

1010

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to providing a mechanism for rendering and keeping confidential the voter registration information of certain law enforcement officials

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 5-217
2 to read as follows:
3 S 5-217. CONFIDENTIAL REGISTRATION FOR LAW ENFORCEMENT OFFICIALS. 1.
4 FOR THE PURPOSES OF THIS SECTION, SECTION 11-303 AND SECTION 16-120 OF
5 THIS CHAPTER, THE TERM "LAW ENFORCEMENT OFFICIAL" SHALL MEAN ALL OF, BUT
6 ONLY, THE FOLLOWING:
7 (A) A POLICE OFFICER DEFINED IN PARAGRAPH (A), (B), (D), (G) OR (K) OF
8 SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW;
9 (B) A FEDERAL LAW ENFORCEMENT OFFICER DEFINED IN SUBDIVISION ONE, TWO,
10 THREE, FOUR OR FIVE OF SECTION 2.15 OF THE CRIMINAL PROCEDURE LAW;
11 (C) A JUDGE OF THE COUNTY COURT, AND A JUSTICE OF THE SUPREME COURT OF
12 THIS STATE; AND
13 (D) A DISTRICT ATTORNEY DEFINED IN SUBDIVISION THIRTY-TWO OF SECTION
14 1.20 OF THE CRIMINAL PROCEDURE LAW, A UNITED STATES ATTORNEY AND AN
15 ASSISTANT UNITED STATES ATTORNEY.
16 2. UPON RECEIPT OF A CONFORMED COPY OF AN ORDER OF THE COURT PURSUANT
17 TO SECTION 16-120 OF THIS CHAPTER TO RENDER AND KEEP VOTER REGISTRATION
18 INFORMATION CONCERNING A LAW ENFORCEMENT OFFICIAL CONFIDENTIAL, WHICH
19 ORDER WAS PREVIOUSLY FILED WITH THE COUNTY CLERK, THE APPROPRIATE COUNTY
20 BOARD OF ELECTIONS SHALL CAUSE THE VOTER REGISTRATION INFORMATION IN ITS
21 POSSESSION CONCERNING SUCH LAW ENFORCEMENT OFFICIAL TO BE RENDERED AND
22 KEPT CONFIDENTIAL IN ACCORDANCE WITH THE TERMS OF SUCH ORDER ISSUED
23 PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

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

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1 3. IF SUCH BOARD OF ELECTIONS BECOMES COGNIZANT OF AN ACT HAVING
2 OCCURRED WHICH BY THE TERMS OF SUCH ORDER OF THE COURT RENDERS THE
3 REQUIREMENTS OF SUCH ORDER NULL AND VOID PURSUANT TO SECTION 16-120 OF
4 THIS CHAPTER, IT SHALL:

5 (A) NOTIFY THE LAW ENFORCEMENT OFFICIAL THAT SUCH BOARD OF ELECTIONS
6 HAS BECOME COGNIZANT OF AN ACT WHICH BY THE TERMS OF SUCH COURT ORDER
7 RENDERS THE REQUIREMENTS OF SUCH ORDER NULL AND VOID PURSUANT TO SECTION
8 16-120 OF THIS CHAPTER AND THAT ACCORDINGLY THE REGISTRATION INFORMATION
9 PERTAINING TO SUCH LAW ENFORCEMENT OFFICIAL IS BEING RESTORED TO AND
10 RE-FILED IN THE PUBLIC FILES OF SUCH BOARD; AND

11 (B) FIVE DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE CAUSE ALL VOTER
12 REGISTRATION FORMS AND INFORMATION IN ITS POSSESSION CONCERNING SUCH LAW
13 ENFORCEMENT OFFICIAL TO BE RE-FILED IN THE PUBLIC FILES OF SUCH BOARD,
14 INCLUDING BUT NOT LIMITED TO IN ITS BUFF CARD BINDERS, ITS REGISTRATION
15 LISTS, ITS FILES FOR PRINTING ELECTION DAY POLL LISTS AND ITS COMPUTER-
16 IZED SEARCH FILES AVAILABLE FOR USE BY THE PUBLIC.

