

689--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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.

LBD05564-08-3

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.