoned or restored to the rights of citizenship by

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

LBD07885-02-5

1 the president of the United States, or his maximum sentence of imprison-
2 ment has expired, or he has been discharged from parole] OR SHE HAS BEEN
3 RELEASED FROM INCARCERATION FOR SUCH FELONY OR RELEASED FROM SERVING A
4 TIME ASSESSMENT PURSUANT TO A VIOLATION OF PAROLE SUPERVISION UNDER
5 FEDERAL JURISDICTION.

6 S 3. Subdivision 4 of section 5-106 of the election law is amended to
7 read as follows:

8 4. No person who has been convicted in another state for a crime or
9 offense which would constitute a felony under the laws of this state AND
10 SENTENCED TO A PERIOD OF IMPRISONMENT FOR SUCH FELONY, shall have the
11 right to register for or vote at any election in this state unless he
12 shall have been pardoned or restored to the rights of citizenship by the
13 governor or other appropriate authority of such other state, or his
14 maximum sentence has expired, or he [has been discharged from parole] OR
15 SHE HAS BEEN RELEASED FROM INCARCERATION FOR SUCH FELONY OR RELEASED
16 FROM SERVING A TIME ASSESSMENT FOR A VIOLATION OF PAROLE SUPERVISION
17 UNDER THE JURISDICTION OF COURTS, PAROLING AUTHORITIES, CORRECTIONS OR
18 OTHER CRIMINAL JUSTICE AGENCIES.

19 S 4. Section 75 of the correction law, as amended by section 18 of
20 subpart A of part C of chapter 62 of the laws of 2011, is amended to
21 read as follows:

22 S 75. Notice of voting rights. Upon the [discharge] RELEASE from a
23 correctional facility of any person [whose maximum sentence of imprison-
24 ment has expired or upon a person's discharge from community super-
25 vision,] the department shall notify such person of his or her right to
26 vote and provide such person with a form of application for voter regis-
27 tration together with written information distributed by the board of
28 elections on the importance and the mechanics of voting.

29 S 5. The correction law is amended by adding a new section 510 to read
30 as follows:

31 S 510. VOTING UPON RELEASE. UPON THE RELEASE FROM A LOCAL CORRECTIONAL
32 FACILITY OF ANY PERSON CONVICTED OF A FELONY THE CHIEF ADMINISTRATIVE
33 OFFICER SHALL NOTIFY SUCH PERSON OF HIS OR HER RIGHT TO VOTE AND PROVIDE
34 SUCH PERSON WITH A FORM OF APPLICATION FOR VOTER REGISTRATION TOGETHER
35 WITH WRITTEN INFORMATION DISTRIBUTED BY THE BOARD OF ELECTIONS ON THE
36 IMPORTANCE AND THE MECHANICS OF VOTING.

37 S 6. The department of corrections and community supervision shall
38 notify each person serving a period of community supervision on the
39 effective date of this act of his or her right to vote and provide such
40 person with a form of application for voter registration together with
41 written information distributed by the board of elections on the impor-
42 tance and the mechanics of voting.

43 S 7. This act shall take effect immediately, provided, however, that
44 sections four, five, and six of this act shall take effect on the one
45 hundred twentieth day after it shall have become a law.