

STATE OF NEW YORK

7091

2019-2020 Regular Sessions

IN ASSEMBLY

April 5, 2019

Introduced by M. of A. FERNANDEZ -- read once and referred to the
Committee on Election Law

AN ACT to amend the election law, the town law and the education law, in
relation to the right to vote for an alien lawfully admitted for
permanent residence in the United States

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

1 Section 1. Subdivision 1 of section 5-102 of the election law is
2 amended to read as follows:

3 1. No person shall be qualified to register for and vote at any
4 election unless he or she is a citizen of the United States or an alien
5 lawfully admitted for permanent residence in the United States and is or
6 will be, on the day of such election, eighteen years of age or over, and
7 a resident of this state and of the county, city or village for a mini-
8 mum of thirty days next preceding such election.

9 § 2. Paragraph (g) of subdivision 5 of section 5-210 of the election
10 law, as amended by chapter 2 of the laws of 2019, is amended to read as
11 follows:

12 (g) Notice that the applicant must be a citizen of the United States,
13 or an alien lawfully admitted for permanent residence in the United
14 States, is at least sixteen years old when he or she submits an applica-
15 tion to register to vote which will be effective for elections occurring
16 on or after the applicant turns eighteen years of age and a resident of
17 the county or city to which application is made.

18 § 3. Subdivision 8 of section 7-122 of the election law, as amended by
19 chapter 165 of the laws of 2010, is amended to read as follows:

20 8. On the reverse side of such inner affirmation envelope shall be
21 printed the following statement:

AFFIRMATION

22 I do declare that I am a citizen of the United States, or an alien
23 lawfully admitted for permanent residence in the United States, that I
24

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

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1 am duly registered in the election district shown on the reverse side of
2 this envelope and I am qualified to vote in such district; that I will
3 be unable to appear personally on the day of the election for which this
4 ballot is voted at the polling place of the election district in which I
5 am a qualified voter because of the reason given on my application here-
6 tofore submitted; that I have not qualified nor do I intend to vote
7 elsewhere, that I have not committed any act nor am I under any imped-
8 iment which denies me the right to vote.

9 I hereby declare that the foregoing is a true statement to the best of
10 my knowledge and belief, and I understand that if I make any material
11 false statement in the foregoing statement of absentee voter, I shall be
12 guilty of a misdemeanor.

13 Date.....20.....

14
Signature or mark of voter

15
16 Signature of Witness (required only
17 if voter does not sign his or her
18 own name)

19
20 Address of Witness

21 § 4. Subdivision 3 of section 7-123 of the election law, as amended by
22 chapter 104 of the laws of 2010, is amended to read as follows:

23 3. The board of elections shall furnish an inner affirmation envelope
24 with each military ballot upon which envelope shall be printed:

25 BALLLOT FOR MILITARY VOTER
26 AFFIRMATION

27 I swear or affirm that:

28 (a) I am a member of the uniformed services or merchant marine on
29 active duty or an eligible spouse, parent, child or dependent of such a
30 member, and

31 (b) I am a United States citizen, or an alien lawfully admitted for
32 permanent residence in the United States, at least eighteen years of age
33 (or will be by the day of the election), eligible to vote in the
34 requested jurisdiction, and

35 (c) I have neither been convicted of a felony or other disqualifying
36 offense nor been adjudicated mentally incompetent, or if so, my voting
37 rights have been reinstated, and

38 (d) I am not registering, requesting a ballot, or voting in any other
39 jurisdiction in the United States, and

40 (e) My signature and date below indicate when I completed this docu-
41 ment, and

42 (f) The information on this form is true and complete to the best of
43 my knowledge.

44 I understand that a material misstatement of fact in the completion of
45 this document may constitute grounds for conviction of a crime.

46 Date 20....

47
48 Signature or mark of voter
49

Signature of Witness (required
only if voter does not sign his
or her own name)

Address of Witness

§ 5. Subdivision 3 of section 8-504 of the election law, as renumbered by chapter 373 of the laws of 1978, is amended to read as follows:

3. After receiving the answers as above specified, of any applicant, the board shall, if it believes the applicant to be qualified or the challenge is withdrawn, permit him or her to vote. Otherwise, the board shall point out to him or her the qualifications, if any, in respect of which he or she shall appear deficient. If, after such deficiencies have been so indicated, the applicant shall persist in his or her claim to vote, an inspector shall administer to him or her the following oath, which shall be known as "The Qualification Oath": "You do swear (or affirm) that you are eighteen years of age, that you are a citizen of the United States or an alien lawfully admitted for permanent residence in the United States and that you have been a resident of this state, and of this county (of the city of New York) (village) for thirty days next preceding this election, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement. That all the statements you have made to the board have been true and that you understand that a false statement is perjury and you will be guilty of a misdemeanor."