17 4. THE BOARD OF ELECTIONS SHALL MAINTAIN AN UP-TO-DATE LIST OF THE
18 NAMES AND PARTY ENROLLMENTS OF ALL LAW ENFORCEMENT OFFICIALS WITH
19 RESPECT TO WHOM ORDERS OF THE COURT, PURSUANT TO SECTION 16-120 OF THIS
20 CHAPTER, TO RENDER AND KEEP CERTAIN VOTER REGISTRATION INFORMATION
21 CONCERNING THEM CONFIDENTIAL ARE RECEIVED BY SUCH BOARD. FIVE DAYS AFTER
22 MAILING THE NOTICE REQUIRED BY PARAGRAPH (A) OF SUBDIVISION THREE OF
23 THIS SECTION UNDER THE CIRCUMSTANCES WHICH RESULT IN THE MAILING OF SUCH
24 NOTICE, THE BOARD OF ELECTIONS SHALL CAUSE THE NAME AND OTHER INFORMA-
25 TION OF THE LAW ENFORCEMENT OFFICIAL CONTAINED ON SUCH LIST TO BE
26 REMOVED OR DELETED FROM SUCH LIST.

27 5. THE PROVISIONS OF SECTION 17-106 OF THIS CHAPTER, RELATING TO
28 MISCONDUCT OF ELECTION OFFICERS, SHALL APPLY TO THE NEW DUTIES CREATED
29 BY THIS SECTION, SECTION 9-209, SECTION 11-303 AND SECTION 16-120 OF
30 THIS CHAPTER RELATING TO RENDERING AND KEEPING CERTAIN VOTER REGISTRA-
31 TION INFORMATION OF LAW ENFORCEMENT OFFICIALS CONFIDENTIAL.

32 S 2. Section 9-209 of the election law, as amended by chapter 251 of
33 the laws of 1984, the section heading, opening paragraph of such section
34 and paragraph a of subdivision 2 as amended by chapter 179 of the laws
35 of 2005, paragraph a of subdivision 1 as amended by chapter 237 of the
36 laws of 2005, paragraph b of subdivision 2 as added by chapter 94 of the
37 laws of 1987, subparagraph 1 of paragraph b of subdivision 2 as amended
38 and subparagraph 2 of paragraph b of subdivision 2 as added by chapter
39 155 of the laws of 1994, subparagraph 3 of paragraph b of subdivision 2
40 as renumbered by chapter 155 of the laws of 1994, paragraph c of subdi-
41 vision 2 as added by chapter 352 of the laws of 1986 and as relettered
42 by chapter 94 of the laws of 1987, paragraph d of subdivision 2 as
43 amended by chapter 79 of the laws of 1992, paragraph e of subdivision 2
44 as relettered by chapter 94 of the laws of 1987, is amended to read as
45 follows:

46 S 9-209. Canvass of absentee, military and special ballots and ballots
47 cast by voters with registration poll records missing on days of
48 election or voters who have not had their identity previously verified
49 or who have moved after registering. Before completing the canvass of
50 votes cast in any primary, general, special, or other election at which
51 voters are required to sign their registration poll records before
52 voting, the board of elections shall proceed in the manner hereinafter
53 prescribed to cast and canvass any absentee, military, special presiden-
54 tial, special federal or other special ballots which were not cast and
55 canvassed at the polling place, and any ballots voted by voters who
56 moved within the county or city after registering, voters who are in

1 inactive status, voters whose registration was incorrectly transferred
2 to another address even though they did not move, or voters whose regis-
3 tration poll records were missing on the day of such election or voters
4 who have not had their identity previously verified or whose registra-
5 tion poll records did not show them to be enrolled in the party in which
6 they claimed to be enrolled. Each such ballot shall be retained in the
7 original envelope containing the voter's affidavit and signature, in
8 which it is delivered to the board of elections until such time as it is
9 to be cast and canvassed.

