

NEW YORK STATE

VOTER AWARENESS GUIDE

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Your Vote, Your Voice.

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Historical Voting Facts

State and Federal Rights

If you believe you have been the victim of voting discrimination or if you have encountered a barrier while seeking to register or exercise the right to vote, please contact the Civil Rights Bureau of the New York State Attorney General's Office at **(212) 416-8250** or civil.rights@ag.ny.gov

Voting Rights Act of 1965

In 1965, Congress passed the Voting Rights Act to help give meaning and force to the protections enshrined within the 14th and 15th Amendments.

Language Access Assistance

In New York State, if you have Limited English Proficient (LEP), depending on your County, you may be entitled to receive assistance at the polls, including translated ballots and other election-related materials.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act requires that “reasonable modifications to rules, policies, and practices” be made so as to prevent disability-based discrimination.

Military and Overseas Citizens

Under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), men and women in the military, and civilian citizens living overseas, are entitled to register and vote by absentee ballot and, additionally, may receive and submit their completed forms by mail, fax, or email.

RESOURCES:

Polling Place accessibility information

www.ada.gov/votingck.htm

Military and Overseas Voting Information

<http://www.elections.ny.gov/VotingMilitaryFed.html>

Accessibility for Persons with Disabilities

The voter may elect to be assisted by a person of their choice, aside from an employer (or employer's agent) or agent of the voter's union. If the voter does not select a specific person, they will be assisted by two election inspectors, each from a different party.

A voter with a disability whose polling place is in a building that is not accessible is entitled to vote at any other election district whose polling place is located in an accessible building (so long as the candidates and ballot proposals on the other district's ballot are the same as those of the original district).

New York Election Law

Under New York law, a board of inspectors at a polling site must assist any voter who, under oath, states a need for assistance because you:

- Cannot read and therefore requires assistance, or
- Cannot, even with the aid of glasses, see the names printed on the official ballot, or
- Are so physically handicapped that you cannot do what is needed to vote at that polling place (e.g., turn down the levers, use a write-in slot on a voting machine or mark a paper ballot), or
- Cannot enter a voting booth unless aided by another person.

Each polling precinct must also make available the following registration and voting aids for the handicapped and elderly:

- Instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place, and
- Information by telecommunications devices for the deaf.

Eligibility for Persons with Criminal History

A person with a felony conviction is entitled to register and vote once they have been discharged from parole.

Individuals convicted of a felony are ineligible to vote while incarcerated and on parole. Voting rights are automatically restored upon completion of parole, and people on probation can vote. Ex-offenders should re-register to vote.

The Impact of a Felony Conviction on the Right to Vote

A person convicted of a felony in the State of New York may register or vote at any election if:

- They have been pardoned or restored to the rights of citizenship by the Governor, or
- Their maximum sentence of imprisonment has expired, or
- They have been discharged from parole.

A person convicted of a felony in a federal court may register or vote at any election if:

- They have been pardoned or restored to the rights of citizenship by the president of the United States, or
- Their maximum sentence of imprisonment has expired, or
- They have been discharged from parole.

A person who has been convicted in another state for a crime or offense which would constitute a felony in New York, may register or vote at any election if:

- They have been pardoned or restored to the rights of citizenship by the Governor or other appropriate authority of such other state, or
- Their maximum sentence has expired, or
- They have been discharged from parole.

Registering to Vote

If you believe you have been the victim of voting discrimination or if you have encountered a barrier while seeking to register or exercise the right to vote, please contact the Civil Rights Bureau of the New York State Attorney General's Office at **(212) 416-8250** or civil.rights@ag.ny.gov

In New York State, in order to register and vote, you must be:

- A United States citizen;
- Eighteen (18) years of age or older on Election Day or not later than December 31st of the calendar year in which you register; **and**
- A resident of New York State *and* of the county, city or village where you will be voting for a minimum of 30 days before the election.

(Those who do not meet the thirty (30) day residency requirement, but meet all remaining criteria, will be permitted to vote by special ballot for president and vice-president.)

Federal and State Voting Rights Protections

Multiple federal and state laws prohibit discrimination based on race, national origin and disability status. There are also laws requiring that bilingual assistance and materials be provided to voters who are limited English proficient.

Resource: ag.ny.gov/civil-rights/voting-rights

Absentee Voting

If you cannot pick up your ballot, or will not be able to receive it through the mail, you have the right to designate someone to pick it up for you. Only that person designated on your application may pick up and deliver your ballot.

If you are permanently ill or disabled, you have the right to receive an Absentee Ballot for each subsequent election without further application. Simply file an application with your county board of elections indicating permanent illness or physical disability. You will then automatically receive an absentee ballot for every election until your registration is canceled.

Qualifications to Vote by Absentee Ballot

- Absent from your county or, if a resident of New York City absent from your city, on Election Day.
- Unable to appear at the polls due to temporary or permanent illness or disability; or because you are the primary care giver of one or more individuals who are ill or physically disabled.
- A resident or patient of a Veterans Health Administration Hospital.
- Detained in jail awaiting Grand Jury action or confined in prison after conviction for an offense other than a felony.

How to Vote by Absentee Ballot

- Applications for Absentee Ballots are available at your county board of elections.

Upon completion, applications must be mailed to your county board no later than the seventh day before the election or delivered in person no later than the day before the election.

You may also request an Absentee Ballot by sending a letter to your county board of elections. The letter must be received by your county board no earlier than 30 days and no later than seven days before the election. The letter must contain the following information:

- the address where you are registered
- an address where the ballot is to be sent
- the reason for the request, and
- the signature of the voter
- An application form will be mailed with your ballot. The application form must be completed and returned with your ballot.

