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

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:

Section 1. The election law is amended by adding a new section 5-217 to read as follows:

S 5-217. CONFIDENTIAL REGISTRATION FOR LAW ENFORCEMENT OFFICIALS. 1. FOR THE PURPOSES OF THIS SECTION, SECTION 11-303 AND SECTION 16-120 OF THIS CHAPTER, THE TERM "LAW ENFORCEMENT OFFICIAL" SHALL MEAN ALL OF, BUT ONLY, THE FOLLOWING:

(A) A POLICE OFFICER DEFINED IN PARAGRAPH (A), (B), (D), (G) OR (K) OF SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW;

(B) A FEDERAL LAW ENFORCEMENT OFFICER DEFINED IN SUBDIVISION ONE, TWO, THREE, FOUR OR FIVE OF SECTION 2.15 OF THE CRIMINAL PROCEDURE LAW;

(C) A JUDGE OF THE COUNTY COURT, AND A JUSTICE OF THE SUPREME COURT OF THIS STATE; AND

(D) A DISTRICT ATTORNEY DEFINED IN SUBDIVISION THIRTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, A UNITED STATES ATTORNEY AND AN ASSISTANT UNITED STATES ATTORNEY.

2. UPON RECEIPT OF A CONFORMED COPY OF AN ORDER OF THE COURT PURSUANT TO SECTION 16-120 OF THIS CHAPTER TO RENDER AND KEEP VOTER REGISTRATION INFORMATION CONCERNING A LAW ENFORCEMENT OFFICIAL CONFIDENTIAL, WHICH ORDER WAS PREVIOUSLY FILED WITH THE COUNTY CLERK, THE APPROPRIATE COUNTY BOARD OF ELECTIONS SHALL CAUSE THE VOTER REGISTRATION INFORMATION IN ITS POSSESSION CONCERNING SUCH LAW ENFORCEMENT OFFICIAL TO BE RENDERED AND KEPT CONFIDENTIAL IN ACCORDANCE WITH THE TERMS OF SUCH ORDER ISSUED PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

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

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3. IF SUCH BOARD OF ELECTIONS BECOMES COGNIZANT OF AN ACT HAVING OCCURRED WHICH BY THE TERMS OF SUCH ORDER OF THE COURT RENDERS THE REQUIREMENTS OF SUCH ORDER NULL AND VOID PURSUANT TO SECTION 16-120 OF THIS CHAPTER, IT SHALL:

(A) NOTIFY THE LAW ENFORCEMENT OFFICIAL THAT SUCH BOARD OF ELECTIONS HAS BECOME COGNIZANT OF AN ACT WHICH BY THE TERMS OF SUCH COURT ORDER RENDERS THE REQUIREMENTS OF SUCH ORDER NULL AND VOID PURSUANT TO SECTION 16-120 OF THIS CHAPTER AND THAT ACCORDINGLY THE REGISTRATION INFORMATION PERTAINING TO SUCH LAW ENFORCEMENT OFFICIAL IS BEING RESTORED TO AND RE-FILED IN THE PUBLIC FILES OF SUCH BOARD; AND

(B) FIVE DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE CAUSE ALL VOTER REGISTRATION FORMS AND INFORMATION IN ITS POSSESSION CONCERNING SUCH LAW ENFORCEMENT OFFICIAL TO BE RE-FILED IN THE PUBLIC FILES OF SUCH BOARD, INCLUDING BUT NOT LIMITED TO IN ITS BUFF CARD BINDERS, ITS REGISTRATION LISTS, ITS FILES FOR PRINTING ELECTION DAY POLL LISTS AND ITS COMPUTERIZED SEARCH FILES AVAILABLE FOR USE BY THE PUBLIC.

4. THE BOARD OF ELECTIONS SHALL MAINTAIN AN UP-TO-DATE LIST OF THE NAMES AND PARTY ENROLLMENTS OF ALL LAW ENFORCEMENT OFFICIALS WITH RESPECT TO WHOM ORDERS OF THE COURT, PURSUANT TO SECTION 16-120 OF THIS CHAPTER, TO RENDER AND KEEP CERTAIN VOTER REGISTRATION INFORMATION CONCERNING THEM CONFIDENTIAL ARE RECEIVED BY SUCH BOARD. FIVE DAYS AFTER MAILING THE NOTICE REQUIRED BY PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION UNDER THE CIRCUMSTANCES WHICH RESULT IN THE MAILING OF SUCH NOTICE, THE BOARD OF ELECTIONS SHALL CAUSE THE NAME AND OTHER INFORMATION OF THE LAW ENFORCEMENT OFFICIAL CONTAINED ON SUCH LIST TO BE REMOVED OR DELETED FROM SUCH LIST.