10 1. a. The board of elections shall designate itself or such of its
11 employees as it shall deem appropriate as a set of poll clerks to cast
12 and canvass such ballots, and fix a time and place for their meeting for
13 such purpose, provided that such meeting shall be no more than thirteen
14 days after a general election and no more than eight days after a
15 special or primary election at which such ballots are voted. The board
16 may designate additional sets of poll clerks and if it designates more
17 than one such set shall apportion among all such sets the election
18 districts from which such ballots have been received, provided that all
19 such ballots from a single election district shall be assigned to a
20 single set of clerks, and that each such set shall be divided equally
21 between representatives of the two major political parties. [Each] THE
22 BOARD MAY SPECIALLY DESIGNATE ONE OR MORE OF SUCH SETS OF POLL CLERKS TO
23 CAST AND CANVASS SPECIAL BALLOTS RECEIVED FROM LAW ENFORCEMENT OFFICIALS
24 WITH RESPECT TO WHOM CERTAIN REGISTRATION INFORMATION HAS BEEN RENDERED
25 CONFIDENTIAL BY COURT ORDERS ISSUED PURSUANT TO SECTION 16-120 OF THIS
26 CHAPTER PROVIDED THAT THE BOARD HAS TAKEN ADEQUATE MEASURES TO ENSURE
27 THAT THE CONFIDENTIALITY OF SUCH INFORMATION IS PRESERVED IN ACCORDANCE
28 WITH THE TERMS OF SUCH ORDERS AND HAS TRAINED EVERY SUCH POLL CLERK
29 RESPONSIBLE FOR CASTING AND CANVASSING SUCH BALLOTS OF LAW ENFORCEMENT
30 OFFICIALS IN THE REQUIREMENTS OF SUCH ORDERS AND IS SATISFIED THAT THEY
31 WILL COMPLY WITH SUCH ORDERS ACCORDINGLY. EVERY such set of clerks shall
32 be deemed a central board of inspectors for purposes of this section.

33 b. At least five days prior to the time fixed for such meeting, the
34 board shall send notice by first class mail to each candidate, political
35 party, and independent body entitled to have had watchers present at the
36 polls in any election district in the board's jurisdiction. Such notice
37 shall state the time and place fixed by the board for such canvass.

38 c. Each such candidate, political party, and independent body shall be
39 entitled to appoint such number of watchers to attend upon each central
40 board of inspectors as such candidate, political party, or independent
41 body was entitled to appoint at such election in any one election
42 district for which such central board of inspectors is designated to
43 act.

44 2. a. [1.] Upon assembling at the time and place fixed for such meet-
45 ing, each central board of inspectors shall cast and canvass the envel-
46 opes and the ballots therein contained as nearly as practicable in the
47 manner provided by this chapter for a board of inspectors to consider,
48 cast, and canvass absentee ballot envelopes and ballots at the polling
49 place.

50 [2.] B. If the board of inspectors determines that a person was enti-
51 tled to vote at such election it shall cast and canvass such ballot if
52 such board finds that ministerial error by the board of elections or any
53 of its employees caused such ballot envelope not to be valid on its
54 face.

55 [b.1] 3. A. Such board of inspectors shall also cast and canvass any
56 federal write-in ballots validly cast by an absentee, military or

1 special federal voter for the offices of president and vice-president,
2 United States senator and representative in congress.

3 [2.] B. Federal write-in ballots shall be cast and canvassed only if
4 an application for an absentee, military or special federal ballot was
5 received from the absentee, military or special federal voter at least
6 thirty days before election day, if the federal write-in ballot was
7 submitted from outside the United States, if such ballot is received by
8 the board of elections not later than seven days following the day of
9 election and if the absentee, military or special federal ballot which
10 was sent to the voter is not received by the board of elections by the
11 seventh day following the day of election. If such a federal write-in
12 ballot is received after election day, the envelope in which it is
13 received must contain a cancellation mark of the United States postal
14 service or a foreign country's postal service, or a dated endorsement of
15 receipt by another agency of the United States government, with a date
16 which is ascertained to be not later than the day before election day.

17 [3.] C. If such a federal write-in ballot contains the name of a
18 person or persons in the space provided for a vote for any office, such
19 ballot shall be counted as a vote for such person or persons. A vote for
20 a person who is the candidate of a party or independent body either for
21 president or vice-president shall be deemed to be a vote for both the
22 candidates of such party or independent body for such offices. If such a
23 ballot contains the name of a party or independent body in the space
24 provided for a vote for any office, such ballot shall be deemed to be a
25 vote for the candidate or candidates, if any, of such party or independ-
26 ent body for such office. In the case of the offices of president and
27 vice-president a vote cast for a candidate, either directly or by writ-
28 ing in the name of a party or independent body, shall also be deemed to
29 be votes for the electors supporting such candidate. Any abbreviation,
30 misspelling or other minor variation in the form of the name of a candi-
31 date or a party or independent body shall be disregarded in determining
32 the validity of the ballot, if the intention can be ascertained.

