

# STATE OF NEW YORK

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412

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

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Introduced by M. of A. EPSTEIN, MAMDANI, GONZALEZ-ROJAS, SEAWRIGHT, KELLES, SIMON, MEEKS, JACKSON, FORREST, WEPRIN, WALKER, TAYLOR, CRUZ, GIBBS, BURGOS -- read once and referred to the Committee on Election Law

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 1 and 3 of article 2 of the constitution, in relation to authorizing voting by incarcerated people

1 Section 1. Resolved (if the Senate concur), That section 1 of article  
2 2 of the constitution be amended to read as follows:

3 Section 1. Every citizen, including any incarcerated person in a  
4 correctional facility, shall be entitled to vote at every election for  
5 all officers elected by the people and upon all questions submitted to  
6 the vote of the people provided that such citizen is eighteen years of  
7 age or over and shall have been a resident of this state, and of the  
8 county, city, or village for thirty days next preceding an election.

9 § 2. Resolved (if the Senate concur), That section 3 of article 2 of  
10 the constitution be amended to read as follows:

11 § 3. No person who shall receive, accept, or offer to receive, or pay,  
12 offer or promise to pay, contribute, offer or promise to contribute to  
13 another, to be paid or used, any money or other valuable thing as a  
14 compensation or reward for the giving or withholding a vote at an  
15 election, or who shall make any promise to influence the giving or with-  
16 holding any such vote, or who shall make or become directly or indirect-  
17 ly interested in any bet or wager depending upon the result of any  
18 election, shall vote at such election; and upon challenge for such  
19 cause, the person so challenged, before the officers authorized for that  
20 purpose shall receive his or her vote, shall swear or affirm before such  
21 officers that he or she has not received or offered, does not expect to  
22 receive, has not paid, offered or promised to pay, contributed, offered  
23 or promised to contribute to another, to be paid or used, any money or  
24 other valuable thing as a compensation or reward for the giving or with-  
25 holding a vote at such election, and has not made any promise to influ-

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

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1   ence the giving or withholding of any such vote, nor made or become  
2   directly or indirectly interested in any bet or wager depending upon the  
3   result of such election. [~~The legislature shall enact laws excluding~~  
4   ~~from the right of suffrage all persons convicted of bribery or of any~~  
5   ~~infamous crime.~~]

6   § 3. Resolved (if the Senate concur), That the foregoing amendment be  
7   referred to the first regular legislative session convening after the  
8   next succeeding general election of members of the assembly, and, in  
9   conformity with section 1 of article 19 of the constitution, be  
10  published for 3 months previous to the time of such election.