

1057

2009-2010 Regular Sessions

I N   S E N A T E

January 22, 2009

---

Introduced by Sen. ADDABBO -- 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 affidavit ballots

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

1     Section 1. Subparagraph (ii) of paragraph (e) of subdivision 3 of  
2     section 8-302 of the election law, as amended by chapter 200 of the laws  
3     of 1996, is amended to read as follows:  
4     (ii) He OR SHE may swear to and subscribe an affidavit stating that he  
5     OR SHE has duly registered to vote, the address in such election  
6     district from which he OR SHE registered, that he OR SHE remains a duly  
7     qualified voter in such election district, that his OR HER registration  
8     poll record appears to be lost or misplaced or that his OR HER name  
9     and/or his OR HER signature was omitted from the computer generated  
10    registration list or that he OR SHE has moved within the county or city  
11    since he OR SHE last registered, the address from which he OR SHE was  
12    previously registered and the address at which he OR SHE currently  
13    resides, and at a primary election, the party in which he OR SHE is  
14    enrolled.     The inspectors of election shall offer such an affidavit to  
15    each such voter whose residence address is in such election district.  
16    Each such affidavit shall be in a form prescribed by the state board of  
17    elections, shall be printed on an envelope of the size and quality used  
18    for an absentee ballot envelope, and shall contain an acknowledgment  
19    that the affiant understands that any false statement made therein is  
20    perjury punishable according to law. SUCH FORM PRESCRIBED BY THE STATE  
21    BOARD OF ELECTIONS SHALL INCLUDE INFORMATION REQUIRED TO REGISTER SUCH  
22    VOTER SHOULD THE COUNTY BOARD DETERMINE THAT SUCH VOTER IS NOT REGIS-  
23    TERED AND SHALL CONSTITUTE AN APPLICATION TO REGISTER TO VOTE. The  
24    voter's name and the entries required shall then be entered without  
25    delay and without further inquiry in the fourth section of the challenge  
26    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

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

11 S 2. This act shall take effect immediately.