

2564

2011-2012 Regular Sessions

I N S E N A T E

January 25, 2011

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.

LBD06798-01-1

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 104 of  
33 the laws of 2010, the opening paragraph of such section and subparagraph  
34 (i) of paragraph (a) of subdivision 2 as amended by chapter 163 of the  
35 laws of 2010, is amended to read as follows:

36 S 9-209. Canvass of absentee, military and special ballots and ballots  
37 cast by voters with registration poll records missing on days of  
38 election or voters who have not had their identity previously verified  
39 or who have moved after registering. Before completing the canvass of  
40 votes cast in any primary, general, special, or other election at which  
41 voters are required to sign their registration poll records before  
42 voting, the board of elections shall proceed in the manner hereinafter  
43 prescribed to cast and canvass any absentee, military, special presiden-  
44 tial, special federal or other special ballots and any ballots voted by  
45 voters who moved within the county or city after registering, voters who  
46 are in inactive status, voters whose registration was incorrectly trans-  
47 ferred to another address even though they did not move, voters whose  
48 registration poll records were missing on the day of such election,  
49 voters who have not had their identity previously verified and voters  
50 whose registration poll records did not show them to be enrolled in the  
51 party in which they claimed to be enrolled. Each such ballot shall be  
52 retained in the original envelope containing the voter's affidavit and  
53 signature, in which it is delivered to the board of elections until such  
54 time as it is to be cast and canvassed.

55 1. (a) The board of elections shall designate itself or such of its  
56 employees as it shall deem appropriate as a set of poll clerks to cast

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

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

27 (c) Each such candidate, political party, and independent body shall  
28 be entitled to appoint such number of watchers to attend upon each  
29 central board of inspectors as such candidate, political party, or inde-  
30 pendent body was entitled to appoint at such election in any one  
31 election district for which such central board of inspectors is desig-  
32 nated to act.

33 2. (a) [(i)] Upon assembling at the time and place fixed for such  
34 meeting, each central board of inspectors shall cast and canvass the  
35 envelopes and the ballots therein contained as nearly as practicable in  
36 the manner provided by this chapter for a board of inspectors to consid-  
37 er, cast, and canvass absentee ballot envelopes.

38 [(ii)] (B) If the board of inspectors determines that a person was  
39 entitled to vote at such election it shall cast and canvass such ballot  
40 if such board finds that ministerial error by the board of elections or  
41 any of its employees caused such ballot envelope not to be valid on its  
42 face.

43 [(iii)] (C) If the board of elections determines that a person was  
44 entitled to vote at such election, the board shall cast and canvass such  
45 ballot if such board finds that the voter appeared at the correct poll-  
46 ing place, regardless of the fact that the voter may have appeared in  
47 the incorrect election district.

48 [(b)(i)] 3. (A) Such board of inspectors shall also cast and canvass  
49 any federal write-in absentee ballots validly cast by an absentee voter,  
50 a military voter or a special federal voter for the offices of president  
51 and vice-president, United States senator and representative in  
52 congress. Such board of inspectors shall also cast and canvass any  
53 federal write-in absentee ballots validly cast by a military voter for  
54 all questions or proposals, public offices or party positions for which  
55 a military voter is otherwise eligible to vote as provided in section  
56 10-104 of this chapter.

1 [(ii)] (B) Federal write-in absentee ballots shall be cast and  
2 canvassed only if: (A) an application for an absentee, military or  
3 special federal ballot was received from the absentee, military or  
4 special federal voter at least thirty days before election day; (B) the  
5 federal write-in absentee ballot was submitted from inside or outside  
6 the United States by a military voter or was submitted from outside the  
7 United States by a special federal voter; (C) such ballot is received by  
8 the board of elections not later than thirteen days following the day of  
9 election or seven days after a primary election; and (D) the absentee,  
10 military or special federal ballot which was sent to the voter is not  
11 received by the board of elections by the thirteenth day following the  
12 day of a general or special election or the seventh day after a primary  
13 election.