33 [c.] 4. The following provisions shall apply to casting and canvassing
34 of all such ballots which are counted by machine and all other
35 provisions of this chapter with respect to casting and canvassing such
36 ballots which are not inconsistent with this [paragraph] SUBDIVISION
37 shall be applicable to such ballots.

38 [1.] A. Such ballots shall be counted by placing them, arranged by
39 election district, in the counting machine.

40 [2.] B. Such ballots may be separated into sections before being
41 placed in the counting machine.

42 [3.] C. Any write-in ballots and any ballots which cannot be counted
43 by the machine shall be counted manually subject to all the applicable
44 provisions of this chapter with respect to counting of absentee ballots.

45 [4.] D. The record of the vote counted by machine for each candidate
46 and for and against each ballot proposal, printed by election district,
47 shall be preserved in the same manner and for the same period as the
48 returns of canvass for the election.

49 [d.] 5. Any person lawfully present may object to the refusal to cast
50 or canvass any ballot on the grounds that the voter is a properly quali-
51 fied voter of the election district, or in the case of a party primary
52 duly enrolled in such party, or to the casting or canvassing of any
53 ballot on the grounds that the voter is not a properly qualified voter
54 of the election district, or in the case of a party primary not duly
55 enrolled in such party, or otherwise not entitled to cast such ballot.
56 HOWEVER, THE RIGHT OF ANY SUCH PERSON TO SEE THE COMPLETED ORIGINAL

1 VOTER REGISTRATION FORM AND REGISTRATION INFORMATION OF A LAW ENFORCE-
2 MENT OFFICIAL WHOSE FORM AND CERTAIN OF SUCH INFORMATION ARE SUBJECT TO
3 A COURT ORDER OF CONFIDENTIALITY ISSUED PURSUANT TO SECTION 16-120 OF
4 THIS CHAPTER SHALL BE LIMITED IN ACCORDANCE WITH THE PROVISIONS OF SUCH
5 SECTION. When any such objection is made, the central board of inspec-
6 tors shall forthwith proceed to determine such objection and reject or
7 cast such ballot according to such determination. If the board cannot
8 agree as to the validity of the ballot it shall set the ballot aside,
9 unopened, for a period of three days at which time the ballot envelope
10 shall be opened and the vote counted unless otherwise directed by an
11 order of the court.

12 [e.] 6. Upon completing the casting and canvassing of ballots as
13 hereinabove provided for any election district, the central board of
14 inspectors shall thereupon, as nearly as practicable in the manner
15 provided in this chapter for absentee ballots, verify the number of
16 ballots so cast, tally the votes so cast, add such tally to the previous
17 tally of all votes cast in such election district, and announce the
18 result.

19 S 3. Paragraph a of subdivision 1 of section 9-209 of the election
20 law, as amended by chapter 251 of the laws of 1984, is amended to read
21 as follows:

22 a. The board of elections shall designate itself or such of its
23 employees as it shall deem appropriate as a set of poll clerks to cast
24 and canvass such ballots, and fix a time and place for their meeting for
25 such purpose, provided that such meeting shall be no more than ten days
26 after a general election and no more than eight days after a special or
27 primary election at which such ballots are voted. The board may desig-
28 nate additional sets of poll clerks and if it designates more than one
29 such set shall apportion among all such sets the election districts from
30 which such ballots have been received, provided that all such ballots
31 from a single election district shall be assigned to a single set of
32 clerks, and that each such set shall be divided equally between repre-
33 sentatives of the two major political parties. [Each] THE BOARD MAY
34 SPECIALLY DESIGNATE ONE OR MORE OF SUCH SETS OF POLL CLERKS TO CAST AND
35 CANVASS SPECIAL BALLOTS RECEIVED FROM LAW ENFORCEMENT OFFICIALS WITH
36 RESPECT TO WHOM CERTAIN REGISTRATION INFORMATION HAS BEEN RENDERED
37 CONFIDENTIAL BY COURT ORDERS ISSUED PURSUANT TO SECTION 16-120 OF THIS
38 CHAPTER PROVIDED THAT THE BOARD HAS TAKEN ADEQUATE MEASURES TO ENSURE
39 THAT THE CONFIDENTIALITY OF SUCH INFORMATION IS PRESERVED IN ACCORDANCE
40 WITH THE TERMS OF SUCH ORDERS AND HAS TRAINED EVERY SUCH POLL CLERK
41 RESPONSIBLE FOR CASTING AND CANVASSING SUCH BALLOTS OF LAW ENFORCEMENT
42 OFFICIALS IN THE REQUIREMENTS OF SUCH ORDERS AND IS SATISFIED THAT THEY
43 WILL COMPLY WITH SUCH ORDERS ACCORDINGLY. EVERY such set of clerks shall
44 be deemed a central board of inspectors for purposes of this section.

