

# STATE OF NEW YORK

6821

2019-2020 Regular Sessions

## IN SENATE

October 30, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law and the correction law, in relation to authorizing voting by inmates in correctional facilities; 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:

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

3 1-a. An inmate voting while incarcerated in a state or local correc-  
4 tional facility shall be considered a resident of the county, city, town  
5 and/or village he or she resided in prior to his or her incarceration.

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7 are REPEALED and subdivision 6 is renumbered subdivision 2.

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

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

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

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

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

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

20 [~~(e)~~] (d) Has died.

21 [~~(f)~~] (e) Did not vote in any election conducted by the board of  
22 elections during the period ending with the second general election at  
23 which candidates for federal office are on the ballot after his or her  
24 name was placed in inactive status and for whom the board of elections

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

LBD13812-01-9

1 did not, during such period, in any other way, receive any information  
2 that such voter still resides in the same county or city.

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

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

7 1-a. A voter's registration shall not be cancelled while he or she is  
8 incarcerated in a state or local correctional facility.

9 § 4. Subdivision 2 of section 5-708 of the election law is REPEALED  
10 and subdivisions 3, 4, 5, 6 and 7, subdivision 3 as renumbered by chap-  
11 ter 659 of the laws of 1994, are renumbered subdivisions 2, 3, 4, 5 and  
12 6.

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

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

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

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

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

36 § 75. Notice of voting rights. 1. The department, in collaboration  
37 with the state and county boards of election, shall establish a program  
38 to facilitate inmate voter registration and voting. Such program shall  
39 include access and assistance with voter registration forms and a mech-  
40 anism for voting, including, but not limited to, absentee ballots.

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

48 § 7. This act shall take effect on the ninetieth day after it shall  
49 have become a law. Effective immediately, the addition, amendment and/or  
50 repeal of any rule or regulation necessary for the implementation of  
51 this act on its effective date are authorized to be made and completed  
52 on or before such effective date.