

689--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. SILVER, CUSICK, WRIGHT, FARRELL, GOTTFRIED, WEINSTEIN, GLICK, BROOK-KRASNY, CYMBROWITZ, AUBRY, BRENNAN, LENTOL, KAVANAGH, WEISENBERG, PERRY, MAISEL, WEPRIN -- Multi-Sponsored by -- M. of A. ABINANTI, BARRETT, BARRON, BENEDETTO, BRAUNSTEIN, BRONSON, BUCHWALD, CAHILL, CLARK, COOK, DenDEKKER, DINOWITZ, ENGLEBRIGHT, GALEF, GIBSON, GUNTHER, HENNESSEY, HEVESI, JACOBS, JAFFEE, KELLNER, KIM, LAVINE, LIFTON, LUPARDO, MAGNARELLI, MARKEY, MAYER, McDONALD, MILLER, MORELLE, MOYA, O'DONNELL, OTIS, PAULIN, PEOPLES-STOKES, PRETLOW, QUART, RAMOS, ROBERTS, ROBINSON, ROSA, ROSENTHAL, ROZIC, RUSSELL, SANTABARBARA, SCARBOROUGH, SCHIMEL, SEPULVEDA, SIMOTAS, SKARTADOS, SKOUFIS, SOLAGES, STEVENSON, STIRPE, SWEENEY, THIELE, TITONE -- read once and referred to the Committee on Election Law -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to early voting

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

1     Section 1. Section 3-400 of the election law is amended by adding a  
2     new subdivision 9 to read as follows:  
3     9. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS SECTION,  
4     ELECTION INSPECTORS OR POLL CLERKS, IF ANY, AT EARLY VOTING LOCATIONS,  
5     SHALL CONSIST OF EITHER BOARD OF ELECTIONS EMPLOYEES WHO SHALL BE  
6     APPOINTED BY THE COMMISSIONERS OF SUCH BOARD OR DULY QUALIFIED INDIVID-  
7     UALS, APPOINTED IN THE MANNER SET FORTH IN THIS SECTION. APPOINTMENTS  
8     TO THE OFFICES OF ELECTION INSPECTOR OR POLL CLERK IN EACH EARLY VOTING  
9     LOCATION SHALL BE EQUALLY DIVIDED BETWEEN THE MAJOR POLITICAL PARTIES.  
10    S 2. Subdivision 1 of section 4-117 of the election law, as amended by  
11    chapter 288 of the laws of 2009, is amended to read as follows:

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

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1     1. The board of elections, between August first and August fifth of  
2 each year, shall send by first class mail on which is endorsed "ADDRESS  
3 CORRECTION REQUESTED" and which contains a request that any such mail  
4 received for persons not residing at the address be dropped back in the  
5 mail, a communication, in a form approved by the state board of  
6 elections, to every registered voter who has been registered without a  
7 change of address since the beginning of such year, except that the  
8 board of elections shall not be required to send such communications to  
9 voters in inactive status. The communication shall notify the voter of  
10 the days and hours of the ensuing primary and general elections, INCLUD-  
11 ING THE DAYS AND HOURS FOR EARLY VOTING AND THE LOCATIONS THEREFOR, the  
12 place where he appears by his registration records to be entitled to  
13 vote, the fact that voters who have moved or will have moved from the  
14 address where they were last registered must re-register or, that if  
15 such move was to another address in the same county or city, that such  
16 voter may either notify the board of elections of his new address or  
17 vote by paper ballot at the polling place for his new address even if  
18 such voter has not re-registered, or otherwise notified the board of  
19 elections of the change of address. If the location of the polling place  
20 for the voter's election district has been moved, the communication  
21 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS  
22 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also  
23 indicate whether the polling place is accessible to physically disabled  
24 voters, that a voter who will be out of the city or county on the day of  
25 the primary or general election or a voter who is ill or physically  
26 disabled may obtain an absentee ballot, that a physically disabled voter  
27 whose polling place is not accessible may request that his registration  
28 record be moved to an election district which has a polling place which  
29 is accessible, the phone number to call for applications to move a  
30 registration record or for absentee ballot applications, the phone  
31 number to call for the location of registration and polling places, the  
32 phone number to call to indicate that the voter is willing to serve on  
33 election day as an election inspector, poll clerk, interpreter or in  
34 other capacities, the phone number to call to obtain an application for  
35 registration by mail, and such other information concerning the  
36 elections or registration as the board may include. In lieu of sending  
37 such communication to every registered voter, the board of elections may  
38 send a single communication to a household containing more than one  
39 registered voter, provided that the names of all such voters appear as  
40 part of the address on such communication.

