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

5257--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. ESPAILLAT, KAVANAGH -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to allowing for polling place voter registration for any qualified person who is not registered to vote

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

Section 1. Section 5-210 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-A. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING TO REGISTRATION REQUIREMENTS, ANY QUALIFIED PERSON WHO IS NOT REGISTERED IN THIS STATE MAY APPLY PERSONALLY FOR REGISTRATION AND ENROLLMENT BY APPEARING AT THE APPROPRIATE POLLING PLACE FOR THE ELECTION DISTRICT IN WHICH HE OR SHE RESIDES ON ANY DAY OF ELECTION, PRIMARY, GENERAL, OR SPECIAL, DURING THE HOURS THAT SUCH POLLING PLACE IS OPEN FOR VOTING. TO BE ELIGIBLE TO REGISTER PURSUANT TO THIS SUBDIVISION, A PERSON MUST PROVIDE ACCEPTABLE FORMS OF IDENTIFICATION CONTAINING PROOF OF RESIDENCE, AS DETERMINED BY STATE LAW IMPLEMENTING THE HELP AMERICANS VOTE ACT OF 2002 (PUBLIC LAW 107-252). ANY PERSON WHO SO REGISTERS TO VOTE SHALL EXECUTE THE FOLLOWING INSTRUMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

"I, (NAME), DO HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT, TO THE BEST OF MY KNOWLEDGE, I AM A QUALIFIED VOTER, HAVING RESIDED AT (PLACE OF RESIDENCE) FOR AT LEAST THIRTY DAYS IMMEDIATELY PRECEDING THIS ELECTION, THAT I AM NOT DISQUALIFIED ON ANY LEGAL GROUNDS FROM VOTING, AND THAT I HAVE NOT ALREADY VOTED AT THIS ELECTION."

(B) IF A REGISTRANT IS UNABLE TO PROVIDE VALID PROOF OF RESIDENCE AS PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION, SUCH REGISTRANT MAY

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

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BE ALLOWED TO REGISTER FOR AND VOTE IN ANY ELECTION BY AFFIDAVIT BALLOT. SUCH AFFIDAVIT BALLOT SHALL NOT BE COUNTED UNTIL ELECTION OFFICIALS CAN DETERMINE SUCH REGISTRANT'S RESIDENCE AND ELIGIBILITY TO VOTE.

(C) THE BOARD OF ELECTIONS SHALL ESTABLISH A PROCEDURE BY WHICH A PERSON WHO REGISTERS PURSUANT TO THIS SUBDIVISION MAY CAST HIS OR HER VOTE AT THE APPROPRIATE POLLING PLACE.

S 2. This act shall take effect January 1, 2011.