

1461

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. STEWART-COUSINS -- 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 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 AT EARLY VOTING LOCATIONS, INCLUDING THOSE IN THE
5 CITY OF NEW YORK, SHALL CONSIST OF BOARD OF ELECTIONS EMPLOYEES WHO
6 SHALL BE APPOINTED BY THE COMMISSIONERS OF SUCH BOARD OF ELECTIONS.
7 APPOINTMENTS TO THE OFFICES OF ELECTION INSPECTOR OR POLL CLERK IN EACH
8 EARLY VOTING LOCATION SHALL BE EQUALLY DIVIDED BY THE MAJOR POLITICAL
9 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:

12 1. The board of elections, between August first and August fifth of
13 each year, shall send by first class mail on which is endorsed "ADDRESS
14 CORRECTION REQUESTED" and which contains a request that any such mail
15 received for persons not residing at the address be dropped back in the
16 mail, a communication, in a form approved by the state board of
17 elections, to every registered voter who has been registered without a
18 change of address since the beginning of such year, except that the
19 board of elections shall not be required to send such communications to
20 voters in inactive status. The communication shall notify the voter of
21 the days and hours of the ensuing primary and general elections, INCLUD-
22 ING THE DAYS AND HOURS FOR EARLY VOTING AND THE LOCATIONS THEREFOR, the
23 place where he appears by his registration records to be entitled to
24 vote, the fact that voters who have moved or will have moved from the
25 address where they were last registered must re-register or, that if

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

LBD05564-01-3

1 such move was to another address in the same county or city, that such
2 voter may either notify the board of elections of his new address or
3 vote by paper ballot at the polling place for his new address even if
4 such voter has not re-registered, or otherwise notified the board of
5 elections of the change of address. If the location of the polling place
6 for the voter's election district has been moved, the communication
7 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS
8 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also
9 indicate whether the polling place is accessible to physically disabled
10 voters, that a voter who will be out of the city or county on the day of
11 the primary or general election or a voter who is ill or physically
12 disabled may obtain an absentee ballot, that a physically disabled voter
13 whose polling place is not accessible may request that his registration
14 record be moved to an election district which has a polling place which
15 is accessible, the phone number to call for applications to move a
16 registration record or for absentee ballot applications, the phone
17 number to call for the location of registration and polling places, the
18 phone number to call to indicate that the voter is willing to serve on
19 election day as an election inspector, poll clerk, interpreter or in
20 other capacities, the phone number to call to obtain an application for
21 registration by mail, and such other information concerning the
22 elections or registration as the board may include. In lieu of sending
23 such communication to every registered voter, the board of elections may
24 send a single communication to a household containing more than one
25 registered voter, provided that the names of all such voters appear as
26 part of the address on such communication.

27 S 3. Subdivision 3 of section 5-210 of the election law, as amended by
28 chapter 179 of the laws of 2005, is amended to read as follows:

29 3. Completed application forms, when received by any county board of
30 elections and, with respect to application forms promulgated by the
31 federal election commission, when received by the state board of
32 elections, or showing a dated cancellation mark of the United States
33 Postal Service or contained in an envelope showing such a dated cancel-
34 lation mark which is not later than the twenty-fifth day before the next
35 ensuing primary, general or special election, and received no later than
36 the twentieth day before such election, or delivered in person to such
37 county board of elections not later than the [tenth] FIFTEENTH day
38 before a special election, shall entitle the applicant to vote in such
39 election, if he or she is otherwise qualified, provided, however, such
40 applicant shall not vote on a voting machine until his or her identity
41 is verified. Any county board of elections receiving an application form
42 from a person who does not reside in its jurisdiction but who does
43 reside elsewhere in the state of New York, shall forthwith forward such
44 application form to the proper county board of elections. Each board of
45 elections shall make an entry on each such form of the date it is
46 received by such board.