14 [(iii)] (C)(I) If such a federal write-in absentee ballot is received  
15 after election day, the envelope in which it is received must contain:  
16 (A) a cancellation mark of the United States postal service or a foreign  
17 country's postal service; (B) a dated endorsement of receipt by another  
18 agency of the United States government; or (C) if cast by a military  
19 voter, the signature and date of the voter and one witness thereto with  
20 a date which is ascertained to be not later than the day before election  
21 day.

22 [(iv)] (II) If such a federal write-in absentee ballot contains the  
23 name of a person or persons in the space provided for a vote for any  
24 office, such ballot shall be counted as a vote for such person or  
25 persons. A vote for a person who is the candidate of a party or inde-  
26 pendent body either for president or vice-president shall be deemed to  
27 be a vote for both the candidates of such party or independent body for  
28 such offices. If such a ballot contains the name of a party or independ-  
29 ent body in the space provided for a vote for any office, such ballot  
30 shall be deemed to be a vote for the candidate or candidates, if any, of  
31 such party or independent body for such office. In the case of the  
32 offices of president and vice-president a vote cast for a candidate,  
33 either directly or by writing in the name of a party or independent  
34 body, shall also be deemed to be votes for the electors supporting such  
35 candidate. Any abbreviation, misspelling or other minor variation in  
36 the form of the name of a candidate or a party or independent body shall  
37 be disregarded in determining the validity of the ballot, if the inten-  
38 tion can be ascertained.

39 [(c)] 4. The following provisions shall apply to casting and canvass-  
40 ing of all such ballots which are counted by machine and all other  
41 provisions of this chapter with respect to casting and canvassing such  
42 ballots which are not inconsistent with this paragraph shall be applica-  
43 ble to such ballots.

44 [(i)] (A) Such ballots shall be counted by placing them, arranged by  
45 election district, in the counting machine.

46 [(ii)] (B) Such ballots may be separated into sections before being  
47 placed in the counting machine.

48 [(iii)] (C) Any write-in ballots and any ballots which cannot be  
49 counted by the machine shall be counted manually subject to all the  
50 applicable provisions of this chapter with respect to counting of  
51 ballots.

52 [(iv)] (D) The record of the vote counted by machine for each candi-  
53 date and for and against each ballot proposal, printed by election  
54 district, shall be preserved in the same manner and for the same period  
55 as the returns of canvass for the election.

1 [(d)] 5. Any person lawfully present may object to the refusal to cast  
2 or canvass any ballot on the grounds that the voter is a properly quali-  
3 fied voter of the election district, or in the case of a party primary  
4 duly enrolled in such party, or to the casting or canvassing of any  
5 ballot on the grounds that the voter is not a properly qualified voter  
6 of the election district, or in the case of a party primary not duly  
7 enrolled in such party, or otherwise not entitled to cast such ballot.  
8 HOWEVER, THE RIGHT OF ANY SUCH PERSON TO SEE THE COMPLETED ORIGINAL  
9 VOTER REGISTRATION FORM AND REGISTRATION INFORMATION OF A LAW ENFORCE-  
10 MENT OFFICIAL WHOSE FORM AND CERTAIN OF SUCH INFORMATION ARE SUBJECT TO  
11 A COURT ORDER OF CONFIDENTIALITY ISSUED PURSUANT TO SECTION 16-120 OF  
12 THIS CHAPTER SHALL BE LIMITED IN ACCORDANCE WITH THE PROVISIONS OF SUCH  
13 SECTION. When any such objection is made, the central board of inspec-  
14 tors shall forthwith proceed to determine such objection and reject or  
15 cast such ballot according to such determination. If the board cannot  
16 agree as to the validity of the ballot it shall set the ballot aside,  
17 unopened, for a period of three days at which time the ballot envelope  
18 shall be opened and the vote counted unless otherwise directed by an  
19 order of the court.

20 [(e)] 6. Upon completing the casting and canvassing of ballots as  
21 hereinabove provided for any election district, the central board of  
22 inspectors shall thereupon, as nearly as practicable in the manner  
23 provided in this chapter for absentee ballots, verify the number of  
24 ballots so cast, tally the votes so cast, add such tally to the previous  
25 tally of all votes cast in such election district, and announce the  
26 result.

