

STATE OF NEW YORK

5268

2017-2018 Regular Sessions

IN SENATE

March 17, 2017

Introduced by Sen. COMRIE -- 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 computer generated registration lists and the list of supplies to be delivered to the poll sites

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

1 Section 1. Section 3-108 of the election law, subdivision 5 as added
2 by chapter 394 of the laws of 2008, is amended to read as follows:

3 § 3-108. Disaster; additional day for voting. 1. A county board of
4 elections, or the state board of elections with respect to an election
5 conducted in a district in the jurisdiction of more than one county
6 board of elections, may determine that, as the direct consequence of a
7 fire, earthquake, tornado, explosion, power failure, act of sabotage,
8 enemy attack or other disaster [~~less than twenty-five per centum of the~~
9 ~~registered voters of any city, town or village, or if the city of New~~
10 ~~York, or any county therein, actually voted in any general election]~~ or
11 state of emergency, the ability of voters to vote has been substantially
12 impaired. Such a determination by a county board of elections shall be
13 subject to approval by the state board of elections. If the state board
14 of elections makes such a determination, it shall notify the [~~board~~
15 ~~boards~~] of elections having jurisdiction [~~in that county~~] over that
16 election that an additional day of election shall be held, which notice
17 shall show: the nature of the disaster; the county, city, town or
18 village affected thereby; the number of persons duly registered to vote
19 therein at such [~~general~~] election; and the number of persons who voted
20 therein at such [~~general~~] election.

21 2. The county board of elections or the state board of elections, as
22 applicable shall thereafter set a date for an additional day for voting
23 in the county, city, town or village affected by the statement, which
24 shall not be more than twenty days after the original date of the

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

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1 ~~[general]~~ election and shall determine the hours during which the polls
2 shall remain open on such additional day for voting; provided, however,
3 that in any event the polls shall remain open for not less than eleven
4 hours. ~~[The]~~ Each county board of elections having jurisdiction over
5 such election shall ~~[publish notice thereof not less than twice in each~~
6 ~~week preceding the date for the additional day for voting, in]~~ notify
7 newspapers as designated in this chapter~~[, and]~~ in the week preceding
8 the date of the additional day of voting. Such notice shall be provided
9 to all media outlets and county, town, city and village clerks and
10 attorneys not less than one week preceding the date of the additional
11 day of voting and shall be posted on the board's website as soon as
12 possible. To the extent practicable, the board shall notify all regis-
13 tered voters by mail. Such notice shall also direct attention to any
14 change of polling places and shall contain such other and additional
15 information as in the judgment of the board of elections shall be neces-
16 sary and proper.

17 3. Official ballots shall be provided at public expense at each poll-
18 ing place for such additional day of election. In any election district
19 in which voting machines were used upon the original day of voting, they
20 shall be used for the additional day for voting. The ~~[original seal]~~
21 security seals on such machines shall not be removed nor shall the
22 machines be unlocked until the opening of the polls on the additional
23 day for voting and the board of elections shall provide ~~[an]~~ additional
24 ~~[seal]~~ security seals to be used as soon as the polls are closed on such
25 day.

26 4. Only those persons duly registered to vote upon the original date
27 of the ~~[general]~~ election who did not vote on such date shall be enti-
28 tled to vote on the additional day for voting. Voting on the additional
29 day provided for in this section shall be accomplished solely by phys-
30 ically appearing at the polling place and nothing contained in this
31 section shall be construed to extend the time set by law for casting or
32 canvassing a special, military, absentee, special federal or special
33 presidential ballot; provided, however, that nothing contained herein
34 shall be deemed to invalidate any special, military, absentee, ~~[mili-~~
35 ~~tary]~~ special federal or special presidential ballot duly received on
36 the original date of the ~~[general]~~ election.

37 5. A county board of elections, or the state board of elections with
38 respect to an election conducted in a political subdivision in the
39 jurisdiction of more than one county board of elections, may determine
40 that, as the direct consequence of a fire, earthquake, tornado, explo-
41 sion, power failure, act of sabotage, enemy attack ~~[or]~~, other disas-
42 ter~~[, the]~~ or state of emergency:

43 (a) The ability to make a filing with respect to any provision of this
44 chapter was substantially impaired. Upon making such a finding, a county
45 board of elections, or the state board of elections shall extend for a
46 reasonable time the period for making such filing. An extension granted
47 pursuant to this subdivision ~~[granted by a county board of elections]~~
48 shall not be ~~[subject to the approval of the state board of elections if~~
49 ~~such extension is]~~ longer than ~~[one]~~ two business ~~[day]~~ days.

50 (b) The ability to convene a party caucus on the date scheduled for
51 such caucus and make the required filings for the purpose of nominating
52 one or more candidates was substantially impaired. Upon making such a
53 finding, a county board of elections, or the state board of elections,
54 shall extend for a reasonable time the date of said party caucus and
55 required filings. An extension granted pursuant to this subdivision

1 shall not be longer than one week from the date of the originally-sche-
2 duled party caucus.

3 (c) If an extension was granted pursuant to this subdivision by the
4 state board of elections, such board shall notify the respective county
5 boards of elections of such extension and post such notice on its
6 website.

7 (d) The county board of elections shall immediately notify media
8 outlets of the extensions provided for in this subdivision, post such
9 notice to its website and, to the extent practicable for the extension
10 of a party caucus, post such notice at the location of the originally-
11 scheduled caucus. The county board of elections shall also provide writ-
12 ten notice to all appropriate county, town, city and village clerks and
13 attorneys.

14 § 2. This act shall take effect immediately.