

2672

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. QUART -- 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:

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

3 TITLE VI
4 EARLY VOTING

5 SECTION 8-600. EARLY VOTING PROCEDURES.

6 8-602. APPLICATION FOR EARLY VOTING.

7 8-604. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF.

8 S 8-600. EARLY VOTING PROCEDURES. 1. NO LATER THAN SEVEN DAYS PRIOR TO
9 THE DATE OF EVERY PRIMARY AND GENERAL ELECTION, A PERSON MAY, UPON
10 COMPLETION OF A FORMAL WRITTEN APPLICATION, VOTE FOR A CANDIDATE FOR
11 PUBLIC OFFICE IN A PRIMARY OR GENERAL ELECTION, AND SUCH EARLY VOTING
12 PRACTICE MAY TAKE PLACE AT SUCH PERSON'S DESIGNATED POLLING PLACE OR AS
13 DESIGNATED BY AND THROUGH A COUNTY BOARD OF ELECTIONS UNDER THE POWERS
14 GRANTED PURSUANT TO THIS SECTION ON OR BEFORE THE EFFECTIVE DATE OF THIS
15 SECTION. EACH COUNTY BOARD OF ELECTIONS SHALL ESTABLISH PERMANENT POLL-
16 ING PLACES FOR EARLY VOTING AND SHALL PROVIDE AT LEAST ONE POLLING PLACE
17 FOR EVERY ONE HUNDRED THOUSAND VOTERS WITHIN THE JURISDICTION OF SUCH
18 BOARD OF ELECTIONS. EARLY VOTING SHALL BE MADE AVAILABLE EACH DAY
19 DURING SUCH PERIOD UNTIL THE SUNDAY IMMEDIATELY PRIOR TO THE PRIMARY OR
20 GENERAL ELECTION.

21 2. EACH POLLING PLACE SHALL BE OPEN TO THE PUBLIC FOR EARLY VOTING
22 FROM 9 A.M. UNTIL 5 P.M. ON ANY BUSINESS DAY AND FROM 9 A.M. UNTIL 2
23 P.M. ON ANY SATURDAY, SUNDAY, OR HOLIDAY DURING SUCH EARLY VOTING PERI-
24 OD; PROVIDED, HOWEVER, THAT THE COUNTY BOARD OF ELECTIONS MAY, IN
25 ACCORDANCE WITH THIS SECTION, ESTABLISH ADDITIONAL TEMPORARY POLLING

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

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1 PLACES THAT ARE NOT OPEN FOR THE ENTIRETY OF THE EARLY VOTING PERIOD AND
2 SUCH TEMPORARY POLLING PLACES SHALL BE OPEN FOR EARLY VOTING DURING SUCH
3 HOURS AND DAYS AS SHALL BE DESIGNATED BY THE BOARD OF ELECTIONS.

4 3. A REGISTERED VOTER MAY PARTICIPATE IN EARLY VOTING UPON COMPLETION
5 AND FILING OF AN APPLICATION THEREFOR WITH THE BOARD OF ELECTIONS HOLD-
6 ING HIS OR HER VOTER REGISTRATION.

7 4. EACH COUNTY BOARD OF ELECTIONS SHALL PUBLISH NOTICE OF THE DATE,
8 TIME, LOCATIONS AND MANNER OF SUCH EARLY VOTING PRACTICE FOR GENERAL,
9 PRIMARY AND SPECIAL ELECTIONS IN A NEWSPAPER OF GENERAL CIRCULATION
10 THIRTY DAYS PRIOR TO COMMENCEMENT OF THE FIRST DAY OF SUCH EARLY VOTING.

11 5. THE EARLY VOTING SHALL BE MONITORED AND ADMINISTERED BY TWO DULY
12 DESIGNATED PERSONS, ONE FROM EACH MAJOR POLITICAL PARTY, AND SUCH VOTING
13 SHALL FOLLOW AND CONFORM TO ALL OTHER PROCEDURES, MEASURES AND REQUIRE-
14 MENTS OF CASTING A VOTE IN A PRIMARY OR GENERAL ELECTION PURSUANT TO
15 THIS CHAPTER. ALL VOTES CAST DURING THE EARLY VOTING PERIOD SHALL BE
16 COUNTED IN THE SAME MANNER AS VOTES CAST ON THE DAY OF THE PRIMARY OR
17 GENERAL ELECTION TO WHICH SUCH EARLY VOTING PERIOD RELATES, AS
18 PRESCRIBED BY ARTICLE NINE OF THIS CHAPTER.

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

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

- 34 (A) THE DATE OF THE PRIMARY OR GENERAL ELECTION,
- 35 (B) NAME OF THE BOARD OF ELECTIONS,
- 36 (C) THE NAME OF THE VOTER,
- 37 (D) RESIDENCE OF VOTER,
- 38 (E) NUMBER OF THE ASSEMBLY DISTRICT, IF ANY,
- 39 (F) NAME OF CITY OR TOWN, NUMBER OF WARD, IF ANY, AND
- 40 (G) ELECTION DISTRICT AND PARTY ENROLLMENT. THERE SHALL BE A PLACE FOR

41 TWO SIGNATURES OF PERSONS DESIGNATED TO INSPECT, ONE FROM EACH MAJOR
42 POLITICAL PARTY, THAT SUCH PERSONS HAVE CHECKED AND MARKED THE VOTER'S
43 REGISTRATION AND POLL RECORD. ON THE REVERSE SIDE OF SUCH APPLICATION
44 SHALL BE PRINTED THE FOLLOWING STATEMENT:

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

53 (DATE) _____

54 _____
55 (SIGNATURE AND ADDRESS OF VOTER) _____

56 _____

1 (WITNESS) _____
2 _____

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

6 S 2. This act shall take effect on the first of January next succeed-
7 ing the date on which it shall have become a law.