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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. CAMARA, JEFFRIES, WRIGHT, PHEFFER, PERRY, BOYLAND, BROOK-KRASNY, ROSENTHAL, KAVANAGH -- Multi-Sponsored by -- M. of A. BOYLE, GOTTFRIED, LIFTON, MILLMAN, MOLINARO, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorizing early voting at primary and general elections

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

Section 1. Article 8 of the election law is amended by adding a new title 6 to read as follows:

TITLE VI
EARLY VOTING

SECTION 8-600. EARLY VOTING IN PRIMARY AND GENERAL ELECTIONS.
8-602. APPLICATION FOR EARLY VOTING.
8-604. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF.

S 8-600. EARLY VOTING IN PRIMARY AND GENERAL ELECTIONS. 1. ON AND AFTER THE FOURTEENTH DAY PRIOR TO THE DATE OF EVERY PRIMARY AND GENERAL ELECTION, EACH BOARD OF ELECTIONS SHALL PROVIDE FOR THE CONDUCTING OF EARLY VOTING. SUCH VOTING SHALL BE CONDUCTED AT THE OFFICE OF THE BOARD OF ELECTIONS AND AT SUCH ALTERNATIVE POLLING PLACES DESIGNATED BY SUCH BOARD. EARLY VOTING SHALL BE MADE AVAILABLE DURING SUCH FOURTEEN DAY PERIOD, EXCLUDING SATURDAYS, SUNDAYS AND PUBLIC HOLIDAYS. THE BOARD OF ELECTIONS SHALL BE OPEN TO THE PUBLIC FOR EARLY VOTING FROM 8LABOR A.M. UNTIL 4LABOR P.M. AND THE ALTERNATIVE POLLING PLACES SHALL BE OPEN FOR EARLY VOTING DURING SUCH HOURS AND DAYS AS SHALL BE DESIGNATED BY THE BOARD OF ELECTIONS.

2. A REGISTERED VOTER MAY PARTICIPATE IN EARLY VOTING UPON COMPLETION AND FILING OF AN APPLICATION THEREFOR WITH THE BOARD OF ELECTIONS HOLDING HIS OR HER VOTER REGISTRATION.

3. THE CONDUCT OF EARLY VOTING SHALL BE MONITORED AND ADMINISTERED BY TWO PERSONS DESIGNATED BY THE BOARD OF ELECTIONS, WITH ONE SUCH PERSON FROM EACH OF THE MAJOR POLITICAL PARTIES. SUCH VOTING SHALL CONFORM WITH THE PROCEDURES, MEASURES AND REQUIREMENTS FOR CASTING VOTES IN A PRIMARY OR GENERAL ELECTION. ALL VOTES CAST DURING EARLY VOTING SHALL BE COUNTED

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

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AFTER THE POLLS CLOSE ON THE DATE OF THE PRIMARY OR GENERAL ELECTION TO WHICH IT RELATES, IN THE SAME MANNER PRESCRIBED BY ARTICLE NINE OF THIS CHAPTER.

4. EACH BOARD OF ELECTIONS SHALL PUBLISH NOTICE OF THE TIME PERIOD OF EARLY VOTING, THE TIMES THEREOF, THE PLACES WHERE EARLY VOTING IS CONDUCTED AND THE MANNER IN WHICH SUCH VOTING IS CONDUCTED. SUCH NOTICES SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION NOT LESS THAN SEVEN DAYS PRIOR TO THE FIRST DAY OF EARLY VOTING AND ONCE A WEEK THEREAFTER.

S 8-602. APPLICATION FOR EARLY VOTING. 1. THE BOARD OF ELECTIONS SHALL FURNISH ONE APPLICATION FOR EARLY VOTING TO ANY VOTER WHO PERSONALLY APPEARS AND WISHES TO EXERCISE THIS RIGHT. UPON COMPLETION OF SUCH APPLICATION, TWO DULY DESIGNATED EMPLOYEES OF THE BOARD OF ELECTIONS, ONE FROM EACH MAJOR POLITICAL PARTY REPRESENTED, SHALL COMPARE THE INFORMATION OF THE VOTER WITH THE SIGNATURE ON THE VOTER'S PERMANENT REGISTRATION RECORD, OR OTHER EVIDENCE OF IDENTIFICATION IF COMPUTERIZED DUPLICATE REGISTRATION RECORDS ARE USED, AND SHALL ENDORSE ON THE APPLICATION THAT SUCH REVIEW HAS BEEN COMPLETED. THE RESULTS OR TABULATION OF VOTES CAST DURING AN EARLY VOTING PERIOD SHALL NOT BE MADE BEFORE THE CLOSE OF ALL POLLING PLACES ON THE DATE OF THE ELECTION. BALLOTS USED IN EARLY VOTING SHALL BE, AS NEARLY AS PRACTICABLE, THE SAME FORM AS THOSE USED ON THE DATE OF THE ELECTION.

2. THE APPLICATION FOR EARLY VOTING SHALL REQUIRE AND INCLUDE THE FOLLOWING IDENTIFYING INFORMATION:

(A) THE DATE OF THE PRIMARY OR GENERAL ELECTION,

(B) NAME OF THE BOARD OF ELECTIONS,

(C) THE NAME OF THE VOTER,

(D) RESIDENCE OF VOTER,

(E) NUMBER OF THE ASSEMBLY DISTRICT, IF ANY,

(F) NAME OF CITY OR TOWN, NUMBER OF WARD, IF ANY, AND

(G) ELECTION DISTRICT AND PARTY ENROLLMENT. THERE SHALL BE A PLACE FOR TWO SIGNATURES OF PERSONS DESIGNATED TO INSPECT, ONE FROM EACH MAJOR POLITICAL PARTY, THAT SUCH PERSONS HAVE CHECKED AND MARKED THE VOTER'S REGISTRATION AND POLL RECORD. ON THE REVERSE SIDE OF SUCH APPLICATION SHALL BE PRINTED THE FOLLOWING STATEMENT:

I DO DECLARE THAT I AM A CITIZEN OF THE UNITED STATES, THAT I AM DULY REGISTERED IN THE ELECTION DISTRICT SHOWN ON THE REVERSE SIDE OF THIS APPLICATION AND I AM QUALIFIED TO VOTE IN SUCH DISTRICT; THAT I DO NOT INTEND TO VOTE ELSEWHERE, THAT I HAVE NOT COMMITTED ANY ACT NOR AM I UNDER ANY IMPEDIMENT WHICH DENIES ME THE RIGHT TO VOTE. I HEREBY DECLARE THAT THE FOREGOING IS A TRUE STATEMENT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IF I MAKE ANY MATERIAL FALSE STATEMENT IN THE FOREGOING STATEMENT, I SHALL BE GUILTY OF A MISDEMEANOR.

(DATE)_____

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(SIGNATURE AND ADDRESS OF VOTER)_____

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(WITNESS)_____

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S 8-604. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF. ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.