

5236

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. CARLUCCI -- 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 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.

24 4. If such application for registration from a voter already regis-  
25 tered in [such county or city] NEW YORK STATE also reflects a change of

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

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1 enrollment, the board of elections shall treat such application as an  
2 application for change of enrollment pursuant to section 5-304 of this  
3 article.

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

11 S 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section  
12 8-302 of the election law, as amended by chapter 164 of the laws of  
13 2010, is amended to read as follows:

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

47 S 3. This act shall take effect immediately.