

5235

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sens. TKACZYK, STEWART-COUSINS, ADDABBO, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to enacting the disaster voting relief act of 2013

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short Title. This act shall be known and may be cited as
2 the "disaster voting relief act of 2013".

3 S 2. The election law is amended by adding a new section 3-109 to
4 read as follows:

5 S 3-109. DISASTER; GOVERNOR MAY SUSPEND OR DELAY VOTING. 1. THE GOVER-
6 NOR MAY, UPON ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMER-
7 GENCY OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION SUSPEND OR
8 DELAY AN ELECTION IN SUCH MUNICIPALITY.

9 2. IF A DELAY OR SUSPENSION IS AUTHORIZED BY THE GOVERNOR, THE DELAYED
10 VOTING SHALL RESUME OR BE RESCHEDULED AS SOON AS PRACTICABLE PURSUANT TO
11 THE PROCEDURES OUTLINED IN SECTION 3-108 OF THIS TITLE. THE STATE BOARD
12 OF ELECTIONS SHALL PROMULGATE SUCH RULES AND REGULATIONS TO FURTHER
13 EFFECTUATE THE PROVISIONS OF THIS SECTION.

14 S 3. The election law is amended by adding a new section 8-414 to read
15 as follows:

16 S 8-414. PERSONS ENTITLED TO VOTE ABSENTEE WHEN AN EMERGENCY IS
17 DECLARED. UPON ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMER-
18 GENCY OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION WITHIN
19 FOURTEEN DAYS OF AN ELECTION ANY QUALIFIED VOTER WHOSE POLLING LOCATION
20 IS WITHIN THE AREA AFFECTED BY SUCH DECLARATION MAY VOTE AS AN ABSENTEE
21 VOTER NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER.

22 S 4. Section 8-302 of the election law is amended by adding a new
23 subdivision 6 to read as follows:

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

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1 6. UPON THE GOVERNOR'S ISSUANCE OF AN EXECUTIVE ORDER DECLARING A
2 STATE OF EMERGENCY PURSUANT TO SECTION TWENTY-EIGHT OF THE EXECUTIVE LAW
3 OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION A VOTER SEEKING
4 TO VOTE BY AFFIDAVIT NEED NOT AFFIRM THAT SUCH VOTER IS DULY REGISTERED
5 IN THE ELECTION DISTRICT IN WHICH SUCH VOTER SEEKS TO CAST AN AFFIDAVIT
6 BALLOT IF SUCH VOTER IS REGISTERED TO VOTE WITHIN THE COUNTY FOR WHICH
7 SUCH DECLARATION HAS BEEN ISSUED.

8 S 5. Paragraph (a) of subdivision 2 of section 9-209 of the election
9 law is amended by adding a new subparagraph (iv) to read as follows:

10 (IV) NOTWITHSTANDING SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE BOARD
11 OF ELECTIONS FOR THE COUNTY IN WHICH SUCH VOTER RESIDES SHALL CAST AND
12 CANVASS SUCH BALLOT, IF IT DETERMINES THAT SUCH VOTER WAS ENTITLED TO
13 VOTE REGARDLESS OF THE FACT THAT THE VOTER MAY HAVE APPEARED IN THE
14 INCORRECT POLLING LOCATION DUE TO THE DECLARATION OF A STATE OF EMERGEN-
15 CY. SUCH BALLOT SHALL NOT BE CAST AND CANVASSED FOR SUCH CONTEST FOR
16 WHICH THE PERSON WAS NOT ENTITLED TO VOTE AT SUCH ELECTION.

17 S 6. The opening paragraph of section 9-209 of the election law, as
18 amended by chapter 163 of the laws of 2010, is amended to read as
19 follows:

20 Before completing the canvass of votes cast in any primary, general,
21 special, or other election at which voters are required to sign their
22 registration poll records before voting, the board of elections shall
23 proceed in the manner hereinafter prescribed to cast and canvass any
24 absentee, military, special presidential, special federal or other
25 special ballots and any ballots voted by voters who moved within the
26 county or city after registering, voters who are in inactive status,
27 voters whose registration was incorrectly transferred to another address
28 even though they did not move, voters whose registration poll records
29 were missing on the day of such election, voters who have not had their
30 identity previously verified and voters whose registration poll records
31 did not show them to be enrolled in the party in which they claimed to
32 be enrolled. Each such ballot shall be retained in the original envelope
33 containing the voter's affidavit and signature, in which it is delivered
34 to the board of elections until such time as it is to be cast and
35 canvassed. ABSENTEE BALLOTS CAST BY VOTERS PURSUANT TO SECTION 8-414 OF
36 THIS CHAPTER SHALL BE TRANSMITTED BY THE COUNTY BOARD OF ELECTIONS WHERE
37 SUCH BALLOT WAS CAST TO THE BOARD OF ELECTIONS WHERE SUCH VOTER IS
38 REGISTERED TO VOTE TO BE CANVASSED WITH OTHER AFFIDAVIT AND ABSENTEE
39 BALLOTS FOR THE ELECTION DISTRICT WHEREIN THE VOTER RESIDES.

40 S 7. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law. Effective immediately, the board of
42 elections is authorized to promulgate such rules and regulations neces-
43 sary for the further implementation of this act on its effective date.