47 S 4. Subdivision 4 of section 7-202 of the election law, as added by
48 chapter 181 of the laws of 2005, is amended to read as follows:

49 4. Local boards of elections which obtain voting machines pursuant to
50 this chapter may determine to purchase direct recording electronic
51 machines or optical scan machines in conformance with the requirements
52 of this chapter. LOCAL BOARDS OF ELECTIONS MAY PURCHASE DIRECT RECORD-
53 ING ELECTRONIC MACHINES TO BE USED SOLELY FOR EARLY VOTING PURSUANT TO
54 SECTION 8-600 OF THIS CHAPTER. LOCAL BOARDS OF ELECTIONS MAY CHOOSE TO
55 EMPLOY EITHER BALLOT SCANNERS OR DIRECTION RECORDING ELECTRONIC VOTING
56 MACHINES FOR THE PURPOSE OF EARLY VOTING.

1 S 5. Subdivision 1 of section 8-102 of the election law is amended by
2 adding a new paragraph (k) to read as follows:

3 (K) IF EARLY VOTING IS CARRIED OUT ON PAPER BALLOTS THE PROVISIONS OF
4 THIS SUBDIVISION, EXCEPT FOR PARAGRAPHS (H), (I) AND (J), SHALL APPLY TO
5 EACH DAY OF EARLY VOTING AS PROVIDED FOR IN SECTION 8-600 OF THIS ARTI-
6 CLE. FURTHER, AT THE BEGINNING OF EACH DAY OF EARLY VOTING THE INSPEC-
7 TORS SHALL INSPECT THE BALLOT MARKING DEVICE TO SEE THAT IT IS IN GOOD
8 WORKING ORDER; INSPECT THE PLACEMENT OF PRIVACY BOOTHS TO PRESERVE THE
9 SECRECY OF VOTING; INSPECT THE SCREEN OF THE BALLOT MARKING DEVICE;
10 INSPECT THE POLLING PLACE TO MAKE CERTAIN THERE IS NO WAY THAT ANYONE
11 CAN VIEW ANY VOTING ACTION BY A VOTER AT THE BALLOT MARKING DEVICE OR IN
12 A PRIVACY BOOTH; AND AFFIX A CONSPICUOUS NOTICE, IN THE FORM PRESCRIBED
13 BY THE STATE BOARD OF ELECTIONS, IN A PROMINENT PLACE NEAR THE BALLOT
14 SCANNER AND IN THE PRIVACY BOOTH, INSTRUCTING THE VOTER ON HOW TO PROP-
15 ERLY MARK A BALLOT IN ORDER TO HAVE HIS OR HER VOTE COUNTED. SUCH NOTICE
16 SHALL BE PRINTED IN ENGLISH AND SUCH OTHER LANGUAGES AS THE BOARD OF
17 ELECTIONS MAY DETERMINE TO BE APPROPRIATE.

18 S 6. Section 8-104 of the election law is amended by adding a new
19 subdivision 7 to read as follows:

20 7. THIS SECTION SHALL APPLY ON ALL EARLY VOTING DAYS AS PROVIDED FOR
21 IN SECTION 8-600 OF THIS ARTICLE.

22 S 7. Paragraph (b) of subdivision 2 of section 8-508 of the election
23 law, as amended by chapter 200 of the laws of 1996, is amended to read
24 as follows:

25 (b) The second section of such report shall be reserved for the board
26 of inspectors to enter the name, address and registration serial number
27 of each person who is challenged on the day of election OR ON ANY DAY IN
28 WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE,
29 together with the reason for the challenge. If no voters are chal-
30 lenged, the board of inspectors shall enter the words "No Challenges"
31 across the space reserved for such names. In lieu of preparing section
32 two of the challenge report, the board of elections may provide, next to
33 the name of each voter on the computer generated registration list, a
34 place for the inspectors of election to record the information required
35 to be entered in such section two, or provide at the end of such comput-
36 er generated registration list, a place for the inspectors of election
37 to enter such information.

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

40 TITLE VI
41 EARLY VOTING

42 SECTION 8-600. EARLY VOTING.

43 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES OF EARLY
44 VOTING.

45 S 8-600. EARLY VOTING. 1. BEGINNING THE FOURTEENTH DAY PRIOR TO ANY
46 GENERAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND THE SEVENTH DAY
47 PRIOR TO ANY PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE,
48 PERSONS DULY REGISTERED TO VOTE FOR CANDIDATES FOR SUCH OFFICE SHALL BE
49 PERMITTED TO VOTE IN PERSON BY BALLOT FOR A CANDIDATE FOR SUCH OFFICE.

