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

10031

I N A S S E M B L Y

May 2, 2012

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

AN ACT to amend the election law, in relation to requiring that a notation be printed beside the names of voters who requested an absentee ballot, and requiring voters with such notations to vote by affidavit ballot

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

Section 1. Paragraph o of subdivision 4 of section 5-500 of the election law, as amended by chapter 659 of the laws of 1994, is amended and a new paragraph p is added to read as follows:

o. A space for "remarks" regarding other facts required by this chapter to be recorded or appropriate to identify the voter[.];

P. WHETHER THE VOTER HAS REQUESTED AN ABSENTEE BALLOT.

S 2. Section 8-302 of the election law is amended by adding a new subdivision 6 to read as follows:

6. IF A VOTER'S NAME APPEARS IN THE COMPUTER GENERATED REGISTRATION LIST WITH A NOTATION INDICATING THAT SUCH VOTER REQUESTED AN ABSENTEE BALLOT, THE VOTER SHALL ONLY BE ENTITLED TO VOTE BY AFFIDAVIT BALLOT UNLESS A COURT ORDER PROVIDES OTHERWISE. AT THE TIME THAT AN INDIVIDUAL CASTS AN AFFIDAVIT BALLOT, THE APPROPRIATE STATE OR LOCAL ELECTION OFFICIAL SHALL GIVE THE INDIVIDUAL WRITTEN INFORMATION THAT STATES THAT ANY INDIVIDUAL WHO CASTS AN AFFIDAVIT BALLOT WILL BE ABLE TO ASCERTAIN UNDER THE SYSTEM ESTABLISHED UNDER SUBDIVISION FOUR OF SECTION 9-212 OF THIS CHAPTER WHETHER THE VOTE WAS COUNTED, AND, IF THE VOTE WAS NOT COUNTED, THE REASON THAT THE VOTE WAS NOT COUNTED.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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