

# STATE OF NEW YORK

8677--A

2019-2020 Regular Sessions

## IN ASSEMBLY

October 23, 2019

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Election Law -- 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 promoting voter registration and voting by incarcerated people; and to repeal certain provisions of the election law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 5-104 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. For the purpose of registering and voting, an incarcerated person in a state or local correctional facility shall be considered a resident of the address he or she resided at prior to his or her incarceration.

§ 2. Subdivisions 2, 3, 4 and 5 of section 5-106 of the election law are REPEALED and subdivision 6 is renumbered subdivision 2.

§ 3. Subdivision 1 of section 5-400 of the election law, as amended by chapter 659 of the laws of 1994, paragraph (a) as amended by chapter 3 of the laws of 2019, is amended and a new subdivision 1-a is added to read as follows:

1. A voter's registration, including the registration of a voter in inactive status, shall be cancelled if, since the time of his or her last registration, he or she:

(a) Moved his or her residence outside the state.

(b) ~~[Was convicted of a felony disqualifying him from voting pursuant to the provisions of section 5-106 of this article.~~

~~(c)~~ Has been adjudicated an incompetent.

~~(d)~~ (c) Refused to take a challenge oath.

~~(e)~~ (d) Has died.

~~(f)~~ (e) Did not vote in any election conducted by the board of elections during the period ending with the second general election at which candidates for federal office are on the ballot after his or her

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

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1 name was placed in inactive status and for whom the board of elections  
2 did not, during such period, in any other way, receive any information  
3 that such voter still resides in the same county or city.

4 [~~(g)~~] (f) Personally requested to have his or her name removed from  
5 the list of registered voters.

6 [~~(h)~~] (g) For any other reason, is no longer qualified to vote as  
7 provided in this chapter.

8 1-a. A voter's registration shall not be cancelled while he or she is  
9 incarcerated in a state or local correctional facility and no munici-  
10 pality shall enact any local law, rule, regulation or ordinance that  
11 prevents or restricts an incarcerated person's ability to register or  
12 vote.

13 § 4. Subdivision 2 of section 5-708 of the election law is REPEALED  
14 and subdivisions 3, 4, 5, 6 and 7, subdivision 3 as renumbered by chap-  
15 ter 659 of the laws of 1994, are renumbered subdivisions 2, 3, 4, 5 and  
16 6.

17 § 5. Subdivision 3 of section 5-708 of the election law, as added by  
18 chapter 659 of the laws of 1994 and as renumbered by section four of  
19 this act, paragraph a as amended by chapter 200 of the laws of 1996, is  
20 amended to read as follows:

21 3. a. If a board of elections receives any notices pursuant to the  
22 provisions of [~~subdivisions~~] subdivision two [~~and three~~] of this section  
23 which set forth a residence address outside of the city or county of  
24 such board's jurisdiction, it shall, at least once a month, transmit  
25 such notices to the appropriate board of elections, or, if such address  
26 is outside the state, to the state board of elections.

27 b. The state board shall arrange such notices and the names received  
28 pursuant to the other provisions of this section by county of residence  
29 and transmit such notices [~~and any notices of conviction for a felony~~  
30 ~~received from a United States attorney~~] to the appropriate board of  
31 elections.

32 c. If any such notices, or names received pursuant to the other  
33 provisions of this section, set forth a residence address outside New  
34 York state, the state board shall transmit such notices to the chief  
35 state election official of such state at such times and in such manner  
36 as it deems appropriate.

37 § 6. Section 75 of the correction law, as amended by section 18 of  
38 subpart A of part C of chapter 62 of the laws of 2011, is amended to  
39 read as follows:

40 § 75. Notice of voting rights. 1. The department, in collaboration  
41 with the state and county boards of election, shall establish a program  
42 to promote voter registration and voting by incarcerated people. Such  
43 program shall include:

44 (a) development and distribution of a voter information guide to be  
45 distributed to incarcerated people and shall include but not be limited  
46 to the following information:

47 (i) important dates and deadlines;

48 (ii) registration requirements and instructions;

49 (iii) how to request and cast an absentee ballot while incarcerated;  
50 and

51 (iv) resources for any additional questions; and

52 (b) voter information and registration clinics for incarcerated  
53 people. Such clinics shall:

54 (i) be held every other year to coincide with election cycles;

1 (ii) be held at least ninety days prior to an election to allow  
2 adequate time for voter registration and the requesting and mailing of  
3 absentee ballots;

4 (iii) inform incarcerated people of:

5 (A) their ability to vote while incarcerated;

6 (B) important dates and deadlines;

7 (C) registration requirements and instructions; and

8 (D) guidance on requesting and casting absentee ballots while incar-  
9 cerated; and

10 (iv) serve as voter registration drives for qualified incarcerated  
11 people. A department staff member or designee shall be available to  
12 assist incarcerated people in filling out paper or electronic registra-  
13 tion forms and to provide the appropriate address for the mailing of  
14 completed registration forms.

15 2. Upon the discharge from a correctional facility [~~of any person~~  
16 ~~whose maximum sentence of imprisonment has expired~~] or upon a person's  
17 discharge from community supervision, the department shall notify such  
18 person of his or her right to vote and provide such person with a form  
19 of application for voter registration together with written information  
20 distributed by the board of elections on the importance and the mechan-  
21 ics of voting.

22 § 7. This act shall take effect on the same date as a "CONCURRENT  
23 RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to sections  
24 1 and 3 of article 2 of the constitution, in relation to authorizing  
25 voting by incarcerated people" takes effect. Effective immediately, the  
26 addition, amendment and/or repeal of any rule or regulation necessary  
27 for the implementation of this act on its effective date are authorized  
28 to be made and completed on or before such effective date.