45 S 4. The election law is amended by adding a new section 11-303 to
46 read as follows:

47 S 11-303. SPECIAL BALLOTS FOR LAW ENFORCEMENT OFFICIALS SUBJECT TO A
48 CONFIDENTIAL REGISTRATION ORDER. 1. ANY LAW ENFORCEMENT OFFICIAL, AS
49 DEFINED IN SECTION 5-217 OF THIS CHAPTER, WHO HAS OBTAINED AN ORDER OF
50 THE COURT PURSUANT TO SECTION 16-120 OF THIS CHAPTER TO RENDER AND KEEP
51 CONFIDENTIAL HIS OR HER VOTER REGISTRATION INFORMATION, WHICH ORDER
52 REMAINS EFFECTIVE WITH RESPECT TO AN ELECTION OCCURRING DURING THE FOUR
53 YEAR PERIOD OF SUCH ORDER, WHO DESIRES TO VOTE IN ANY SUCH ELECTION
54 SHALL VOTE IN SUCH ELECTION ONLY BY SPECIAL BALLOT.

55 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A LAW ENFORCE-
56 MENT OFFICIAL WHO OBTAINED SUCH AN ORDER WHICH WAS SERVED UPON THE COUN-

1 TY BOARD OF ELECTIONS AND FOR WHICH NO ORDER REVOKING SUCH ORDER HAS
2 BEEN SERVED UPON SUCH BOARD NEED NOT SUBMIT AN APPLICATION FORM OR
3 REQUEST FOR A SPECIAL BALLOT AND NEED HAVE NO OTHER GROUNDS TO RECEIVE
4 SUCH SPECIAL BALLOT FOR SUCH ELECTION, AND SUCH BOARD SHALL DELIVER A
5 SPECIAL BALLOT TO SUCH LAW ENFORCEMENT OFFICIAL OTHERWISE IN ACCORDANCE
6 WITH THE PROVISIONS OF THIS CHAPTER.

7 3. A SPECIAL BALLOT WHICH IS RECEIVED BY THE APPROPRIATE BOARD OF
8 ELECTIONS PRIOR TO THE DEADLINE FOR ITS RECEIPT PURSUANT TO SECTION
9 11-304 OF THIS TITLE FROM A LAW ENFORCEMENT OFFICIAL, THE CONTENTS OF
10 WHOSE VOTER REGISTRATION FORM ARE MADE CONFIDENTIAL BY AN ORDER STILL IN
11 EFFECT, SHALL BE RETAINED, CAST AND CANVASSED PURSUANT TO SECTION 9-209
12 OF THIS CHAPTER.

13 S 5. The election law is amended by adding a new section 16-120 to
14 read as follows:

15 S 16-120. PROCEEDING TO RENDER CERTAIN VOTER REGISTRATION INFORMATION
16 RELATING TO LAW ENFORCEMENT OFFICIALS CONFIDENTIAL. 1. THE SUPREME
17 COURT, BY A JUSTICE THEREOF WITHIN THE JUDICIAL DISTRICT, OR THE COUNTY
18 COURT, BY A JUDGE THEREOF WITHIN THE COUNTY, IN A PROCEEDING INSTITUTED
19 BY A LAW ENFORCEMENT OFFICIAL AS DEFINED IN SECTION 5-217 OF THIS CHAP-
20 TER, MAY ISSUE AN ORDER DIRECTING THE APPROPRIATE COUNTY BOARD OF
21 ELECTIONS TO REMOVE FROM ITS PRESENT LOCATION, RENDER AND KEEP CONFIDEN-
22 TIAL, AND PLACE IN A SEPARATE SPECIAL FILE THE COMPLETED ORIGINAL VOTER
23 REGISTRATION FORM OF THE PETITIONER AND CERTAIN INFORMATION DERIVED
24 THEREFROM CONSISTING OF THE PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR
25 WARD, ELECTION DISTRICT, PHYSICAL DESCRIPTION AND INFORMATION IDENTIFY-
26 ING THE PETITIONER OTHER THAN BY SIGNATURE WHICH ARE OTHERWISE LOCATED
27 OR WHICH WOULD, IN THE ABSENCE OF THIS PROVISION, OTHERWISE BE LOCATED
28 IN ANY PLACE IN ITS PUBLIC FILES, INCLUDING BUT NOT LIMITED TO, ITS BUFF
29 CARD BINDERS, ITS REGISTRATION LISTS, ITS FILES FOR PRINTING ELECTION
30 DAY POLL LISTS AND ITS COMPUTERIZED SEARCH FILES AVAILABLE FOR USE BY
31 THE PUBLIC.