50 2. THE BOARD OF ELECTIONS OF EACH COUNTY AND IN THE CITY OF NEW YORK,
51 THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, SHALL DESIGNATE AT LEAST
52 FIVE POLLING PLACES IN EACH COUNTY FOR PERSONS TO VOTE EARLY PURSUANT TO
53 THIS SECTION. SUCH POLLING PLACES SHALL BE GEOGRAPHICALLY LOCATED SO AS
54 TO PROVIDE ALL VOTERS IN THE COUNTY AN EQUAL OPPORTUNITY TO CAST A
55 BALLOT, INsofar AS IS PRACTICABLE. THE PROVISIONS OF SECTION 4-104 OF
56 THIS CHAPTER SHALL APPLY TO THE DESIGNATION OF POLLING PLACES FOR EARLY

VOTING EXCEPT WHERE SUCH PROVISIONS ARE INCONSISTENT WITH THIS SUBDIVISION.

3. POLLS SHALL BE OPEN FOR EARLY VOTING FROM EIGHT O'CLOCK IN THE MORNING UNTIL SEVEN O'CLOCK IN THE EVENING EACH DAY, INCLUDING SATURDAY AND SUNDAY.

4. THE BOARD OF ELECTIONS SHALL NOTIFY EVERY REGISTERED VOTER OF THE DATES, HOURS AND POLLING PLACES AVAILABLE FOR EARLY VOTING.

5. THE FORM OF PAPER BALLOTS, IF USED IN EARLY VOTING, SHALL COMPLY WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE, PROVIDED HOWEVER THAT BALLOTS CAST DURING EARLY VOTING SHALL NOT BE DEPOSITED IN A SCANNER, BUT RATHER IN A SECURE STORAGE CONTAINER.

6. VOTERS CASTING BALLOTS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO CHALLENGE AS PROVIDED IN SECTIONS 8-500, 8-502 AND 8-504 OF THIS ARTICLE.

7. PAPER BALLOTS CAST PURSUANT TO THIS SECTION SHALL BE CANVASSED AT THE CLOSE OF THE POLLS ON ELECTION DAY IN THE SAME MANNER AS SPECIFIED IN SECTION 9-110 OF THIS CHAPTER, PROVIDED HOWEVER THAT SUCH EARLY VOTED BALLOTS SHALL BE EXEMPT FROM THE REQUIREMENT THAT SUCH ELECTION DAY PAPER BALLOTS SHALL NOT HAVE BEEN SCANNED BECAUSE A BALLOT SCANNER WAS NOT AVAILABLE OR BECAUSE THE BALLOT HAD BEEN ABANDONED BY A VOTER AT THE BALLOT SCANNER. BALLOTS CAST ON DIRECT RECORDING ELECTRONIC VOTING MACHINES SHALL BE CANVASSED ACCORDING TO THE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS AS PROMULGATED PURSUANT TO SECTION 8-602 OF THIS ARTICLE.

8. AT THE CLOSE OF EACH DAY OF EARLY VOTING THE NAMES OF THOSE VOTERS WHO VOTED EARLY SHALL BE RECORDED BY THE COUNTY BOARD OF ELECTIONS OR BY THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK TO ENSURE THAT THOSE VOTERS DO NOT VOTE A SECOND TIME ON ELECTION DAY.

9. NO EARLY BALLOTS CAST PURSUANT TO THIS SECTION SHALL BE CANVASSED IN ANY WAY PRIOR TO THE CLOSE OF THE POLLS ON ELECTION DAY.

S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING. ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY AND TO REQUIRE THAT THE OPENING OF EARLY VOTING POLLS IN COUNTIES USING DIRECT RECORDING ELECTRONIC VOTING MACHINES, SHOULD ANY COUNTIES USE DIRECT ELECTRONIC VOTING MACHINES, INCLUDE PROVISIONS REQUIRING DAILY INSPECTION OF THE MACHINES TO ENSURE GOOD WORKING ORDER, DEMARCATION OF THE ONE HUNDRED FOOT NO ACTIVITY ZONE AROUND THE POLLING PLACE AND ANY OTHER RULES AND REGULATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED FURTHER THAT SUCH RULES AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR EACH VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY VOTING BY SUCH VOTER.

S 9. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.