41     S 3. Subdivision 1 of section 8-102 of the election law is amended by  
42 adding a new paragraph (k) to read as follows:

43     (K) VOTING AT EACH EARLY VOTING SITE SHALL BE CONDUCTED IN A MANNER  
44 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, WITH THE EXCEPTION OF  
45 THE TABULATION AND PROCLAMATION OF ELECTION RESULTS WHICH SHALL BE  
46 COMPLETED ACCORDING TO SUBDIVISIONS EIGHT, NINE, AND TEN OF SECTION  
47 8-600 OF THIS ARTICLE.

48     S 4. Section 8-104 of the election law is amended by adding a new  
49 subdivision 7 to read as follows:

50     7. THIS SECTION SHALL APPLY ON ALL EARLY VOTING DAYS AS PROVIDED FOR  
51 IN SECTION 8-600 OF THIS ARTICLE.

52     S 5. Paragraph (b) of subdivision 2 of section 8-508 of the election  
53 law, as amended by chapter 200 of the laws of 1996, is amended to read  
54 as follows:

55     (b) The second section of such report shall be reserved for the board  
56 of inspectors to enter the name, address and registration serial number

1 of each person who is challenged on the day of election OR ON ANY DAY IN  
2 WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE,  
3 together with the reason for the challenge. If no voters are chal-  
4 lenged, the board of inspectors shall enter the words "No Challenges"  
5 across the space reserved for such names. In lieu of preparing section  
6 two of the challenge report, the board of elections may provide, next to  
7 the name of each voter on the computer generated registration list, a  
8 place for the inspectors of election to record the information required  
9 to be entered in such section two, or provide at the end of such comput-  
10 er generated registration list, a place for the inspectors of election  
11 to enter such information.

12 S 6. Article 8 of the election law is amended by adding a new title 6  
13 to read as follows:

14 TITLE VI  
15 EARLY VOTING

16 SECTION 8-600. EARLY VOTING.

17 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY  
18 VOTING.

19 S 8-600. EARLY VOTING. 1. BEGINNING THE THIRD THURSDAY PRIOR TO ANY  
20 GENERAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND THE SECOND THURSDAY  
21 PRIOR TO ANY PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE,  
22 AND ENDING ON THE THURSDAY IMMEDIATELY PRECEDING A GENERAL, PRIMARY OR  
23 SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, PERSONS DULY REGISTERED  
24 AND ELIGIBLE TO VOTE FOR CANDIDATES FOR SUCH OFFICE SHALL BE PERMITTED  
25 TO VOTE IN PERSON BY BALLOT FOR A CANDIDATE FOR SUCH OFFICE. VOTERS WHO  
26 CAST A VOTE AT AN EARLY VOTING SITE DURING THE EARLY VOTING PERIOD SHALL  
27 BE PROHIBITED FROM VOTING ON ELECTION DAY.