§ 6. Paragraph b of subdivision 5 of section 84-a of the town law, as amended by section 10 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States or an alien lawfully admitted for permanent residence in the United States for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I will be unable to appear personally on the day of said special town election at the polling place of the election district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this special town election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this special town election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction

1 as to the right of suffrage, or received a certificate of relief from
2 disabilities or a certificate of good conduct pursuant to article twen-
3 ty-three of the correction law removing my disability to register and
4 vote.

5 I hereby declare that the foregoing is a true statement to the best of
6 my knowledge and belief, and I understand that if I make any material
7 false statement in the foregoing statement of absentee voter, I shall be
8 guilty of a misdemeanor.

9 Date..... Signature of Voter.....

10 § 7. Paragraph a of subdivision 2 of section 213-b of the town law, as
11 added by chapter 400 of the laws of 1985, is amended to read as follows:

12 a. An applicant for such an absentee ballot shall submit an applica-
13 tion setting forth (1) his or her name and residence address, including
14 the street and number, if any, or town and rural delivery route, if any;
15 (2) that he or she is or will be, on the day of the election, a quali-
16 fied voter of the district in which he or she resides in that he or she
17 is or will be, on such date, over eighteen years of age, a citizen of
18 the United States or an alien lawfully admitted for permanent residence
19 in the United States and has or will have resided in the district for
20 thirty days next preceding such date; (3) that he or she is registered
21 in the town; (4) that he or she will be unable to appear to vote in
22 person on the day of the election for which the absentee ballot is
23 requested because he or she is, or will be on such day (a) a patient in
24 a hospital, or unable to appear personally at the polling place on such
25 day because of illness or physical disability or (b) because his or her
26 duties, occupation or business will require him or her to be outside of
27 the county or city of his or her residence on such day, (c) because he
28 or she will be on vacation outside the county or city of his or her
29 residence on such day; or, (d) absent from his or her voting residence
30 because he or she is detained in jail awaiting action by a grand jury or
31 awaiting trial or is confined in prison after conviction for an offense
32 other than a felony. Such application must be received by the district
33 secretary at least seven days before the election if the ballot is to be
34 mailed to the voter, or the day before the election, if the ballot is to
35 be delivered personally to the voter or his or her agent.

36 § 8. Paragraph b of subdivision 5 of section 213-b of the town law, as
37 amended by section 12 of part LL of chapter 56 of the laws of 2010, is
38 amended to read as follows:

39 b. On the reverse side of such envelope shall be printed the follow-
40 ing statement:

41 STATEMENT OF ABSENTEE VOTER

42 I do declare that I will have been a citizen of the United States or
43 an alien lawfully admitted for permanent residence in the United States
44 for thirty days, and will be at least eighteen years of age, on the date
45 of the district election; that I will have been a resident of this state
46 and of the district if any, shown on the reverse side of this envelope
47 for thirty days next preceding the said election and that I am or on
48 such date will be, a registered voter of said district; that I will be
49 unable to appear personally on the day of said district election at the
50 polling place of the said district in which I am or will be a qualified
51 voter because of the reason stated on my application heretofore submit-
52 ted; that I have not qualified, or do I intend to vote, elsewhere than
53 as set forth on the reverse side of this envelope; that I have not
54 received or offered, do not expect to receive, have not paid, offered or
55 promised to pay, contributed, offered or promised to contribute to

1 another to be paid or used, any money or other valuable thing, as a
2 compensation or reward for the giving or withholding of a vote at this
3 district election, and have not made any promise to influence the giving
4 or withholding of any such votes; that I have not made or become direct-
5 ly or indirectly interested in any bet or wager depending upon the
6 result of this district election; and that I have not been convicted of
7 bribery or any infamous crime, or, if so convicted, that I have been
8 pardoned or restored to all the rights of a citizen, without restriction
9 as to the right of suffrage, or received a certificate of relief from
10 disabilities or a certificate of good conduct pursuant to article twen-
11 ty-three of the correction law removing my disability to register and
12 vote.

13 I hereby declare that the foregoing is a true statement to the best of
14 my knowledge and belief, and I understand that if I make any material
15 false statement in the foregoing statement of absentee voter, I shall be
16 guilty of a misdemeanor.