32 2. SUCH ORDER SHALL PROVIDE THAT SUCH SEPARATE SPECIAL FILE AND THE
33 FORMS AND INFORMATION CONTAINED THEREIN SHALL BE ACCESSIBLE ONLY TO THE
34 FOLLOWING PERSONS OR ENTITIES UNDER THE FOLLOWING CONDITIONS, IN EACH
35 CASE SUBJECT TO ADEQUATE MEASURES HAVING BEEN TAKEN AGAINST ANY PUBLIC
36 DISCLOSURE OF THE INFORMATION CONTAINED THEREIN PRIOR TO GRANTING SUCH
37 ACCESS:

38 (A) SUCH ELECTION OFFICERS AND/OR EMPLOYEES IN THE PERFORMANCE OF
39 THEIR OFFICIAL DUTIES AS ARE SPECIALLY DESIGNATED FOR SUCH PURPOSE BY
40 THE BOARD OF ELECTIONS;

41 (B) ANY COURT OF COMPETENT JURISDICTION WHICH HAS DETERMINED THAT SUCH
42 COMPLETED ORIGINAL VOTER REGISTRATION FORM OR THE INFORMATION CONTAINED
43 THEREON IS NECESSARY, RELEVANT AND COMPETENT EVIDENCE TO PROVE AN ISSUE
44 BEFORE THE COURT IN LITIGATION, PROVIDED THAT ANY SUBPOENA FOR SUCH FORM
45 OR INFORMATION MUST BE APPROVED AND SIGNED BY THE COURT WITH ADEQUATE
46 PROVISION MADE FOR SEALING SUCH EVIDENCE TO PREVENT ITS DISCLOSURE TO
47 THE PUBLIC;

48 (C) ANY LAW ENFORCEMENT OFFICIAL, LAW ENFORCEMENT OFFICER OR GRAND
49 JURY CONDUCTING A CRIMINAL INVESTIGATION IN WHICH SUCH FORM OR INFORMA-
50 TION IS NECESSARY, RELEVANT AND COMPETENT EVIDENCE OF THE COMMISSION OF
51 A CRIME PROVIDED THAT ADEQUATE PROVISION IS MADE FOR SEALING SUCH
52 EVIDENCE TO PREVENT ITS DISCLOSURE TO THE PUBLIC; AND

53 (D) OFFICERS OF THE COURT IN ANY PROCEEDING BROUGHT PURSUANT TO THIS
54 ARTICLE WITH THE SAME PROVISIO TO PREVENT ITS DISCLOSURE TO THE PUBLIC.

55 3. SUCH ORDER SHALL NOT APPLY, WITH RESPECT TO THE ORIGINAL ACT OF
56 VOTER REGISTRATION AT THE TIME OF SUCH ACT, TO A WATCHER DULY APPOINTED

1 PURSUANT TO SECTION 5-206 OF THIS CHAPTER WHO IS PERSONALLY PRESENT AT
2 SUCH TIME TO WITNESS SUCH ACT. SUCH WATCHER SHALL AT SUCH TIME HAVE ALL
3 OF THE RIGHTS OF A DULY APPOINTED WATCHER INCLUDING BUT NOT LIMITED TO
4 THE RIGHT TO INSPECT THE VOTER REGISTRATION FORM COMPLETED BY THE PETI-
5 TIONER AND MAY CHALLENGE THE VOTER REGISTRATION OF SUCH LAW ENFORCEMENT
6 OFFICIAL AT SUCH TIME, AS AUTHORIZED BY SECTION 5-218 OF THIS CHAPTER.

