

# STATE OF NEW YORK

3411

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

Introduced by M. of A. KAVANAGH, ROSENTHAL, LUPARDO, COLTON, MOSLEY, ENGLEBRIGHT, FAHY, ABINANTI, ZEBROWSKI, OTIS, SIMON, ROZIC, BRINDISI, JAFFEE, BUCHWALD, RYAN, CUSICK, PAULIN, HEVESI, SKOUFIS, DINOWITZ -- Multi-Sponsored by -- M. of A. CAHILL, FARRELL, GOTTFRIED, MAGEE, THIELE -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to voter registration transfers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1, 4, and 8 of section 5-208 of the election law, subdivisions 1 and 8 as amended by chapter 200 of the laws of 1996, subdivision 4 as added by chapter 659 of the laws of 1994, are amended and a new subdivision 9 is added to read as follows:

1. The board of elections shall transfer the registration and enrollment of any voter appearing on a statewide voter list pursuant to subdivision one of section 5-614 of this article for whom it receives a notice of change of address to another address in [~~the same county or city~~] New York state, or for any voter who casts a ballot in an affidavit ballot envelope which sets forth such a new address. Such notices shall include, but not be limited to, notices received from any state agency which conducts a voter registration program pursuant to the provisions of sections 5-211 and 5-212 of this title, that the voter has notified such agency of a change of address in [~~the same city or county~~] New York state unless the voter has indicated that such change of address is not for voter registration purposes, notices of change of address from the United States Postal Service through the National Change of Address System, any notices of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service, national or state voter registration forms, confirmation mailing response cards, United States Postal Service notices to correspondents of change of address, applications for registration from persons

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

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1 already registered in [~~such county or city~~] New York state, or any other  
2 notices to correspondents sent to the board of elections by such voters.  
3 4. If such application for registration from a voter already regis-  
4 tered in [~~such county or city~~] New York state also reflects a change of  
5 enrollment, the board of elections shall treat such application as an  
6 application for change of enrollment pursuant to section 5-304 of this  
7 article.

8 8. If the board of elections receives notice of a change of address  
9 within [~~such city or county~~] New York state from, or with respect to, a  
10 person who it determines is not registered in [~~such county or city~~] New  
11 York state, it shall forthwith send such person a notice to that effect  
12 in a form approved by the state board of elections at the new address  
13 set forth in such notice of change of address, together with a voter  
14 registration form.

15 9. The state board of elections shall promulgate regulations as to the  
16 procedures for transferring a voter from one county to another.

17 § 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section  
18 8-302 of the election law, as amended by chapter 164 of the laws of  
19 2010, is amended to read as follows:

20 (ii) He or she may swear to and subscribe an affidavit stating that he  
21 or she has duly registered to vote, the address in such election  
22 district from which he or she registered, that he or she remains a duly  
23 qualified voter in such election district, that his or her registration  
24 poll record appears to be lost or misplaced or that his or her name  
25 and/or his or her signature was omitted from the computer generated  
26 registration list or that he or she has moved within [~~the county or~~  
27 ~~city~~] New York state since he or she last registered, the address from  
28 which he or she was previously registered and the address at which he or  
29 she currently resides, and at a primary election, the party in which he  
30 or she is enrolled. The inspectors of election shall offer such an affi-  
31 davit to each such voter whose residence address is in such election  
32 district. Each such affidavit shall be in a form prescribed by the  
33 state board of elections, shall be printed on an envelope of the size  
34 and quality used for an absentee ballot envelope, and shall contain an  
35 acknowledgment that the affiant understands that any false statement  
36 made therein is perjury punishable according to law. Such form  
37 prescribed by the state board of elections shall request information  
38 required to register such voter should the county board determine that  
39 such voter is not registered and shall constitute an application to  
40 register to vote. The voter's name and the entries required shall then  
41 be entered without delay and without further inquiry in the fourth  
42 section of the challenge report or in the place provided at the end of  
43 the computer generated registration list, with the notation that the  
44 voter has executed the affidavit hereinabove prescribed, or, if such  
45 person's name appears on the computer generated registration list, the  
46 board of elections may provide a place to make such entry next to his or  
47 her name on such list. The voter shall then, without further inquiry,  
48 be permitted to vote an affidavit ballot provided for by this chapter.  
49 Such ballot shall thereupon be placed in the envelope containing his or  
50 her affidavit, and the envelope sealed and returned to the board of  
51 elections in the manner provided by this chapter for protested official  
52 ballots, including a statement of the number of such ballots.

53 § 3. This act shall take effect on the sixtieth day after it shall  
54 have become a law.