Resource: <https://www.elections.ny.gov/VotingAbsentee.html>

Voting Empowerment

Poll Watchers

- A representative of a political party or of an organization running a candidate who is assigned to the polls on an election day to watch for violations of the laws that regulate voting, campaigning, etc.
- A poll watcher's purpose is to represent the interest of a candidate or party at a voting place, and to look for any irregularities that could be harmful to a candidate or the party.
- Poll Watchers must be certified in writing by a candidate or a chairperson of a political committee or independent body and must present a certificate for each election district to the Elections Inspector for that election district. A facsimile of a Poll Watcher's Certificate appears on the reverse side of this guide.

Empowerment:

Candidate Forums

- Know the candidates and the issues relevant to the race, and educate the audience in an impartial manner . Forums are sponsored and moderated by non-partisan groups.

HAVA

- The **Help America Vote Act** is a federal law passed by Congress in 2002 to improve our country's election system. HAVA's main goal is to make the voting process more inclusive and accessible so that more Americans will become registered voters and participate in elections.

NVRA

- Congress enacted the **National Voter Registration Act** of 1993 (also known as the "NVRA" and the "Motor Voter Act"), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration.

Resources:

- www.lwvny.org
- www.elections.ny.gov
- <https://www.eac.gov/about/help-america-vote-act/>
- <https://www.justice.gov/crt/about-national-voter-registration-act>

NYS Registration Offices

If you believe you have been the victim of voting discrimination or if you have encountered a barrier while seeking to register or exercise the right to vote, please contact the Civil Rights Bureau of the New York State Attorney General's Office at **(212) 416-8250** or civil.rights@ag.ny.gov

In New York, the following offices must provide you with voter registration services:

- Any local board of elections
- The Department of Motor Vehicles
- Alcoholism and Substance Abuse Services
- City Universities of New York (CUNY)
- Commission for the Blind and Visually Impaired
- Department of Health - WIC Program
- Department of Labor
- Department of Social Services
- Department of State
- Division of Veterans' Affairs
- Military Recruiting Offices
- Office for the Aging
- Office of Mental Health
- Office For People With Developmental Disabilities
- State Universities of New York (SUNY)
- Vocational and Educational Services for Individuals with Disabilities
- Workers' Compensation Board

Voting Registration Forms:

English—

<http://www.elections.ny.gov/NYSBOE/download/voting/voteform.pdf>

Spanish—

<http://www.elections.ny.gov/NYSBOE/download/voting/spanishvoteform2011.pdf>

Language Access Services

In New York State, under Section 203 of the federal Voting Rights Act, the following counties *must* provide language access services during elections (with applicable population in parentheses):

- Kings (Hispanic and Chinese)
- Nassau (Hispanic)
- New York (Hispanic and Chinese)
- Queens (Asian Indian - Bengali, Chinese, Hispanic, and Korean)
- Suffolk (Hispanic) and
- Westchester (Hispanic).

Language assistance at the polls may be necessary to ensure that all voters are able to cast an effective and meaningful ballot. In New York State, if you are a Limited English Proficient (LEP) person, depending on your County, you may be entitled to receive assistance at the polls, including translated ballots and other election-related materials.

The federal Voting Rights Act contains a number of provisions that provide protections for voters and prospective voters who require language assistance.

Under both the Voting Rights Act and New York Election Law, voters are entitled to receive assistance from the person of their choice. This provision provides important protections for those voters who require assistance based on a disability, blindness or illiteracy, and also for those voters those do not have access to translated election materials in their jurisdiction.

Reasonable Accommodations

If you believe you have been the victim of voting discrimination or if you have encountered a barrier while seeking to register or exercise the right to vote, please contact the Civil Rights Bureau of the New York State Attorney General's Office at **(212) 416-8250** or civil.rights@ag.ny.gov

The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including polling places (or vote centers). Voting at one’s polling place allows voters the chance to interact with neighbors and candidates who talk with voters outside the polling place, and to ask questions of or receive assistance from trained pollworkers inside the polling place. Simply put, voting in person at a local polling place is the quintessential American voting experience.

ADA checklist — <https://www.ada.gov/votingck.htm>

Historical Voting Facts

Right to Vote in the United States Timeline:

Under 21—1971

The Twenty-Sixth Amendment provides, “The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.”

Many African Americans—1965

The Voting Rights Act of 1965 (42 U.S.C.A. § 1973 et seq.) prohibits the states and their political subdivisions from imposing voting qualifications or prerequisites to voting, or standards, practices, or procedures that deny or curtail the right of a U.S. citizen to vote because of race, color, or membership in a language minority group.

Asian Immigrants—1940s and 1950s

1943: the Chinese Exclusion Act is repealed, giving Chinese immigrants the right to citizenship and the right to vote.

1946: through the Rescission Act and Luce-Celler Bill, Filipinos are granted the right to become U.S. citizens.

1952: The McCarran-Walter Act gives first generation Japanese Americans the right to become citizens.

Women—1920

The Nineteenth Amendment to the United States Constitution granted women the right to vote, prohibiting any United States citizen to be denied the right to vote based on sex.

Native Americans—1890

The Indian Naturalization Act grants citizenship to Native Americans whose applications are approved—similar to the process of immigrant naturalization.

African American Males—1870

The 15th Amendment, granting African-American men the right to vote, was adopted into the U.S. Constitution states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

European Immigrants—1790

The Naturalization Act of 1790 allows white men born outside of the United States to become citizens with the right to vote.

Non-Property Owners—1792 to 1856

States began abolishing property qualifications for white men to vote, beginning with Kentucky in 1792 and ending with North Carolina in 1856.