AN ACT to amend the election law, in relation to enacting the disaster voting relief act of 2013

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

1. Section 1. Short Title. This act shall be known and may be cited as the "disaster voting relief act of 2013".

2. The election law is amended by adding a new section 3-109 to read as follows:

   S 3-109. DISASTER; GOVERNOR MAY SUSPEND OR DELAY VOTING. 1. THE GOVERNOR MAY, UPON ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION SUSPEND OR DELAY AN ELECTION IN SUCH MUNICIPALITY.

   2. IF A DELAY OR SUSPENSION IS AUTHORIZED BY THE GOVERNOR, THE DELAYED VOTING SHALL RESUME OR BE RESCHEDULED AS SOON AS PRACTICABLE PURSUANT TO THE PROCEDURES OUTLINED IN SECTION 3-108 OF THIS TITLE. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE SUCH RULES AND REGULATIONS TO FURTHER EFFECTUATE THE PROVISIONS OF THIS SECTION.

3. The election law is amended by adding a new section 8-414 to read as follows:

   S 8-414. PERSONS ENTITLED TO VOTE ABSENTEE WHEN AN EMERGENCY IS DECLARED. UPON ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION WITHIN FOURTEEN DAYS OF AN ELECTION ANY QUALIFIED VOTER WHOSE POLLING LOCATION IS WITHIN THE AREA AFFECTED BY SUCH DECLARATION MAY VOTE AS AN ABSENTEE VOTER NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER.

4. Section 8-302 of the election law is amended by adding a new subdivision 6 to read as follows:

   6. UPON THE GOVERNOR'S ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY PURSUANT TO SECTION TWENTY-EIGHT OF THE EXECUTIVE LAW

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION A VOTER SEEKING
TO VOTE BY AFFIDAVIT NEED NOT AFFIRM THAT SUCH VOTER IS DULY REGISTERED
IN THE ELECTION DISTRICT IN WHICH SUCH VOTER SEEKS TO CAST AN AFFIDAVIT
BALLOT IF SUCH VOTER IS REGISTERED TO VOTE WITHIN THE COUNTY FOR WHICH
SUCH DECLARATION HAS BEEN ISSUED.

S 5. Paragraph (a) of subdivision 2 of section 9-209 of the election
law is amended by adding a new subparagraph (iv) to read as follows:
(IV) NOTWITHSTANDING SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE BOARD
OF ELECTIONS FOR THE COUNTY IN WHICH SUCH VOTER RESIDES SHALL CAST AND
CANVASS SUCH BALLOT, IF IT DETERMINES THAT SUCH VOTER WAS ENTITLED TO
VOTE REGARDLESS OF THE FACT THAT THE VOTER MAY HAVE APPEARED IN THE
INCORRECT POLLING LOCATION DUE TO THE DECLARATION OF A STATE OF EMERGEN-
CY. SUCH BALLOT SHALL NOT BE CAST AND CANVASSED FOR SUCH CONTEST FOR
WHICH THE PERSON WAS NOT ENTITLED TO VOTE AT SUCH ELECTION.

S 6. The opening paragraph of section 9-209 of the election law, as
amended by chapter 163 of the laws of 2010, is amended to read as
follows:
Before completing the canvass of votes cast in any primary, general,
special, or other election at which voters are required to sign their
registration poll records before voting, the board of elections shall
proceed in the manner hereinafter prescribed to cast and canvass any
absentee, military, special presidential, special federal or other
special ballots and any ballots voted by voters who moved within the
county or city after registering, voters who are in inactive status,
voters whose registration was incorrectly transferred to another address
even though they did not move, voters whose registration poll records
were missing on the day of such election, voters who have not had their
identity previously verified and voters whose registration poll records
did not show them to be enrolled in the party in which they claimed to
be enrolled. Each such ballot shall be retained in the original envelope
containing the voter's affidavit and signature, in which it is delivered
to the board of elections until such time as it is to be cast and
 canvassed. ABSENTEE BALLOTS CAST BY VOTERS PURSUANT TO SECTION 8-414 OF
THIS CHAPTER SHALL BE TRANSMITTED BY THE COUNTY BOARD OF ELECTIONS WHERE
SUCH BALLOT WAS CAST TO THE BOARD OF ELECTIONS WHERE SUCH VOTER IS
REGISTERED TO VOTE TO BE CANVASSED WITH OTHER AFFIDAVIT AND ABSENTEE
BALLOTS FOR THE ELECTION DISTRICT WHEREIN THE VOTER RESIDES.

S 7. This act shall take effect on the one hundred eightieth day after
it shall have become a law. Effective immediately, the board of
elections is authorized to promulgate such rules and regulations neces-
sary for the further implementation of this act on its effective date.