28 2. THE BOARD OF ELECTIONS OF EACH COUNTY SHALL DESIGNATE AT LEAST FIVE  
29 POLLING SITES, INCLUDING THE BOARD OF ELECTIONS ITSELF, IN EACH COUNTY  
30 OR BOROUGH IN THE CITY OF NEW YORK, FOR PERSONS TO VOTE EARLY PURSUANT  
31 TO THIS SECTION. SUCH POLLING SITES SHALL BE GEOGRAPHICALLY LOCATED SO  
32 AS TO PROVIDE ALL VOTERS IN THE COUNTY AN EQUAL OPPORTUNITY TO CAST A  
33 BALLOT, INsofar AS IS PRACTICABLE. IN THE EVENT THAT THE BOARD OF  
34 ELECTIONS DETERMINES THAT THE NUMBER OF EARLY VOTING SITES IS INSUFFI-  
35 CIENT DUE TO THE NUMBER OF VOTERS WHO ARE VOTING EARLY, THE BOARD OF  
36 ELECTIONS MAY ESTABLISH ADDITIONAL EARLY VOTING SITES FOR THE CONVEN-  
37 IENCE OF ELIGIBLE VOTERS WISHING TO VOTE AT SUCH EARLY VOTING SITES.  
38 FURTHER, THE BOARD OF ELECTIONS SHALL GIVE ADEQUATE NOTICE TO ELIGIBLE  
39 VOTERS OF SUCH ADDITIONAL EARLY VOTING SITES. THE PROVISIONS OF SECTION  
40 4-104 OF THIS CHAPTER SHALL APPLY TO THE DESIGNATION OF POLLING PLACES  
41 FOR EARLY VOTING EXCEPT WHERE SUCH PROVISIONS ARE INCONSISTENT WITH THIS  
42 SUBDIVISION.

43 3. ANY PERSON ENTITLED TO VOTE EARLY MAY DO SO AT ANY EARLY VOTING  
44 SITE ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN THE  
45 COUNTY WHERE SUCH VOTER IS REGISTERED TO VOTE PROVIDED, HOWEVER, IF IT  
46 IS IMPRACTICAL FOR THE COUNTY BOARD OF ELECTIONS TO PROVIDE EACH EARLY  
47 VOTING SITE ALL APPROPRIATE BALLOTS FOR EACH ELECTION TO BE VOTED ON IN  
48 THE COUNTY OR SUCH BOARD OF ELECTIONS IS UNABLE TO ENSURE THAT SUCH  
49 VOTER HAS NOT PREVIOUSLY VOTED EARLY DURING SUCH ELECTION, THE BOARD OF  
50 ELECTIONS SHALL PROVIDE APPROPRIATE FORMS OF BALLOTS ONLY FOR THOSE  
51 VOTERS REGISTERED TO VOTE IN THE AREA SERVED BY SUCH EARLY VOTING SITE  
52 AS DESIGNATED BY THE BOARD OF ELECTIONS.

53 4. POLLS SHALL BE OPEN FOR EARLY VOTING FROM EIGHT O'CLOCK IN THE  
54 MORNING UNTIL EIGHT O'CLOCK IN THE EVENING EACH WEEK DAY AND FROM NINE  
55 O'CLOCK IN THE MORNING UNTIL FIVE O'CLOCK IN THE AFTERNOON ON SATURDAY  
56 AND SUNDAY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY

1 BOARD OF ELECTIONS FROM EXTENDING HOURS FOR EARLY VOTING PAST THE TIMES  
2 SPECIFIED HEREIN.

3 5. THE BOARD OF ELECTIONS SHALL CREATE A COMMUNICATION PLAN THAT IS  
4 EASILY ACCESSIBLE AND UNDERSTOOD BY ALL VOTERS. SUCH COMMUNICATIONS PLAN  
5 SHALL UTILIZE ANY AND ALL MEDIA OUTLETS, INCLUDING SOCIAL MEDIA. INFOR-  
6 MATION TO BE PROVIDED SHALL INCLUDE THE LOCATION OF ALL EARLY VOTING  
7 SITES AND A NOTATION WHETHER SUCH SITES ARE ACCESSIBLE TO DISABLED  
8 VOTERS, DATES AND HOURS OF OPERATION, A CLEAR AND UNAMBIGUOUS MESSAGE TO  
9 VOTERS NOTIFYING THEM THAT IF SUCH VOTERS CAST A BALLOT DURING THE EARLY  
10 VOTING PERIOD THEN THEY WILL NOT BE ALLOWED TO VOTE ON ELECTION DAY; AND  
11 IF EARLY VOTING POLLING PLACES ARE REGIONALIZED PURSUANT TO SUBDIVISION  
12 THREE OF THIS SECTION, THE LOCATION OF THE EARLY VOTING POLLING PLACE  
13 SERVING THE VOTERS OF ANY PARTICULAR CITY, TOWN OR OTHER POLITICAL  
14 SUBDIVISION.

