

10774

I N A S S E M B L Y

June 18, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Thiele) --
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to removal of a voter from
voting rolls due to death

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 5-714
2 to read as follows:
3 S 5-714. DEATH OF A REGISTERED VOTER. 1. PURSUANT TO PARAGRAPH (E) OF
4 SUBDIVISION ONE OF SECTION 5-400 OF THIS ARTICLE, DEATH SHALL RESULT IN
5 THE CANCELLATION OF A VOTER'S REGISTRATION. IN ORDER TO ENSURE THAT THE
6 NAME OF A VOTER IS REMOVED FROM THE REGISTRATION ROLL UPON DEATH, THE
7 NEW YORK STATE BOARD OF ELECTIONS, OR THE BOARD OF ELECTIONS IN EACH
8 COUNTY AND IN NEW YORK CITY, SHALL REVIEW THE SOCIAL SECURITY ADMINIS-
9 TRATION DEATH MASTER FILE ON AN ANNUAL BASIS, PRIOR TO AUGUST FIRST OF
10 EACH CALENDAR YEAR, AND REMOVE THE NAMES OF ALL DECEASED VOTERS FROM THE
11 REGISTRATION ROLL.
12 2. IN THE EVENT THAT AN INDIVIDUAL CLAIMS THAT THEIR NAME WAS ERRO-
13 NEOUSLY REMOVED FROM THE ROLL, THEY SHALL BE ENTITLED TO CAST A VOTE
14 THROUGH AN AFFIDAVIT BALLOT IN THE SAME MANNER AS A VOTER WHO IS DEEMED
15 TO BE INACTIVE. UPON THIS EVENT, THE BOARD OF ELECTIONS SHALL COMMENCE
16 AN INQUIRY TO DETERMINE WHETHER THE NAME OF THE VOTER HAS IN FACT BEEN
17 REMOVED FROM THE REGISTRATION ROLL DUE TO AN ERROR. IN THE EVENT THAT AN
18 ERROR IS FOUND, THE AFFIDAVIT BALLOT SHALL BE COUNTED AND THE INDIVID-
19 UAL'S NAME SHALL BE REINSTATED ON THE REGISTRATION ROLL.
20 S 2. This act shall take effect immediately.

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

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