27 S 3. The election law is amended by adding a new section 11-303 to  
28 read as follows:

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

37 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A LAW ENFORCE-  
38 MENT OFFICIAL WHO OBTAINED SUCH AN ORDER WHICH WAS SERVED UPON THE COUN-  
39 TY BOARD OF ELECTIONS AND FOR WHICH NO ORDER REVOKING SUCH ORDER HAS  
40 BEEN SERVED UPON SUCH BOARD NEED NOT SUBMIT AN APPLICATION FORM OR  
41 REQUEST FOR A SPECIAL BALLOT AND NEED HAVE NO OTHER GROUNDS TO RECEIVE  
42 SUCH SPECIAL BALLOT FOR SUCH ELECTION, AND SUCH BOARD SHALL DELIVER A  
43 SPECIAL BALLOT TO SUCH LAW ENFORCEMENT OFFICIAL OTHERWISE IN ACCORDANCE  
44 WITH THE PROVISIONS OF THIS CHAPTER.

45 3. A SPECIAL BALLOT WHICH IS RECEIVED BY THE APPROPRIATE BOARD OF  
46 ELECTIONS PRIOR TO THE DEADLINE FOR ITS RECEIPT FROM A LAW ENFORCEMENT  
47 OFFICIAL, THE CONTENTS OF WHOSE VOTER REGISTRATION FORM ARE MADE CONFID-  
48 ENTIAL BY AN ORDER STILL IN EFFECT, SHALL BE RETAINED, CAST AND  
49 CANVASSED PURSUANT TO SECTION 9-209 OF THIS CHAPTER.

50 S 4. The election law is amended by adding a new section 16-120 to  
51 read as follows:

52 S 16-120. PROCEEDING TO RENDER CERTAIN VOTER REGISTRATION INFORMATION  
53 RELATING TO LAW ENFORCEMENT OFFICIALS CONFIDENTIAL. 1. THE SUPREME  
54 COURT, BY A JUSTICE THEREOF WITHIN THE JUDICIAL DISTRICT, OR THE COUNTY  
55 COURT, BY A JUDGE THEREOF WITHIN THE COUNTY, IN A PROCEEDING INSTITUTED  
56 BY A LAW ENFORCEMENT OFFICIAL AS DEFINED IN SECTION 5-217 OF THIS CHAP-

1 TER, MAY ISSUE AN ORDER DIRECTING THE APPROPRIATE COUNTY BOARD OF  
2 ELECTIONS TO REMOVE FROM ITS PRESENT LOCATION, RENDER AND KEEP CONFIDEN-  
3 TIAL, AND PLACE IN A SEPARATE SPECIAL FILE THE COMPLETED ORIGINAL VOTER  
4 REGISTRATION FORM OF THE PETITIONER AND CERTAIN INFORMATION DERIVED  
5 THEREFROM CONSISTING OF THE PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR  
6 WARD, ELECTION DISTRICT, PHYSICAL DESCRIPTION AND INFORMATION IDENTIFY-  
7 ING THE PETITIONER OTHER THAN BY SIGNATURE WHICH ARE OTHERWISE LOCATED  
8 OR WHICH WOULD, IN THE ABSENCE OF THIS PROVISION, OTHERWISE BE LOCATED  
9 IN ANY PLACE IN ITS PUBLIC FILES, INCLUDING BUT NOT LIMITED TO, ITS BUFF  
10 CARD BINDERS, ITS REGISTRATION LISTS, ITS FILES FOR PRINTING ELECTION  
11 DAY POLL LISTS AND ITS COMPUTERIZED SEARCH FILES AVAILABLE FOR USE BY  
12 THE PUBLIC.

