STATE OF NEW YORK

1931

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

Introduced by Sens. COMRIE, BAILEY, BENJAMIN, HOYLMAN, KAVANAGH, KRUEGER, MONTGOMERY, PARKER, PERSAUD, RIVERA, SANDERS, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the criminal procedure 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:

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

2. No person who has been convicted of a felony **and sentenced to a period of imprisonment for such felony** pursuant to the laws of this state, shall have the right to register for or vote at any election [~~unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him~~] **while he or she is incarcerated for such felony**.

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

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under the laws of this state, **and sentenced to a period of imprisonment for such felony,** shall have the right to register for or vote at any election [~~unless he shall have been pardoned or restored to the rights of citizenship by the president of the United States, or his maximum sentence of imprisonment has expired, or he has been discharged from parole~~] **while he or she is incarcerated for such felony**.

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

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

4. No person who has been convicted in another state for a crime or offense which would constitute a felony under the laws of this state **and sentenced to a period of imprisonment for such felony,** shall have the right to register for or vote at any election in this state [~~unless he shall have been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or his maximum sentence has expired, or he has been discharged from parole~~] **while he or she is incarcerated for such felony**.

§ 4. Section 220.50 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. Prior to accepting a defendant's plea of guilty to a count or counts of an indictment or a superior court information charging a felony offense, the court must advise the defendant on the record that conviction will result in loss of the right to vote while the defendant is serving a felony sentence in a correctional facility and that the right to vote will be restored upon the defendant's release.

§ 5. Section 380.50 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. Before imposing a sentence of incarceration for a felony conviction, the court must advise the defendant on the record that conviction will result in the loss of the right to vote while the individual is serving a felony sentence in a correctional facility and that the right to vote will be restored upon the defendant's release.

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

§ 75. Notice of voting rights. [~~Upon~~] **Prior to** the [~~discharge~~] **release** from a correctional facility of any person [~~whose maximum sentence of imprisonment has expired or upon a person's discharge from community supervision,~~] the department shall notify such person [~~of his or her right to vote~~] **verbally and in writing, that his or her voting rights will be restored upon release** and provide such person with a form of application for voter registration [~~together with~~] **and a declination form, offer such person assistance in filling out the appropriate form, and provide such person** written information distributed by the board of elections on the importance and the mechanics of voting. **Unless such person refuses, the department shall transmit the completed application upon such person's release to the state board or local board where such person resides.**

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

§ 510. Voting upon release. Prior to the release from a local correctional facility of any person convicted of a felony the chief administrative officer shall notify such person verbally and in writing that his or her voting rights will be restored upon release and provide such person with a form of application for voter registration and a declination form, offer such person assistance in filling out the appropriate form, and provide such person written information distributed by the board of elections on the importance and the mechanics of voting. Unless such person refuses, the chief administrative officer shall transmit the completed application upon such person's release to the state board or local board where such person resides.

§ 8. The correction law is amended by adding a new section 209 to read as follows:

§ 209. Notice of voting rights. The department shall notify each person serving a period of community supervision of his or her right to vote and provide such person with a form of application for voter registration and a declination form, offer such person assistance in filling out the appropriate form, and provide such person written information distributed by the board of elections on the importance and the mechanics of voting. Unless such person refuses, the department shall transmit the completed application to the state board or local board where such person resides.

§ 9. Section 3-102 of the election law is amended by adding a new subdivision 16-b to read as follows:

16-b. Develop and implement a program to educate attorneys, judges, election officials, corrections officials, including parole and probation officers, and members of the public regarding the requirements of the chapter of the laws of two thousand nineteen which added this subdivision.

§ 10. This act shall take effect immediately, provided, however, that sections four, five, six, seven, eight and nine of this act shall take effect on the one hundred twentieth day after it shall have become a law.