



State of New York
STATE BOARD OF ELECTIONS

Carol Berman
Chair
Neil W. Kelleher
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Evelyn J. Aquila
Commissioner

SWAN STREET BUILDING, CORE 1
6 EMPIRE STATE PLAZA, SUITE 201
ALBANY, N.Y. 12223-1650
Phone: 518/473-4803 Fax: 518/486-6627
URL: <http://www.elections.state.ny.us> E-MAIL: jflicker@elections.state.ny.us

Thomas R. Wilkey
Executive Director
Peter S. Kosinski
Deputy Executive Director
John A. Flicker
Supervisor - Data Processing

February 12, 1999

TOMPKINS County Board of Elections
128 E. BUFFALO STREET
ITHACA, NY 14850

Dear SHARY ZIFCHOCK:

Enclosed you will find information provided to the State Board by the NYS Departments of Health and Motor Vehicles. This information will permit you to institute cancellation procedures pursuant to Section 5-402 of the Election Law.

NOTICE: The State Board is now receiving from the Office of Court Administration, in accordance with Section 5-400 of the Election Law, a monthly list of those individuals who should be canceled because they were convicted of a felony and are disqualified pursuant to the provisions of section 5-106 of the Election Law. Also, those individuals that have been adjudicated an incompetent. I have enclosed a list of your county's data reported through January 1999. ** OCA RECORDS NOW HAVE AN INDICATOR FIELD (CODE). **** P = convicted felons that are currently incarcerated. M = adjudicated incompetents**

The NYSDMV driver's license surrender information reflects surrenders reported through February 1999.

The NYSDOH death certificate information reflects additional death certificates reported through July 1998.

If you have any questions or need further assistance please call our office at (518)473-4803.

Sincerely,

John A. Flicker
Supervisor of Data Processing

TOMPKINS COUNTY BOARD OF ELECTIONS

Shary J. Zifchock
Democratic Commissioner
(607) 274-5522

128 East Buffalo Street
Ithaca, New York 14850

Elizabeth W. Cree
Republican Commissioner
(607) 274-5521

February 17, 1999

Mr. Kevin E. Saunders
1668 Trumansburg Rd.
Ithaca, NY 14850

Dear Mr. Saunders:

This letter is to inform you that your registration has been canceled as of February 17, 1999 pursuant to New York State Election Law, Section 5-106. This section states that:

"No person who has been convicted of a 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."

When the preceding conditions have been met you may reapply for registration.

Sincerely,

Commissioners of Elections
County of Tompkins

TOMPKINS COUNTY BOARD OF ELECTIONS

Shary J. Zifchock
Democratic Commissioner
(607) 274-5522

128 East Buffalo Street
Ithaca, New York 14850

Elizabeth W. Cree
Republican Commissioner
(607) 274-5521

February 22, 1999

Mr. Kevin E. Saunders
1668 Trumansburg Rd.
Ithaca, NY 14850

Dear Mr. Saunders:

We wish to apologize for the office error in the determination of the reason for your voter registration cancellation. Enclosed, please find a copy of the cover letter that accompanies each list that we receive from the State of New York.

This letter is to inform you that your registration has been canceled pursuant to New York State Election Law, Section 5-106.6. This section states that:

"No person who has been adjudged incompetent by order of a court of competent judicial authority shall have the right to register for, or vote at any election in this state unless thereafter he shall have adjudged competent pursuant to law."

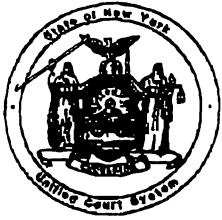
When the preceding conditions have been met, you may reapply for reinstatement of your voter registration. Again, we apologize for this error.

Sincerely,

Commissioners of Elections
County of Tompkins

MHS

721-8440



UNIFIED COURT SYSTEM
SIXTH JUDICIAL DISTRICT
STATE OFFICE BUILDING
44 HAWLEY STREET, SUITE 1501
BINGHAMTON, NEW YORK 13901-4466
Phone: (607) 721-8541
Fax: (607) 721-8634

JONATHAN LIPPMAN
Chief Administrative Judge

ROBERT S. ROSE
District Administrative Judge
Sixth Judicial District

JOSEPH J. TRAFICANTI, JR.
Deputy Chief Administrative Judge
Courts Outside New York City

G. RUSSELL OECHSLE
Executive Assistant

COLLEEN G. MORAN
Prin. Administrative Assistant

THREE PAGES

FAX TRANSMITTAL

April 21, 1999

TO: Joe Chanecka
FROM: Colleen Moran *Colleen*
RE: Judicial Declarations of Incompetency

Please see attached. At least we are making some progress!

The Chief Clerk of Tompkins Co. Supreme & Co. Court is not working this week but is expected to return next week. We will arrange for clarification of Mr. Saunder's case disposition and contact the State Board of Elections as well as the Tompkins Co. Board of Elections to rectify this problem. I will forward copies of any correspondence to you.

Let me know if you have any questions. Sorry for the mix-up!