13 2. SUCH ORDER SHALL PROVIDE THAT SUCH SEPARATE SPECIAL FILE AND THE  
14 FORMS AND INFORMATION CONTAINED THEREIN SHALL BE ACCESSIBLE ONLY TO THE  
15 FOLLOWING PERSONS OR ENTITIES UNDER THE FOLLOWING CONDITIONS, IN EACH  
16 CASE SUBJECT TO ADEQUATE MEASURES HAVING BEEN TAKEN AGAINST ANY PUBLIC  
17 DISCLOSURE OF THE INFORMATION CONTAINED THEREIN PRIOR TO GRANTING SUCH  
18 ACCESS:

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

22 (B) ANY COURT OF COMPETENT JURISDICTION WHICH HAS DETERMINED THAT SUCH  
23 COMPLETED ORIGINAL VOTER REGISTRATION FORM OR THE INFORMATION CONTAINED  
24 THEREON IS NECESSARY, RELEVANT AND COMPETENT EVIDENCE TO PROVE AN ISSUE  
25 BEFORE THE COURT IN LITIGATION, PROVIDED THAT ANY SUBPOENA FOR SUCH FORM  
26 OR INFORMATION MUST BE APPROVED AND SIGNED BY THE COURT WITH ADEQUATE  
27 PROVISION MADE FOR SEALING SUCH EVIDENCE TO PREVENT ITS DISCLOSURE TO  
28 THE PUBLIC;

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

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

36 3. SUCH ORDER SHALL NOT APPLY, WITH RESPECT TO THE ORIGINAL ACT OF  
37 VOTER REGISTRATION AT THE TIME OF SUCH ACT, TO A WATCHER DULY APPOINTED  
38 PURSUANT TO SECTION 5-206 OF THIS CHAPTER WHO IS PERSONALLY PRESENT AT  
39 SUCH TIME TO WITNESS SUCH ACT. SUCH WATCHER SHALL AT SUCH TIME HAVE ALL  
40 OF THE RIGHTS OF A DULY APPOINTED WATCHER INCLUDING BUT NOT LIMITED TO  
41 THE RIGHT TO INSPECT THE VOTER REGISTRATION FORM COMPLETED BY THE PETI-  
42 TIONER AND MAY CHALLENGE THE VOTER REGISTRATION OF SUCH LAW ENFORCEMENT  
43 OFFICIAL AT SUCH TIME, AS AUTHORIZED BY SECTION 5-218 OF THIS CHAPTER.

44 4. SUCH ORDER SHALL NOT APPLY TO ANY WATCHER DULY APPOINTED PURSUANT  
45 TO PARAGRAPH C OF SUBDIVISION ONE OF SECTION 9-209 OF THIS CHAPTER WHO  
46 IS PRESENT AT THE COUNTY BOARD OF ELECTIONS, DURING THE CASTING AND  
47 CANVASSING OF A SPECIAL BALLOT VOTED BY THE PETITIONER PURSUANT TO  
48 SECTION 11-303 OF THIS CHAPTER, AND ANY OTHER PERSON LAWFULLY PRESENT AT  
49 SUCH CANVASS, WHO MAY, PURSUANT TO THE PROVISIONS OF SUBDIVISION FIVE OF  
50 SECTION 9-209 OF THIS CHAPTER, OBSERVE SUCH CASTING AND CANVASSING AND  
51 OBJECT TO THE CASTING AND CANVASSING OF SUCH A SPECIAL BALLOT OR TO A  
52 FAILURE OR REFUSAL TO CAST AND CANVASS SUCH A SPECIAL BALLOT AS AUTHOR-  
53 IZED BY SUCH SUBDIVISION FIVE OF SECTION 9-209 OF THIS CHAPTER, PROVIDED  
54 THAT IF SUCH A WATCHER OR OTHER PERSON LAWFULLY PRESENT AT SUCH CANVASS  
55 REQUESTS TO SEE THE COMPLETED ORIGINAL VOTER REGISTRATION FORM OF THE  
56 PETITIONER, SUCH REQUEST SHALL NOT BE GRANTED BUT HE OR SHE SHALL, UNDER

