

1688

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. ZELDIN, MAZIARZ -- 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 removal of a voter from  
voting rolls due to death

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

1     Section 1. The election law is amended by adding a new section 5-714  
2     to read as follows:  
3     S 5-714. DEATH OF A REGISTERED VOTER. 1. PURSUANT TO PARAGRAPH (E) OF  
4     SUBDIVISION ONE OF SECTION 5-400 OF THIS ARTICLE, DEATH SHALL RESULT IN  
5     THE CANCELLATION OF A VOTER'S REGISTRATION. IN ORDER TO ENSURE THAT THE  
6     NAME OF A VOTER IS REMOVED FROM THE REGISTRATION ROLL UPON DEATH, THE  
7     NEW YORK STATE BOARD OF ELECTIONS, OR THE BOARD OF ELECTIONS IN EACH  
8     COUNTY AND IN NEW YORK CITY, SHALL REVIEW THE SOCIAL SECURITY ADMINIS-  
9     TRATION DEATH MASTER FILE ON AN ANNUAL BASIS, PRIOR TO AUGUST FIRST OF  
10    EACH CALENDAR YEAR, AND REMOVE THE NAMES OF ALL DECEASED VOTERS FROM THE  
11    REGISTRATION ROLL.  
12    2. IN THE EVENT THAT AN INDIVIDUAL CLAIMS THAT THEIR NAME WAS ERRO-  
13    NEOUSLY REMOVED FROM THE ROLL, THEY SHALL BE ENTITLED TO CAST A VOTE  
14    THROUGH AN AFFIDAVIT BALLOT IN THE SAME MANNER AS A VOTER WHO IS DEEMED  
15    TO BE INACTIVE. UPON THIS EVENT, THE BOARD OF ELECTIONS SHALL COMMENCE  
16    AN INQUIRY TO DETERMINE WHETHER THE NAME OF THE VOTER HAS IN FACT BEEN  
17    REMOVED FROM THE REGISTRATION ROLL DUE TO AN ERROR. IN THE EVENT THAT AN  
18    ERROR IS FOUND, THE AFFIDAVIT BALLOT SHALL BE COUNTED AND THE INDIVID-  
19    UAL'S NAME SHALL BE REINSTATED ON THE REGISTRATION ROLL.  
20    S 2. This act shall take effect immediately.

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

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