MHLS 3RD DEPT.
RECEIVED
BINGHAMTON
APR 21 REC'D

REV'D BY *JJC* DATE *4/22/99*

UNIFIED COURT SYSTEM
DIVISION OF TECHNOLOGY
RENSSELAER TECHNOLOGY PARK
200 JORDAN ROAD
TROY, NEW YORK 12180-8343
1-800-266-9511 Fax 1-800-266-7924
(518) 283-8251 FAX #(518) 283-8616

MATHAN LIPPMAN
Chief Administrative Judge

ANN PFAU
Deputy Chief Administrative Judge

NOEL D. ADLER
Assistant Deputy
Chief Administrator

ROBERT H. SPRATT
Chief Technology Officer

June 30, 1999

Mr. Thomas Wilkey
Director
NYS Board of Elections
Swan Street Building - Core 1
6 Empire State Plaza
Albany, NY 12223

RE: Kevin Saunders - **DOB:** 05/01/1956

Dear Mr. Wilkey:

January 1996, the Office of Court Administration began providing you with data, via tape, that included two types of defendants. Those who were convicted of a felony and sentenced to imprisonment and those declared incompetent.

In 1997, we sent you information pertaining to a Mr. Kevin Saunders whose case was processed in the Tompkins County Court. It has recently been brought to our attention that this information was sent to you in error. Mr. Saunders was not adjudicated as incompetent. We understand that his voter's registration has been canceled based on the information you received from the Office of Court Administration. We would appreciate you correcting your records as soon as possible so that Mr. Saunders can have his voter's registration reinstated.

Should you require further information, do not hesitate to call me.

Sincerely,

Elaine F. Best
Manager, Criminal Disposition Reconciliation

cc: John Flicker, NYS Board of Elections
Colleen Moran, 6th JD Administrative Judge's Office
Nancy Joch, Chief Clerk Tompkins County Court
Mary Conroy, OCA CRIMS Project Leader

From: Lawrence Marks
To: Mary Conroy
Date: Wed, Apr 21, 1999 11:07 AM
Subject: Judicial declarations of incompetency

I have reviewed the issue raised in the 6th Judicial District regarding reporting to the Board of Elections of individuals that the courts have declared incompetent. Defendants who, following a plea or verdict, have been found not responsible by reason of mental disease or defect, should be reported to the Board of Elections (in accordance with the system we have developed under section 5-708 of the Election Law) only if they have also been committed to the custody of Mental Hygiene (which is now entitled Mental Health). A finding of not responsible by mental disease or defect relates only to the mental condition of the defendant at the time of the crime, whereas such a finding followed by a commitment to the custody of Mental Hygiene necessarily means that the court determined that the defendant was mentally ill as well at the time the plea or verdict was rendered.

CC: Colleen Moran

e-mail message from OCA's

Counsel's office

**UNIFIED COURT SYSTEM
SIXTH JUDICIAL DISTRICT**
STATE OFFICE BUILDING
44 HAWLEY STREET, SUITE 1501
BINGHAMTON, NEW YORK 13901-4466
Phone: (607) 721-8541
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ROBERT S. ROSE
District Administrative Judge
Sixth Judicial District

G. RUSSELL OECHSLE
Executive Assistant

COLLEEN G. MORAN
Prin. Administrative Assistant

ONE PAGE

FAX TRANSMITTAL

April 21, 1999

TO: Supreme & Co. Court Chief Clerks

FROM: Colleen Moran *Colleen*

RE: Judicial Declarations of Incompetency

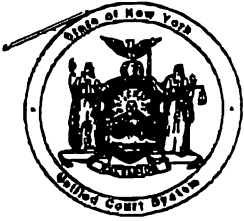
A situation has developed in one of our courts which you should be aware of. A defendant entered a plea of "not responsible by reason of mental disease" which was reported to OCA under code "PNR". Thereafter, OCA provided the State Board of Elections with information which resulted in the defendant's voting rights being revoked because their interpretation of the PNR code was that the defendant had been found incompetent by the court.

We have confirmed with counsel's office that a PNR is not a finding of incompetency unless the defendant has also been committed to the custody of Mental Hygiene (now known as Mental Health).

In order to provide for the proper reporting of these matters it will probably be necessary to add another disposition code which covers true findings of incompetency. We are working with OCA to resolve this issue and hope to have a solution in the near future. I assume these dispositions are few and far between but I wanted to alert you to the problem and ask that you refrain from reporting any dispositions of this type to OCA until we have received further instructions.

If you have any questions, please contact me. Thank you for your cooperation.

cc: Hon. Robert S. Rose
G. Russell Oechsle
Peter J. Ryan



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COLLEEN G. MORAN
Prin. Administrative Assistant

TWO PAGES

FAX TRANSMITTAL

July 1, 1999

WGLS 3RD DEPT.
RECEIVED
BINGHAMTON

JUL 01 REC'D

TO: Joe Chanecka

FROM: Colleen Moran

Colleen

REV'D BY *JFC* DATE *7/1/99*

RE: Kevin Saunders

Please see the attached, which will hopefully resolve Mr. Saunder's problems related to his voting privileges.

If we can be of further assistance, please advise.