1 THE SUPERVISION OF AT LEAST TWO ELECTION OFFICERS OR EMPLOYEES DESIG-  
2 NATED IN THE MANNER PROVIDED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS  
3 SECTION, BE ALLOWED TO THEN AND THERE VERIFY AND COMPARE ONLY THE  
4 PETITIONER'S NAME, SIGNATURE AND PARTY ENROLLMENT, BUT NOT THE  
5 PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR WARD, ELECTION DISTRICT,  
6 PHYSICAL DESCRIPTION NOR ANY OTHER INFORMATION IDENTIFYING THE PETITION-  
7 ER, WITH A PHOTOSTATIC COPY OF THE COMPLETED ORIGINAL VOTER REGISTRATION  
8 FORM OF THE PETITIONER ON WHICH THE ADDRESS, ASSEMBLY DISTRICT OR WARD,  
9 ELECTION DISTRICT, PHYSICAL DESCRIPTION AND ANY SUCH OTHER INFORMATION  
10 IDENTIFYING THE PETITIONER HAS BEEN COVERED OR BLOCKED OUT SO AS NOT TO  
11 BE VISIBLE TO OR DISCLOSED TO SUCH WATCHER OR OTHER PERSON LAWFULLY  
12 PRESENT AT SUCH CANVASS. IF THERE IS A CHALLENGE TO THE VALIDITY OF  
13 PETITIONER'S RESIDENCE AND ELIGIBILITY TO VOTE IN AN ELECTION, MADE BY A  
14 WATCHER, THERE SHALL BE A DETERMINATION MADE BY THE COMMISSIONERS OF  
15 ELECTIONS ON SUCH CHALLENGE. IF THERE IS A TIE VOTE OF THE COMMISSION-  
16 ERS ON THE ELIGIBILITY OF THE PETITIONER, THEN A COURT OF COMPETENT  
17 JURISDICTION SHALL DECIDE THE PETITIONER'S ELIGIBILITY WITHOUT DISCLOS-  
18 ING THE CONFIDENTIAL INFORMATION.

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

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

31 7. SUCH ORDER SHALL PROVIDE THAT THE REQUIREMENTS OF SUBDIVISIONS ONE  
32 AND TWO OF THIS SECTION CONTAINED IN SUCH ORDER SHALL BE NULL AND VOID  
33 IF:

34 (A) SUCH LAW ENFORCEMENT OFFICIAL HAS ENGAGED IN ONE OR MORE ACTIV-  
35 ITIES PREPARATORY TO A DESIGNATION, NOMINATION OR ELECTION OF SUCH LAW  
36 ENFORCEMENT OFFICIAL TO A PUBLIC OFFICE OR PARTY POSITION, INCLUDING BUT  
37 NOT LIMITED TO CAUSING THE PRINTING OF PETITIONS OR THE OBTAINING OF  
38 SIGNATURES THEREON, DESIGNATING A CAMPAIGN TREASURER, AUTHORIZING A  
39 POLITICAL COMMITTEE OR THE MAKING OF CAMPAIGN EXPENDITURES, OR CAUSING  
40 THE PRINTING OR DISTRIBUTION OF CAMPAIGN LEAFLETS OR FLYERS; OR

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

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

49 S 5. It is the intention of the legislature in enacting this act  
50 providing a specified procedure to render voter registration information  
51 pertaining to "law enforcement officials", as defined therein, confiden-  
52 tial subject to certain exceptions, that all of the provisions of this  
53 act form one interdependent and connected whole and that the legislature  
54 would not have enacted any particular provision of this act without also  
55 enacting all of the other provisions of this act. Accordingly, if any  
56 provision of this act shall be adjudged, by a court of competent juris-

1 diction and after any and all appeals have been exhausted in such case,  
2 to be invalid, the judgment shall not be confined in its operation to  
3 such provision but shall render all of the provisions of this act null  
4 and void. In such event any board of elections which is a party to such  
5 case shall notify the legislative bill drafting commission of such judg-  
6 ment in order for the commission to maintain an accurate up-to-date data  
7 base of the text of the laws of the state of New York in furtherance of  
8 effecting the provisions of section 44 of the legislative law and  
9 section 70-b of the public officers law.  
10 S 6. This act shall take effect on the first of January next succeed-  
11 ing the date on which it shall have become a law.