7 4. SUCH ORDER SHALL NOT APPLY TO ANY WATCHER DULY APPOINTED PURSUANT
8 TO PARAGRAPH C OF SUBDIVISION ONE OF SECTION 9-209 OF THIS CHAPTER WHO
9 IS PRESENT AT THE COUNTY BOARD OF ELECTIONS, DURING THE CASTING AND
10 CANVASSING OF A SPECIAL BALLOT VOTED BY THE PETITIONER PURSUANT TO
11 SECTION 11-303 OF THIS CHAPTER, AND ANY OTHER PERSON LAWFULLY PRESENT AT
12 SUCH CANVASS, WHO MAY, PURSUANT TO THE PROVISIONS OF SUBDIVISION FIVE OF
13 SECTION 9-209 OF THIS CHAPTER, OBSERVE SUCH CASTING AND CANVASSING AND
14 OBJECT TO THE CASTING AND CANVASSING OF SUCH A SPECIAL BALLOT OR TO A
15 FAILURE OR REFUSAL TO CAST AND CANVASS SUCH A SPECIAL BALLOT AS AUTHOR-
16 IZED BY SUCH SUBDIVISION FIVE OF SECTION 9-209 OF THIS CHAPTER, PROVIDED
17 THAT IF SUCH A WATCHER OR OTHER PERSON LAWFULLY PRESENT AT SUCH CANVASS
18 REQUESTS TO SEE THE COMPLETED ORIGINAL VOTER REGISTRATION FORM OF THE
19 PETITIONER, SUCH REQUEST SHALL NOT BE GRANTED BUT HE OR SHE SHALL, UNDER
20 THE SUPERVISION OF AT LEAST TWO ELECTION OFFICERS OR EMPLOYEES DESIG-
21 NATED IN THE MANNER PROVIDED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS
22 SECTION, BE ALLOWED TO THEN AND THERE VERIFY AND COMPARE ONLY THE
23 PETITIONER'S NAME, SIGNATURE AND PARTY ENROLLMENT, BUT NOT THE
24 PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR WARD, ELECTION DISTRICT,
25 PHYSICAL DESCRIPTION NOR ANY OTHER INFORMATION IDENTIFYING THE PETITION-
26 ER, WITH A PHOTOSTATIC COPY OF THE COMPLETED ORIGINAL VOTER REGISTRATION
27 FORM OF THE PETITIONER ON WHICH THE ADDRESS, ASSEMBLY DISTRICT OR WARD,
28 ELECTION DISTRICT, PHYSICAL DESCRIPTION AND ANY SUCH OTHER INFORMATION
29 IDENTIFYING THE PETITIONER HAS BEEN COVERED OR BLOCKED OUT SO AS NOT TO
30 BE VISIBLE TO OR DISCLOSED TO SUCH WATCHER OR OTHER PERSON LAWFULLY
31 PRESENT AT SUCH CANVASS. IF THERE IS A CHALLENGE TO THE VALIDITY OF
32 PETITIONER'S RESIDENCE AND ELIGIBILITY TO VOTE IN AN ELECTION, MADE BY A
33 WATCHER, THERE SHALL BE A DETERMINATION MADE BY THE COMMISSIONERS OF
34 ELECTIONS ON SUCH CHALLENGE. IF THERE IS A TIE VOTE OF THE COMMISSION-
35 ERS ON THE ELIGIBILITY OF THE PETITIONER, THEN A COURT OF COMPETENT
36 JURISDICTION SHALL DECIDE THE PETITIONER'S ELIGIBILITY WITHOUT DISCLOS-
37 ING THE CONFIDENTIAL INFORMATION.

38 5. SUCH ORDER SHALL NOT PREVENT VERIFICATION BY ANY PERSON OF THE
39 PETITIONER'S NAME, SIGNATURE AND PARTY ENROLLMENT, BY COMPARISON WITH A
40 PHOTOSTATIC COPY OF THE COMPLETED ORIGINAL VOTER REGISTRATION FORM,
41 PROVIDED THAT THE PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR WARD,
42 ELECTION DISTRICT, PHYSICAL DESCRIPTION AND OTHER INFORMATION IDENTIFY-
43 ING THE PETITIONER ARE KEPT CONFIDENTIAL BY ANY SUITABLE MEANS.

