

STATE OF NEW YORK

5367

2017-2018 Regular Sessions

IN ASSEMBLY

February 8, 2017

Introduced by M. of A. O'DONNELL, SEPULVEDA, WALKER, BLAKE, KAVANAGH --
Multi-Sponsored by -- M. of A. LENTOL -- read once and referred to the
Committee on Election Law

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 § 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~~
23 ~~the president of the United States, or his maximum sentence of imprison-~~
24 ~~ment has expired, or he has been discharged from parole] or she has been~~

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

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1 released from incarceration for such felony or released from serving a
2 time assessment pursuant to a violation of parole supervision under
3 federal jurisdiction.

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

6 4. No person who has been convicted in another state for a crime or
7 offense which would constitute a felony under the laws of this state and
8 sentenced to a period of imprisonment for such felony, shall have the
9 right to register for or vote at any election in this state unless he
10 shall have been pardoned or restored to the rights of citizenship by the
11 governor or other appropriate authority of such other state, or his
12 maximum sentence has expired, or he [~~has been discharged from parole~~] or
13 she has been released from incarceration for such felony or released
14 from serving a time assessment for a violation of parole supervision
15 under the jurisdiction of courts, paroling authorities, corrections or
16 other criminal justice agencies.

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

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

27 § 5. The correction law is amended by adding a new section 510 to read
28 as follows:

29 § 510. Voting upon release. Upon the release from a local correctional
30 facility of any person convicted of a felony the chief administrative
31 officer shall notify such person of his or her right to vote and provide
32 such person with a form of application for voter registration together
33 with written information distributed by the board of elections on the
34 importance and the mechanics of voting.

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

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