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

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. COOK, JOHN, PHEFFER, AUBRY, ORTIZ -- Multi-Sponsored by -- M. of A. CLARK, HOYT, JACOBS, WRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to failure of new registrants to enroll

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

Section 1. Subdivision 9 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

9. The county board of elections shall, promptly and in any event, not later than twenty-one days after receipt by it of the application, verify the identity of the applicant. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within twenty-one days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable

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

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first class [or] return postage guaranteed mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when his registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which he will be eligible to vote, of the location of the polling place of the election district in which he is or will be a qualified voter, whether such polling place is accessible to physically handicapped voters, an indication that physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. THE ACKNOWLEDGMENT SHALL INCLUDE A STATEMENT INDICATING THE REGISTRANT FAILED TO ENROLL IN A PARTY AND IS NOT ELIGIBLE TO VOTE IN A PARTY PRIMARY ELECTION. SUCH STATEMENT SHALL BE ACCOMPANIED BY A BOX TO BE CHECKED BY THE BOARD OF ELECTIONS WHEN A REGISTRANT FAILS TO ENROLL IN A PARTY. THE ACKNOWLEDGMENT SHALL ALSO PROVIDE A PLACE FOR THE REGISTRANT TO MARK A PARTY ENROLLMENT OR TO DECLINE TO AFFILIATE WITH ANY PARTY AND A PLACE FOR THE SIGNATURE OF THE REGISTRANT PRECEDED BY AN AFFIRMATION IN THE FORM PRESCRIBED BY SUBDIVISION FIVE OF THIS SECTION. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered without a new address, the board shall forthwith send such applicant a confirmation notice pursuant to the provisions of section 5-712 of this article and place such applicant in inactive status. The state board of elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

S 2. Subdivision 3 of section 5-302 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

3. If marks are found in more than one of the boxes or circles or if no marks are found in any of the boxes or circles of any application form, the voter who used the application form shall be deemed not to be enrolled, and the words blank or void shall be entered in the space reserved on his registration poll record for the name of a political party or in the computer files from which the computer generated registration lists are prepared. However if such application form sets forth the address of prior registration and such prior registration had not

been previously cancelled, the party enrollment, if any, which is part of such prior registration shall be entered in such space on such registration poll record or in such computer files. PROVIDED FURTHER, HOWEVER, THAT IF AN ACKNOWLEDGMENT WITH A PARTY ENROLLMENT MARKED, IS RECEIVED BETWEEN TWENTY-FIVE DAYS BEFORE THE GENERAL ELECTION IN ANY YEAR AND TWENTY-FIVE DAYS BEFORE A PRIMARY ELECTION IN THE FOLLOWING YEAR AND NOT LATER THAN TWENTY-ONE DAYS AFTER THE BOARD OF ELECTIONS SENT SUCH VOTER THE NOTICE THAT HE FAILED TO ENROLL, FROM A VOTER WHO FAILED TO MARK ANY BOX OR CIRCLE ON HIS APPLICATION FORM, SUCH ACKNOWLEDGEMENT SHALL NOT BE DEEMED TO BE A CHANGE OF ENROLLMENT, SUCH ENROLLMENT SHALL BE ENTERED ON SUCH VOTER'S REGISTRATION POLL RECORD AND SUCH VOTER'S APPLICATION FORM SHALL BE DEEMED TO HAVE BEEN RECEIVED ON THE DATE ON WHICH SUCH ACKNOWLEDGMENT WAS RECEIVED. SUCH ACKNOWLEDGMENT RECEIVED AT ANY OTHER TIME SHALL BE DEEMED TO BE A CHANGE OF ENROLLMENT.

S 3. This act shall take effect immediately.