S T A T E O F N E W Y O R K

4015

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

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

AN ACT to amend the election law, in relation to affidavit ballots

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

Section 1. Subparagraph (ii) of paragraph (e) of subdivision 3 of section 8-302 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

(ii) He OR SHE may swear to and subscribe an affidavit stating that he OR SHE has duly registered to vote, the address in such election district from which he OR SHE registered, that he OR SHE remains a duly qualified voter in such election district, that his OR HER registration poll record appears to be lost or misplaced or that his OR HER name and/or his OR HER signature was omitted from the computer generated registration list or that he OR SHE has moved within the county or city since he OR SHE last registered, the address from which he OR SHE was previously registered and the address at which he OR SHE currently resides, and at a primary election, the party in which he OR SHE is enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. SUCH FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS SHALL INCLUDE INFORMATION REQUIRED TO REGISTER SUCH VOTER SHOULD THE COUNTY BOARD DETERMINE THAT SUCH VOTER IS NOT REGISTERED AND SHALL CONSTITUTE AN APPLICATION TO REGISTER TO VOTE. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided at the end of the computer generated

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

LBD06332-01-9

registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears on the computer generated registration list, the board of elections may provide a place to make such entry next to his OR HER name on such list. The voter shall then, without further inquiry, be permitted to vote an emergency ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing his OR HER affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

S 2. This act shall take effect immediately.