17 Date..... Signature of Voter

18 § 9. Subdivision 1 of section 2012 of the education law, as amended by
19 chapter 1169 of the laws of 1971, is amended to read as follows:

20 1. A citizen of the United States or an alien lawfully admitted for
21 permanent residence in the United States.

22 § 10. Paragraph a of subdivision 2 of section 2018-a of the education
23 law, as amended by chapter 136 of the laws of 1991, is amended to read
24 as follows:

25 a. An applicant for such an absentee ballot shall submit an applica-
26 tion setting forth (1) his or her name and residence address, including
27 the street and number, if any, or town and rural delivery route, if any;
28 (2) that he or she is or will be, on the day of the school district
29 election, a qualified voter of the school district in which he or she
30 resides in that he or she is or will be, on such date, over eighteen
31 years of age, a citizen of the United States or an alien lawfully admit-
32 ted for permanent residence in the United States and has or will have
33 resided in the district for thirty days next preceding such date; (3)
34 whether he or she is registered in the district; (4) that he or she will
35 be unable to appear to vote in person on the day of the school district
36 election for which the absentee ballot is requested because he or she
37 is, or will be on such day (a) a patient in a hospital, or unable to
38 appear personally at the polling place on such day because of illness or
39 physical disability or (b) because his or her duties, occupation, busi-
40 ness, or studies will require him or her to be outside of the county or
41 city of his or her residence on such day, (c) because he or she will be
42 on vacation outside the county or city of his or her residence on such
43 day; or, (d) absent from his or her voting residence because he or she
44 is detained in jail awaiting action by a grand jury or awaiting trial or
45 is confined in prison after conviction for an offense other than a felo-
46 ny. Such application must be received by the district clerk at least
47 seven days before the election if the ballot is to be mailed to the
48 voter, or the day before the election, if the ballot is to be delivered
49 personally to the voter.

50 § 11. Paragraph b of subdivision 5 of section 2018-a of the education
51 law, as amended by section 8 of part LL of chapter 56 of the laws of
52 2010, is amended to read as follows:

53 b. On the reverse side of such envelope shall be printed the following
54 statement:

1 I do declare that I am a citizen of the United States or an alien
2 lawfully admitted for permanent residence in the United States, and will
3 be at least eighteen years of age, on the date of the school district
4 election; that I will have been a resident of this state and of the
5 school district and school election district, if any, shown on the
6 reverse side of this envelope for thirty days next preceding the said
7 election and duly registered in the school district and school election
8 district, if any, shown on the reverse side of this envelope and that I
9 am or on such date will be, a qualified voter of said school district;
10 that I will be unable to appear personally on the day of said school
11 district election at the polling place of the said district in which I
12 am or will be a qualified voter because of the reason stated on my
13 application heretofore submitted; that I have not qualified, or do I
14 intend to vote, elsewhere than as set forth on the reverse side of this
15 envelope; that I have not received or offered, do not expect to receive,
16 have not paid, offered or promised to pay, contributed, offered or prom-
17 ised to contribute to another to be paid or used, any money or other
18 valuable thing, as a compensation or reward for the giving or withhold-
19 ing of a vote at this school district election, and have not made any
20 promise to influence the giving or withholding of any such votes; that I
21 have not made or become directly or indirectly interested in any bet or
22 wager depending upon the result of this school district election; and
23 that I have not been convicted of bribery or any infamous crime, or, if
24 so convicted, that I have been pardoned or restored to all the rights of
25 a citizen, without restriction as to the right of suffrage, or received
26 a certificate of relief from disabilities or a certificate of good
27 conduct pursuant to article twenty-three of the correction law removing
28 my disability to register and vote.
29 I hereby declare that the foregoing is a true statement to the best of
30 my knowledge and belief, and I understand that if I make any material
31 false statement in the foregoing statement of absentee voter, I shall be
32 guilty of a misdemeanor.