5. THE PROVISIONS OF SECTION 17-106 OF THIS CHAPTER, RELATING TO MISCONDUCT OF ELECTION OFFICERS, SHALL APPLY TO THE NEW DUTIES CREATED BY THIS SECTION, SECTION 9-209, SECTION 11-303 AND SECTION 16-120 OF THIS CHAPTER RELATING TO RENDERING AND KEEPING CERTAIN VOTER REGISTRATION INFORMATION OF LAW ENFORCEMENT OFFICIALS CONFIDENTIAL.

S 2. Section 9-209 of the election law, as amended by chapter 104 of the laws of 2010, the opening paragraph of such section and subparagraph (i) of paragraph (a) of subdivision 2 as amended by chapter 163 of the laws of 2010, is amended to read as follows:

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

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

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

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

(c) Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

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

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

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

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

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

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

[(iv)] (II) If such a federal write-in absentee ballot contains the name of a person or persons in the space provided for a vote for any office, such ballot shall be counted as a vote for such person or persons. A vote for a person who is the candidate of a party or independent body either for president or vice-president shall be deemed to be a vote for both the candidates of such party or independent body for such offices. If such a ballot contains the name of a party or independent body in the space provided for a vote for any office, such ballot shall be deemed to be a vote for the candidate or candidates, if any, of such party or independent body for such office. In the case of the offices of president and vice-president a vote cast for a candidate, either directly or by writing in the name of a party or independent body, shall also be deemed to be votes for the electors supporting such candidate. Any abbreviation, misspelling or other minor variation in the form of the name of a candidate or a party or independent body shall be disregarded in determining the validity of the ballot, if the intention can be ascertained.

[(c)] 4. The following provisions shall apply to casting and canvassing of all such ballots which are counted by machine and all other provisions of this chapter with respect to casting and canvassing such ballots which are not inconsistent with this paragraph shall be applicable to such ballots.

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

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

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

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

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

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

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

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

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A LAW ENFORCEMENT OFFICIAL WHO OBTAINED SUCH AN ORDER WHICH WAS SERVED UPON THE COUNTY BOARD OF ELECTIONS AND FOR WHICH NO ORDER REVOKING SUCH ORDER HAS BEEN SERVED UPON SUCH BOARD NEED NOT SUBMIT AN APPLICATION FORM OR REQUEST FOR A SPECIAL BALLOT AND NEED HAVE NO OTHER GROUNDS TO RECEIVE SUCH SPECIAL BALLOT FOR SUCH ELECTION, AND SUCH BOARD SHALL DELIVER A SPECIAL BALLOT TO SUCH LAW ENFORCEMENT OFFICIAL OTHERWISE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

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

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

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

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

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

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

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

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

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

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

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

THE SUPERVISION OF AT LEAST TWO ELECTION OFFICERS OR EMPLOYEES DESIGNATED IN THE MANNER PROVIDED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, BE ALLOWED TO THEN AND THERE VERIFY AND COMPARE ONLY THE PETITIONER'S NAME, SIGNATURE AND PARTY ENROLLMENT, BUT NOT THE PETITIONER'S ADDRESS, ASSEMBLY DISTRICT OR WARD, ELECTION DISTRICT, PHYSICAL DESCRIPTION NOR ANY OTHER INFORMATION IDENTIFYING THE PETITIONER, WITH A PHOTOSTATIC COPY OF THE COMPLETED ORIGINAL VOTER REGISTRATION FORM OF THE PETITIONER ON WHICH THE ADDRESS, ASSEMBLY DISTRICT OR WARD, ELECTION DISTRICT, PHYSICAL DESCRIPTION AND ANY SUCH OTHER INFORMATION IDENTIFYING THE PETITIONER HAS BEEN COVERED OR BLOCKED OUT SO AS NOT TO BE VISIBLE TO OR DISCLOSED TO SUCH WATCHER OR OTHER PERSON LAWFULLY PRESENT AT SUCH CANVASS. IF THERE IS A CHALLENGE TO THE VALIDITY OF PETITIONER'S RESIDENCE AND ELIGIBILITY TO VOTE IN AN ELECTION, MADE BY A WATCHER, THERE SHALL BE A DETERMINATION MADE BY THE COMMISSIONERS OF ELECTIONS ON SUCH CHALLENGE. IF THERE IS A TIE VOTE OF THE COMMISSIONERS ON THE ELIGIBILITY OF THE PETITIONER, THEN A COURT OF COMPETENT JURISDICTION SHALL DECIDE THE PETITIONER'S ELIGIBILITY WITHOUT DISCLOSING THE CONFIDENTIAL INFORMATION.

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

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

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

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

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

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

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

diction and after any and all appeals have been exhausted in such case, to be invalid, the judgment shall not be confined in its operation to such provision but shall render all of the provisions of this act null and void. In such event any board of elections which is a party to such case shall notify the legislative bill drafting commission of such judgment in order for the commission to maintain an accurate up-to-date data base of the text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.