

2040

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. KAVANAGH, COLTON, GALEF, STEVENSON -- Multi-Sponsored by -- M. of A. CAHILL, CAMARA, GABRYSZAK, GOTTFRIED, HOOPER, MAGEE, PERRY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to failure of new registrants to enroll

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

1     Section 1. Subdivision 9 of section 5-210 of the election law, as  
2 amended by chapter 179 of the laws of 2005, is amended to read as  
3 follows:  
4     9. The county board of elections shall, promptly and in any event, not  
5 later than twenty-one days after receipt by it of the application, verify  
6 the identity of the applicant. In order to do so, the county board of  
7 elections shall utilize the information provided in the application and  
8 shall attempt to verify such information with the information provided  
9 by the department of motor vehicles, social security administration and  
10 any other lawful available information source. If the county board of  
11 elections is unable to verify the identity of the applicant within twenty-one  
12 days of the receipt of the application, it shall immediately take  
13 steps to confirm that the information provided by the applicant was  
14 accurately utilized by such county board of elections, was accurately  
15 verified with other information sources and that no data entry error, or  
16 other similar type of error, occurred. Following completion of the  
17 preceding steps, the county board of elections shall mail (a) a notice  
18 of its approval, (b) a notice of its approval which includes an indication  
19 that such board has not yet been able to verify the identity of  
20 the applicant and a request for more information so that such verification  
21 may be completed, or (c) a notice of its rejection of the application  
22 to the applicant in a form approved by the state board of

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

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1 elections. Notices of approval, notices of approval with requests for  
2 more information or notices of rejection shall be sent by nonforwardable  
3 first class [or] return postage guaranteed mail on which is endorsed  
4 "ADDRESS CORRECTION REQUESTED" and which contains a request that any  
5 such mail received for persons not residing at the address be dropped  
6 back in the mail. The voter's registration and enrollment shall be  
7 complete upon receipt of the application by the appropriate county board  
8 of elections. The failure of a county board of elections to verify an  
9 applicant's identity shall not be the basis for the rejection of a  
10 voter's application, provided, however, that such verification failure  
11 shall be the basis for requiring county board of elections to take the  
12 additional verification steps provided by this chapter. The notice shall  
13 also advise the registrant of the date when his registration and enroll-  
14 ment is effective, of the date and the hours of the next regularly sche-  
15 duled primary or general election in which he will be eligible to vote,  
16 of the location of the polling place of the election district in which  
17 he is or will be a qualified voter, whether such polling place is acces-  
18 sible to physically handicapped voters, an indication that physically  
19 handicapped voters or voters who are ill or voters who will be out of  
20 the city or county on the day of the primary or general election, may  
21 obtain an absentee ballot and the phone number to call for absentee  
22 ballot applications, the phone numbers to call for location of polling  
23 places, to obtain registration forms and the phone number to call to  
24 indicate that the voter is willing to serve on election day as an  
25 inspector, poll clerk or interpreter. The notice of approval, notice of  
26 approval with request for more information or notice of rejection shall  
27 also advise the applicant to notify the board of elections if there is  
28 any inaccuracy. SUCH NOTICE SHALL INCLUDE A STATEMENT OF THE PARTY  
29 ENROLLMENT OF THE REGISTRANT, OR, IF NO PARTY WAS SELECTED BY THE REGIS-  
30 TRANT, A STATEMENT THAT THE REGISTRANT DID NOT ENROLL IN A PARTY AND IS  
31 NOT ELIGIBLE TO VOTE IN A PARTY PRIMARY ELECTION, AND, INSTRUCTIONS ON  
32 HOW TO ENROLL IN A PARTY. The form of such mail notification shall be  
33 prescribed by the state board of elections and shall contain such other  
34 information and instructions as it may reasonably require to carry out  
35 the purposes of this section. The request for more information shall  
36 inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND  
37 CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDI-  
38 TIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE  
39 POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is  
40 returned undelivered without a new address, the board shall forthwith  
41 send such applicant a confirmation notice pursuant to the provisions of  
42 section 5-712 of this article and place such applicant in inactive  
43 status. The state board of elections shall prepare uniform notices by  
44 this section as provided for in subdivision eight of section 3-102 of  
45 this chapter.

46 S 2. Subdivision 3 of section 5-302 of the election law, as amended by  
47 chapter 659 of the laws of 1994, is amended to read as follows:

48 3. If marks are found in more than one of the boxes or circles or if  
49 no marks are found in any of the boxes or circles of any application  
50 form, the voter who used the application form shall be deemed not to be  
51 enrolled, and the words blank or void shall be entered in the space  
52 reserved on his registration poll record for the name of a political  
53 party or in the computer files from which the computer generated regis-  
54 tration lists are prepared. However if such application form sets forth  
55 the address of prior registration and such prior registration had not  
56 been previously cancelled, the party enrollment, if any, which is part

1 of such prior registration shall be entered in such space on such regis-  
2 tration poll record or in such computer files. IF A NEW APPLICATION  
3 FORM DOES NOT CONTAIN A MARK FOR A PARTY ENROLLMENT, BUT, NO LATER THAN  
4 THIRTY DAYS AFTER THE REGISTRANT WAS SENT NOTICE OF THE LACK OF PARTY  
5 ENROLLMENT AS REQUIRED BY SUBDIVISION NINE OF SECTION 5-210 OF THIS  
6 TITLE AND AT LEAST TWENTY-FIVE DAYS BEFORE A PRIMARY ELECTION, THE  
7 REGISTRANT MAKES A PARTY ENROLLMENT CHOICE ON THE CARD PROVIDED WITH THE  
8 NOTICE, SIGNS THE AFFIRMATION CONTAINED THEREIN AND MAILES IT TO THE  
9 BOARD OF ELECTIONS, THEN THE REGISTRANT'S PARTY ENROLLMENT SHALL NOT BE  
10 DEEMED TO BE A CHANGE OF ENROLLMENT AND SHALL BE EFFECTIVE ON THE DATE  
11 IT IS RECEIVED BY THE COUNTY BOARD OF ELECTIONS. A PARTY ENROLLMENT  
12 MAILED MORE THAN THIRTY DAYS AFTER MAILING OF THE NOTICE OF THE LACK OF  
13 ENROLLMENT SHALL BE DEEMED TO BE A CHANGE OF ENROLLMENT.  
14 S 3. This act shall take effect on the sixtieth day after it shall  
15 have become a law.