S T A T E O F N E W Y O R K

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:

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

TITLE VI

EARLY VOTING

SECTION 8-600. EARLY VOTING PROCEDURES.

8-602. APPLICATION FOR EARLY VOTING.

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

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

2. EACH POLLING PLACE SHALL BE OPEN TO THE PUBLIC FOR EARLY VOTING FROM 9 A.M. UNTIL 5 P.M. ON ANY BUSINESS DAY AND FROM 9 A.M. UNTIL 2 P.M. ON ANY SATURDAY, SUNDAY, OR HOLIDAY DURING SUCH EARLY VOTING PERIOD; PROVIDED, HOWEVER, THAT THE COUNTY BOARD OF ELECTIONS MAY, IN 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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PLACES THAT ARE NOT OPEN FOR THE ENTIRETY OF THE EARLY VOTING PERIOD AND SUCH TEMPORARY POLLING PLACES SHALL BE OPEN FOR EARLY VOTING DURING SUCH HOURS AND DAYS AS SHALL BE DESIGNATED BY THE BOARD OF ELECTIONS.

3. A REGISTERED VOTER MAY PARTICIPATE IN EARLY VOTING UPON COMPLETION AND FILING OF AN APPLICATION THEREFOR WITH THE BOARD OF ELECTIONS HOLDING HIS OR HER VOTER REGISTRATION.

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

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

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

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

(A) THE DATE OF THE PRIMARY OR GENERAL ELECTION,

(B) NAME OF THE BOARD OF ELECTIONS,

(C) THE NAME OF THE VOTER,

(D) RESIDENCE OF VOTER,

(E) NUMBER OF THE ASSEMBLY DISTRICT, IF ANY,

(F) NAME OF CITY OR TOWN, NUMBER OF WARD, IF ANY, AND

(G) ELECTION DISTRICT AND PARTY ENROLLMENT. THERE SHALL BE A PLACE FOR TWO SIGNATURES OF PERSONS DESIGNATED TO INSPECT, ONE FROM EACH MAJOR POLITICAL PARTY, THAT SUCH PERSONS HAVE CHECKED AND MARKED THE VOTER'S REGISTRATION AND POLL RECORD. ON THE REVERSE SIDE OF SUCH APPLICATION SHALL BE PRINTED THE FOLLOWING STATEMENT:

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

(DATE)_____

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(SIGNATURE AND ADDRESS OF VOTER)_____

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(WITNESS)_____

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

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.