44 6. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, SUCH ORDER
45 SHALL BE EFFECTIVE FOR A PERIOD OF FOUR YEARS AND SHALL APPLY WITH
46 RESPECT TO ALL ELECTIONS OCCURRING DURING SUCH FOUR YEAR PERIOD, AND MAY
47 BE EXTENDED BY THE COURT FOR ADDITIONAL FOUR YEAR PERIODS UPON AFFIDAVIT
48 OF THE PETITIONER THAT HE OR SHE CONTINUES TO MEET THE DEFINITION OF A
49 LAW ENFORCEMENT OFFICIAL DEFINED IN SECTION 5-217 OF THIS CHAPTER.

50 7. SUCH ORDER SHALL PROVIDE THAT THE REQUIREMENTS OF SUBDIVISIONS ONE
51 AND TWO OF THIS SECTION CONTAINED IN SUCH ORDER SHALL BE NULL AND VOID
52 IF:

53 (A) SUCH LAW ENFORCEMENT OFFICIAL HAS ENGAGED IN ONE OR MORE ACTIV-
54 ITIES PREPARATORY TO A DESIGNATION, NOMINATION OR ELECTION OF SUCH LAW
55 ENFORCEMENT OFFICIAL TO A PUBLIC OFFICE OR PARTY POSITION, INCLUDING BUT
56 NOT LIMITED TO CAUSING THE PRINTING OF PETITIONS OR THE OBTAINING OF

1 SIGNATURES THEREON, DESIGNATING A CAMPAIGN TREASURER, AUTHORIZING A
2 POLITICAL COMMITTEE OR THE MAKING OF CAMPAIGN EXPENDITURES, OR CAUSING
3 THE PRINTING OR DISTRIBUTION OF CAMPAIGN LEAFLETS OR FLYERS; OR

4 (B) SUCH LAW ENFORCEMENT OFFICIAL HAS SIGNED A DESIGNATING OR NOMINAT-
5 ING PETITION AS A RESULT OF WHICH THERE IS A NEED TO VERIFY ANY OF THE
6 INFORMATION OTHERWISE RENDERED CONFIDENTIAL BY SUCH ORDER, IN ORDER TO
7 DETERMINE THE VALIDITY OF SUCH SIGNATURE ON SUCH PETITION OR ON ANOTHER
8 DESIGNATING OR NOMINATING PETITION; OR

9 (C) A PERSON PREVIOUSLY ENTITLED TO AN ORDER UNDER THIS SECTION IS NO
10 LONGER ENTITLED TO ITS BENEFITS BECAUSE SUCH PERSON IS NO LONGER A LAW
11 ENFORCEMENT OFFICIAL AS DEFINED IN SECTION 5-217 OF THIS CHAPTER.

12 S 6. It is the intention of the legislature in enacting this act
13 providing a specified procedure to render voter registration information
14 pertaining to "law enforcement officials", as defined therein, confiden-
15 tial subject to certain exceptions, that all of the provisions of this
16 act form one interdependent and connected whole and that the legislature
17 would not have enacted any particular provision of this act without also
18 enacting all of the other provisions of this act. Accordingly, if any
19 provision of this act shall be adjudged, by a court of competent juris-
20 diction and after any and all appeals have been exhausted in such case,
21 to be invalid, the judgment shall not be confined in its operation to
22 such provision but shall render all of the provisions of this act null
23 and void. In such event any board of elections which is a party to such
24 case shall notify the legislative bill drafting commission of such judg-
25 ment in order for the commission to maintain an accurate up-to-date data
26 base of the text of the laws of the state of New York in furtherance of
27 effecting the provisions of section 44 of the legislative law and
28 section 70-b of the public officers law.

29 S 7. This act shall take effect on the first of January next succeed-
30 ing the date on which it shall have become a law; provided that the
31 amendments to paragraph a of subdivision 1 of section 9-209 of the
32 election law made by section two of this act shall be subject to the
33 expiration and reversion of such paragraph pursuant to section 4 of
34 chapter 237 of the laws of 2005, as amended, when upon such date the
35 provisions of section three of this act shall take effect.