33 Date.....Signature of Voter

34 § 12. Paragraph a of subdivision 2 of section 2018-b of the education
35 law, as amended by chapter 46 of the laws of 1992, is amended to read as
36 follows:

37 a. An applicant for such an absentee ballot shall submit an applica-
38 tion setting forth (1) his or her name and residence address, including
39 the street and number, if any, or town and rural delivery route, if any;
40 (2) that he or she is or will be, on the day of the school district
41 election, a qualified voter of the school district in which he or she
42 resides in that he or she is or will be, on such date, over eighteen
43 years of age, a citizen of the United States or an alien lawfully admit-
44 ted for permanent residence in the United States and has or will have
45 resided in the district for thirty days next preceding such date; (3)
46 that he or she will be unable to appear to vote in person on the day of
47 the school district election for which the absentee ballot is requested
48 because he or she is, or will be on such day (a) a patient in a hospi-
49 tal, or unable to appear personally at the polling place on such day
50 because of illness or physical disability or (b) because his or her
51 duties, occupation, business, or studies will require him or her to be
52 outside of the county or city of his or her residence on such day, (c)
53 because he or she will be on vacation outside the county or city of his
54 or her residence on such day; or, (d) absent from his or her voting

1 residence because he or she is detained in jail awaiting action by a
2 grand jury or awaiting trial or is confined in prison after conviction
3 for an offense other than a felony. Such application must be received by
4 the district clerk or designee of the trustees or school board at least
5 seven days before the election if the ballot is to be mailed to the
6 voter, or the day before the election, if the ballot is to be delivered
7 personally to the voter.

8 § 13. Paragraph b of subdivision 6 of section 2018-b of the education
9 law, as amended by section 9 of part LL of chapter 56 of the laws of
10 2010, is amended to read as follows:

11 b. On the reverse side of such envelope shall be printed the following
12 statement:

13 STATEMENT OF ABSENTEE VOTER

14 I do declare that I am a citizen of the United States or an alien
15 lawfully admitted for permanent residence in the United States, and will
16 be at least eighteen years of age on the date of the school district
17 election; that I will have been a resident of this state and of the
18 school district and school election district, if any, shown on the
19 reverse side of this envelope for thirty days next preceding the said
20 election and that I am or on such date will be, a qualified voter of
21 said school district; that I will be unable to appear personally on the
22 day of said school district election at the polling place of the said
23 district in which I am or will be a qualified voter because of the
24 reason stated on my application heretofore submitted; that I have not
25 qualified, or do I intend to vote, elsewhere than as set forth on the
26 reverse side of this envelope; that I have not received or offered, do
27 not expect to receive, have not paid, offered or promised to pay,
28 contributed, offered or promised to contribute to another to be paid or
29 used, any money or other valuable thing, as a compensation or reward for
30 the giving or withholding of a vote at this school district election,
31 and have not made any promise to influence the giving or withholding of
32 any such votes; that I have not made or become directly or indirectly
33 interested in any bet or wager depending upon the result of this school
34 district election; and that I have not been convicted of bribery or any
35 infamous crime, or, if so convicted, that I have been pardoned or
36 restored to all the rights of a citizen, without restriction as to the
37 right of suffrage, or have received a certificate of relief from disa-
38 bilities or a certificate of good conduct pursuant to article twenty-
39 three of the correction law removing my disability to vote.

40 I hereby declare that the foregoing is a true statement to the best of
41 my knowledge and belief, and I understand that if I make any material
42 false statement in the foregoing statement of absentee voter, I shall be
43 guilty of a misdemeanor.

44 Date.....Signature of Voter

45 § 14. Subdivision 1 of section 2603 of the education law, as amended
46 by chapter 182 of the laws of 1952, is amended to read as follows:

47 1. A citizen of the United States or an alien lawfully admitted for
48 permanent residence in the United States.

49 § 15. Subdivision 5 of section 2609 of the education law, as amended
50 by chapter 919 of the laws of 1974, is amended to read as follows:

51 5. Any qualified voter of a city school district may challenge the
52 right of a person to vote at the time when he or she requests a ballot.

1 All persons named upon the applicable register as having been challenged
2 prior to the day of the election shall also be challenged before they
3 are given ballots to vote. The chairman of the board of inspectors shall
4 administer to each person so challenged the following oath: "I do
5 solemnly swear (or affirm) that I am a citizen of the United States or
6 an alien lawfully admitted for permanent residence in the United States;
7 that I am of the age of eighteen years or more; that I have been an
8 inhabitant of the State for the past year, a resident of the county for
9 the past four months and for the thirty days past an actual resident of
10 this city school district and am therefore qualified to vote at this
11 election." If the person challenged so swears or affirms, he or she
12 shall be permitted to vote at such election; but if he or she shall
13 refuse to so swear or affirm, he or she shall not be given a ballot or
14 be permitted to vote.

15 § 16. This act shall take effect on the first of January next succeed-
16 ing the date on which it shall have become a law; provided however that
17 the amendments to section 5-210 of the election law made by section two
18 of this act shall take effect on the same date and in the same manner as
19 chapter 2 of the laws of 2019, takes effect.