

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

1954

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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

AN ACT to amend the election law, in relation to providing for early voting

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

Section 1. Article 8 of the election law is amended by adding a new title 6 to read as follows:

TITLE VI
EARLY VOTING

SECTION 8-600. EARLY VOTING PROCEDURES.

8-602. APPLICATION FOR EARLY VOTING.

8-604. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF.

8 S 8-600. EARLY VOTING PROCEDURES. 1. NO SOONER THAN TWENTY BUSINESS
9 DAYS AND NO LATER THAN FIVE BUSINESS DAYS PRIOR TO THE FIRST TUESDAY
10 FOLLOWING THE FIRST MONDAY IN NOVEMBER OF EACH ELECTION YEAR, AS DESIG-
11 NATED ELECTION DAY, A PERSON MAY, UPON COMPLETION OF A FORMAL WRITTEN
12 APPLICATION, VOTE FOR A CANDIDATE FOR PUBLIC OFFICE IN A GENERAL
13 ELECTION, AND SUCH EARLY VOTING PRACTICE SHALL TAKE PLACE AT SUCH
14 PERSON'S COUNTY BOARD OF ELECTIONS, OR AN ALTERNATIVE LOCATION AS OTHER-
15 WISE DESIGNATED BY THE STATE BOARD OF ELECTIONS, OR AS DESIGNATED BY AND
16 THROUGH A COUNTY BOARD OF ELECTIONS UNDER THE POWERS GRANTED PURSUANT TO
17 THIS SECTION ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION. FOR
18 PURPOSES OF A PRIMARY ELECTION, SUCH EARLY VOTING SHALL TAKE PLACE NO
19 SOONER THAN TWENTY BUSINESS DAYS AND NO LATER THAN FIVE BUSINESS DAYS
20 PRIOR TO SUCH ELECTION DAY. FOR PURPOSES OF A SPECIAL ELECTION, SUCH
21 EARLY VOTING SHALL TAKE PLACE NO SOONER THAN EIGHT BUSINESS DAYS AND NO
22 LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH ELECTION DAY.

23 2. EACH COUNTY BOARD OF ELECTIONS SHALL PUBLISH NOTICE OF THE DATE,
24 TIME, AND MANNER OF SUCH EARLY VOTING PRACTICE FOR GENERAL, PRIMARY AND
25 SPECIAL ELECTIONS BY A NEWSPAPER OF GENERAL CIRCULATION THIRTY DAYS
26 PRIOR TO COMMENCEMENT OF THE FIRST DAY OF SUCH EARLY VOTING FOR GENERAL
27 OR SPECIAL ELECTIONS.

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

LBD02935-01-9

3. SUCH VOTING PROCEDURE SHALL BE MONITORED AND ADMINISTERED BY TWO DULY DESIGNATED PERSONS, ONE FROM EACH MAJOR POLITICAL PARTY, AND SUCH VOTING SHALL FOLLOW AND CONFORM TO ALL OTHER PROCEDURES, MEASURES AND REQUIREMENTS OF CASTING A VOTE BY A VOTING MACHINE AS PRESCRIBED PURSUANT TO THIS CHAPTER. ALL VOTES CAST WITHIN THE EARLY VOTING PERIOD SHALL BE COUNTED ON ELECTION DAY WITH ALL OTHER VOTES CAST FOR SUCH CANDIDATES AND IN THE SAME MANNER AS PRESCRIBED IN ARTICLE NINE OF THIS CHAPTER.

S 8-602. APPLICATION FOR EARLY VOTING. 1. THE COUNTY BOARD OF ELECTIONS SHALL FURNISH ONE APPLICATION FOR EARLY VOTING TO ANY VOTER WHO PERSONALLY APPEARS AND WISHES TO EXERCISE THIS RIGHT. UPON COMPLETION OF SUCH APPLICATION, TWO DULY DESIGNATED EMPLOYEES OF THE COUNTY BOARD OF ELECTIONS, ONE FROM EACH MAJOR POLITICAL PARTY REPRESENTED, SHALL COMPARE THE INFORMATION OF THE VOTER WITH THE SIGNATURE ON THE VOTER'S PERMANENT REGISTRATION RECORD, OR OTHER EVIDENCE OF IDENTIFICATION IF COMPUTERIZED DUPLICATE REGISTRATION RECORDS ARE USED, AND SHALL ENDORSE ON THE APPLICATION THAT SUCH REVIEW HAS BEEN COMPLETED. THE RESULTS OR TABULATION OF VOTES CAST DURING AN EARLY VOTING PERIOD SHALL NOT BE MADE BEFORE THE CLOSE OF ALL POLLING PLACES ON ELECTION DAY AND RESULTS SHALL BE REPORTED BY PRECINCT. BALLOTS USED IN EARLY VOTING SHALL BE, AS NEARLY AS PRACTICABLE, THE SAME FORM AS THOSE USED ON ELECTION DAY.

2. THE APPLICATION FOR EARLY VOTING SHALL REQUIRE AND INCLUDE THE FOLLOWING IDENTIFYING INFORMATION:

(A) THE DATE OF THE ELECTION,
(B) NAME OF THE COUNTY, OR NAME OF A CITY IF THERE BE A SEPARATE BALLOT FOR CITY VOTERS,
(C) THE NAME OF THE VOTER,
(D) RESIDENCE OF VOTER,
(E) NUMBER OF THE ASSEMBLY DISTRICT, IF ANY,
(F) NAME OF TOWN, NUMBER OF WARD, IF ANY, AND
(G) ELECTION DISTRICT AND PARTY ENROLLMENT. THERE SHALL BE A PLACE FOR TWO SIGNATURES OF PERSONS DESIGNATED TO INSPECT, ONE FROM EACH MAJOR POLITICAL PARTY, THAT SUCH PERSONS HAVE CHECKED AND MARKED THE VOTER'S REGISTRATION AND POLL RECORD. ON THE REVERSE SIDE OF SUCH APPLICATION SHALL BE PRINTED THE FOLLOWING STATEMENT:

I DO DECLARE THAT I AM A CITIZEN OF THE UNITED STATES, THAT I AM DULY REGISTERED IN THE ELECTION DISTRICT SHOWN ON THE REVERSE SIDE OF THIS APPLICATION AND I AM QUALIFIED TO VOTE IN SUCH DISTRICT; THAT I DO NOT INTEND TO VOTE ELSEWHERE, THAT I HAVE NOT COMMITTED ANY ACT NOR AM I UNDER ANY IMPEDIMENT WHICH DENIES ME THE RIGHT TO VOTE. I HEREBY DECLARE THAT THE FOREGOING IS A TRUE STATEMENT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IF I MAKE ANY MATERIAL FALSE STATEMENT IN THE FOREGOING STATEMENT, I SHALL BE GUILTY OF A MISDEMEANOR.

(DATE)_____

(SIGNATURE AND ADDRESS OF VOTER)_____

(WITNESS)_____

S 8-604. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF. ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS. ALL COMPLETED APPLICATIONS FOR EARLY VOTING SHALL BE KEPT AND MAINTAINED BY THE STATE BOARD OF ELECTIONS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.