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2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

Introduced by M. of A. KAVANAGH, LANCMAN, ROSENTHAL, LUPARDO, COLTON, REILLY, MENG, CASTRO, P. RIVERA -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, BRENNAN, CAHILL, GOTTFRIED, WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to a universal jurisdiction voting act

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

1 Section 1. Subdivisions 1, 4, and 8 of section 5-208 of the election
2 law, subdivisions 1 and 8 as amended by chapter 200 of the laws of 1996,
3 subdivision 4 as added by chapter 659 of the laws of 1994, are amended
4 to read as follows:

5 1. The board of elections shall transfer the registration and enroll-
6 ment of any voter for whom it receives a notice of change of address to
7 another address in [the same county or city] NEW YORK STATE, or for any
8 voter who casts a ballot in an affidavit ballot envelope which sets
9 forth such a new address. Such notices shall include, but not be limit-
10 ed to, notices received from any state agency which conducts a voter
11 registration program pursuant to the provisions of sections 5-211 and
12 5-212 of this title, that the voter has notified such agency of a change
13 of address in [the same city or county] NEW YORK STATE unless the voter
14 has indicated that such change of address is not for voter registration
15 purposes, notices of change of address from the United States Postal
16 Service through the National Change of Address System, any notices of a
17 forwarding address on mail sent to a voter by the board of elections and
18 returned by the postal service, national or state voter registration
19 forms, confirmation mailing response cards, United States Postal Service
20 notices to correspondents of change of address, applications for regis-
21 tration from persons already registered in [such county or city] NEW
22 YORK STATE, or any other notices to correspondents sent to the board of
23 elections by such voters.

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

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1 4. If such application for registration from a voter already regis-
2 tered in [such county or city] NEW YORK STATE also reflects a change of
3 enrollment, the board of elections shall treat such application as an
4 application for change of enrollment pursuant to section 5-304 of this
5 article.

6 8. If the board of elections receives notice of a change of address
7 within [such city or county] NEW YORK STATE from, or with respect to, a
8 person who it determines is not registered in [such county or city] NEW
9 YORK STATE, it shall forthwith send such person a notice to that effect
10 in a form approved by the state board of elections at the new address
11 set forth in such notice of change of address, together with a voter
12 registration form.

13 S 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section
14 8-302 of the election law, as amended by chapter 164 of the laws of
15 2010, is amended to read as follows:

16 (ii) He or she may swear to and subscribe an affidavit stating that he
17 or she has duly registered to vote, the address in such election
18 district from which he or she registered, that he or she remains a duly
19 qualified voter in such election district, that his or her registration
20 poll record appears to be lost or misplaced or that his or her name
21 and/or his or her signature was omitted from the computer generated
22 registration list or that he or she has moved within [the county or
23 city] NEW YORK STATE since he or she last registered, the address from
24 which he or she was previously registered and the address at which he or
25 she currently resides, and at a primary election, the party in which he
26 or she is enrolled. The inspectors of election shall offer such an affi-
27 davit to each such voter whose residence address is in such election
28 district. Each such affidavit shall be in a form prescribed by the
29 state board of elections, shall be printed on an envelope of the size
30 and quality used for an absentee ballot envelope, and shall contain an
31 acknowledgment that the affiant understands that any false statement
32 made therein is perjury punishable according to law. Such form
33 prescribed by the state board of elections shall request information
34 required to register such voter should the county board determine that
35 such voter is not registered and shall constitute an application to
36 register to vote. The voter's name and the entries required shall then
37 be entered without delay and without further inquiry in the fourth
38 section of the challenge report or in the place provided at the end of
39 the computer generated registration list, with the notation that the
40 voter has executed the affidavit hereinabove prescribed, or, if such
41 person's name appears on the computer generated registration list, the
42 board of elections may provide a place to make such entry next to his or
43 her name on such list. The voter shall then, without further inquiry,
44 be permitted to vote an affidavit ballot provided for by this chapter.
45 Such ballot shall thereupon be placed in the envelope containing his or
46 her affidavit, and the envelope sealed and returned to the board of
47 elections in the manner provided by this chapter for protested official
48 ballots, including a statement of the number of such ballots.

49 S 3. This act shall take effect immediately.