15 6. THE FORM OF PAPER BALLOTS, IF USED IN EARLY VOTING, SHALL COMPLY  
16 WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE  
17 TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST  
18 IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE,  
19 PROVIDED HOWEVER THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD SHALL  
20 NOT BE CANVASSED UNTIL NINE O'CLOCK IN THE EVENING ON ELECTION DAY.

21 7. VOTERS CASTING BALLOTS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO  
22 CHALLENGE AS PROVIDED IN SECTIONS 8-500, 8-502 AND 8-504 OF THIS ARTI-  
23 CLE.

24 8. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, AT NINE  
25 O'CLOCK IN THE EVENING ON ELECTION DAY, THE REMOVABLE ELECTRONIC OR  
26 COMPUTERIZED DEVICES IN USE BY ALL VOTING SCANNERS USED DURING THE EARLY  
27 VOTING PERIOD SHALL BE PROCESSED, IN A MANNER NOT INCONSISTENT WITH  
28 ARTICLE NINE OF THIS CHAPTER, BY BIPARTISAN TEAMS OF BOARD OF ELECTIONS  
29 EMPLOYEES OR ELECTION INSPECTORS AS DESIGNATED BY THE BOARD OF  
30 ELECTIONS. THEREAFTER, TABULATED RESULTS TAPES SHALL BE PRODUCED AND A  
31 CANVASS SHEET REFLECTING THE AGGREGATED VOTE RESULTS OF EARLY VOTING  
32 SHALL BE COMPLETED AND SIGNED BY SAID BIPARTISAN CANVASS TEAMS.

33 9. NOTWITHSTANDING ANY PROVISIONS OF THIS CHAPTER, AT THE END OF EACH  
34 DAY OF EARLY VOTING, ANY EARLY VOTING BALLOTS THAT WERE NOT ABLE TO BE  
35 SCANNED AT ANY EARLY VOTING SITE SHALL BE SCANNED BY A BIPARTISAN TEAM  
36 OF INSPECTORS ASSIGNED TO SUCH EARLY VOTE SITE. ANY SUCH BALLOTS THAT  
37 REMAIN UNSCANNED BECAUSE THE SCANNER WAS UNAVAILABLE, OR BECAUSE OF AN  
38 OVERVOTE OR BLANK BALLOT WARNING ON THE BALLOT SCANNER SCREEN, SHALL BE  
39 RETURNED TO THE BOARD OF ELECTIONS UNCOUNTED. AT NINE O'CLOCK IN THE  
40 EVENING ON ELECTION DAY AT THE BOARD OF ELECTIONS, SUCH UNSCANNED  
41 BALLOTS SHALL BE CANVASSED BY BIPARTISAN TEAMS OF BOARD OF ELECTIONS  
42 EMPLOYEES OR ELECTION INSPECTORS AS DESIGNATED BY THE BOARD OF  
43 ELECTIONS. THE VOTES FROM SUCH BALLOTS SHALL BE RECORDED ON TALLY SHEETS  
44 AND BE SIGNED BY SAID BIPARTISAN CANVASS TEAMS. RESULTS TABULATED ON  
45 SAID TALLY SHEETS SHALL BE ADDED TO THE TABULATED RESULTS TAPES TOTALS,  
46 AND THE SIGNED TALLY SHEETS SHALL BE AFFIXED TO CORRESPONDING EARLY  
47 VOTING CANVASS SHEETS.

48 10. UPON THE COMPLETION OF THE CANVASS OF ALL EARLY VOTING BALLOTS  
49 CAST, THE REMOVABLE ELECTRONIC OR COMPUTERIZED DEVICES USED IN ALL EARLY  
50 VOTING SCANNERS SHALL BE USED TO PRODUCE THE UNOFFICIAL TALLY OF RESULTS  
51 AS REQUIRED IN SECTION 9-126 OF THIS CHAPTER.

52 S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.  
53 ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE  
54 PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF  
55 ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE  
56 PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED

1 UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE  
2 STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGU-  
3 LATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS  
4 THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED FURTHER THAT SUCH RULES  
5 AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR EACH  
6 VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY VOTING BY  
7 SUCH VOTER.

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