

STATE OF NEW YORK

3234

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to permitting early voting at any polling place within the same county

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

1 Section 1. The election law is amended by adding a new section 8-107
2 to read as follows:

3 § 8-107. Choice of polling place. Any voter registered to vote in any
4 election district within a county outside the city of New York shall be
5 entitled to vote at any polling place within that county. Any voter
6 registered to vote in any election district within the city of New York
7 shall be entitled to vote at any polling place within the city of New
8 York. Each board of elections shall ensure that each polling place with-
9 in its jurisdiction shall be equipped to print ballots on demand. Each
10 election district shall have a polling place at which preprinted ballots
11 shall be available. The state board of elections shall promulgate regu-
12 lations to ensure that auditing of votes shall remain simple, accurate,
13 affordable, and secure, including by requiring marks on ballots to
14 determine the relevant election district so ballots can be quickly and
15 easily sorted by election district. Nothing in this section shall be
16 read to permit a board of elections to reduce the number of polling
17 places below existing requirements.

18 § 2. Subdivision 3 of section 8-600 of the election law, as added by
19 chapter 6 of the laws of 2019, is amended to read as follows:

20 3. Any voter registered in an election district outside the city of
21 New York may vote at any polling place for early voting established
22 pursuant to subdivision two of this section in the county where such
23 voter is registered to vote[~~; provided, however, if it is impractical to~~
24 ~~provide each polling place for early voting all of the election district~~
25 ~~ballots or if early voting at any such polling place makes ensuring that~~
26 ~~no voter has not previously voted early during such election, the board~~
27 ~~of elections may assign election districts to a particular early voting~~
28 ~~poll site]]. Any voter registered in an election district within the city~~

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

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1 of New York may vote at any polling place for early voting established
2 pursuant to subdivision two of this section in the city of New York. All
3 voters in each county shall have one or more polling places at which
4 they are eligible to vote throughout the early voting period on a
5 substantially equal basis. [~~If the board of elections does not agree by~~
6 ~~majority vote to plan to assign election districts to early voting poll~~
7 ~~sites, all voters in the county must be able to vote at any poll site~~
8 ~~for early voting in the county.~~]

9 § 3. Subdivision 9 of section 5-210 of the election law, as amended by
10 chapter 44 of the laws of 2016, is amended to read as follows:

11 9. The county board of elections shall, promptly and in any event, not
12 later than twenty-one days after receipt by it of the application, veri-
13 fy the identity of the applicant. In order to do so, the county board of
14 elections shall utilize the information provided in the application and
15 shall attempt to verify such information with the information provided
16 by the department of motor vehicles, social security administration and
17 any other lawful available information source. If the county board of
18 elections is unable to verify the identity of the applicant within twen-
19 ty-one days of the receipt of the application, it shall immediately take
20 steps to confirm that the information provided by the applicant was
21 accurately utilized by such county board of elections, was accurately
22 verified with other information sources and that no data entry error, or
23 other similar type of error, occurred. Following completion of the
24 preceding steps, the county board of elections shall mail (a) a notice
25 of its approval, (b) a notice of its approval which includes an indi-
26 cation that such board has not yet been able to verify the identity of
27 the applicant and a request for more information so that such verifica-
28 tion may be completed, or (c) a notice of its rejection of the applica-
29 tion to the applicant in a form approved by the state board of
30 elections. Notices of approval, notices of approval with requests for
31 more information or notices of rejection shall be sent by nonforwardable
32 first class or return postage guaranteed mail on which is endorsed such
33 language designated by the state board of elections to ensure postal
34 authorities do not forward such mail but return it to the board of
35 elections with forwarding information, when it cannot be delivered as
36 addressed and which contains a request that any such mail received for
37 persons not residing at the address be dropped back in the mail. The
38 voter's registration and enrollment shall be complete upon receipt of
39 the application by the appropriate county board of elections. The fail-
40 ure of a county board of elections to verify an applicant's identity
41 shall not be the basis for the rejection of a voter's application,
42 provided, however, that such verification failure shall be the basis for
43 requiring county board of elections to take the additional verification
44 steps provided by this chapter. The notice shall also advise the regis-
45 trant of the date when his registration and enrollment is effective, of
46 the date and the hours of the next regularly scheduled primary or gener-
47 al election in which he will be eligible to vote, of the location of the
48 polling [~~place~~] places of the election district and county in which he
49 is or will be a qualified voter, whether such polling [~~place is~~] places
50 are accessible to physically handicapped voters, an indication that
51 physically handicapped voters or voters who are ill or voters who will
52 be out of the city or county on the day of the primary or general
53 election, may obtain an absentee ballot and the phone number to call for
54 absentee ballot applications, the phone numbers to call for location of
55 polling places, to obtain registration forms and the phone number to
56 call to indicate that the voter is willing to serve on election day as

1 an inspector, poll clerk or interpreter. The notice of approval, notice
2 of approval with request for more information or notice of rejection
3 shall also advise the applicant to notify the board of elections if
4 there is any inaccuracy. The form of such mail notification shall be
5 prescribed by the state board of elections and shall contain such other
6 information and instructions as it may reasonably require to carry out
7 the purposes of this section. The request for more information shall
8 inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND
9 CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDI-
10 TIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE
11 POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is
12 returned undelivered without a new address, the board shall forthwith
13 send such applicant a confirmation notice pursuant to the provisions of
14 section 5-712 of this article and place such applicant in inactive
15 status. The state board of elections shall prepare uniform notices by
16 this section as provided for in subdivision eight of section 3-102 of
17 this chapter.

18 § 4. Subdivision 1 of section 5-226 of the election law is amended to
19 read as follows:

20 1. If any voter has been registered in a wrong election district, the
21 board of elections shall, if he is a qualified voter in any election
22 district within the jurisdiction of such board, change his registration
23 to the correct election district. The board of elections shall thereupon
24 give immediate notice by mail to such voter that his registration has
25 been corrected, and also the location of the polling ~~[place]~~ places of
26 the election district in which he is a qualified voter.

27 § 5. Subdivision 1 of section 5-500 of the election law, as amended by
28 chapter 373 of the laws of 1978, is amended to read as follows:

29 1. There shall be two records of the registration of each voter.
30 Except as otherwise provided in this chapter, one record shall be sent,
31 at the time of every election, to the polling ~~[place]~~ places where the
32 voter is entitled to vote, and shall be known as the "registration poll
33 record". Between elections it shall be kept in the main office or a
34 branch office of the board of elections. The other record shall be kept
35 constantly in such main office or branch office and shall be known as
36 the "central file registration record". The two types of records shall
37 be prepared in different colors.

38 § 6. Subdivision 1 of section 5-601 of the election law, as amended by
39 chapter 599 of the laws of 1991, is amended to read as follows:

40 1. ~~[A physically disabled voter whose polling place is located in a
41 building that is not accessible shall be entitled to vote in any other
42 election district whose polling place is located in a building which is
43 accessible, provided that the candidates and ballot proposals on the
44 ballot in such other election district are the same as those on the
45 ballot in the election district in which such voter resides.]~~ Each poll-
46 ing place shall be accessible.

47 § 7. Subdivision 3 of section 8-100 of the election law is amended to
48 read as follows:

49 3. In any election district in which a primary of any party is uncon-
50 tested, no primary of such party shall be held. In any election district
51 in which the primaries of all parties are uncontested on the day of any
52 primary election, no primaries shall be held on such day ~~[and the poll-~~
53 ~~ing place shall not be opened for voting]~~.

54 § 8. This act shall take effect January 1, 2024.