

1461--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. STEWART-COUSINS, GIANARIS, HOYLMAN, KRUEGER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 OR POLL CLERKS, IF ANY, AT EARLY VOTING LOCATIONS,
5 SHALL CONSIST OF EITHER BOARD OF ELECTIONS EMPLOYEES WHO SHALL BE
6 APPOINTED BY THE COMMISSIONERS OF SUCH BOARD OR DULY QUALIFIED INDIVID-
7 UALS, APPOINTED IN THE MANNER SET FORTH IN THIS SECTION. APPOINTMENTS
8 TO THE OFFICES OF ELECTION INSPECTOR OR POLL CLERK IN EACH EARLY VOTING
9 LOCATION SHALL BE EQUALLY DIVIDED BETWEEN THE MAJOR POLITICAL 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-

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

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

31 S 3. Subdivision 1 of section 8-102 of the election law is amended by
32 adding a new paragraph (k) to read as follows:

33 (K) VOTING AT EACH EARLY VOTING SITE SHALL BE CONDUCTED IN A MANNER
34 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, WITH THE EXCEPTION OF
35 THE TABULATION AND PROCLAMATION OF ELECTION RESULTS WHICH SHALL BE
36 COMPLETED ACCORDING TO SUBDIVISIONS EIGHT, NINE, AND TEN OF SECTION
37 8-600 OF THIS ARTICLE.

38 S 4. Section 8-104 of the election law is amended by adding a new
39 subdivision 7 to read as follows:

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

42 S 5. Paragraph (b) of subdivision 2 of section 8-508 of the election
43 law, as amended by chapter 200 of the laws of 1996, is amended to read
44 as follows:

45 (b) The second section of such report shall be reserved for the board
46 of inspectors to enter the name, address and registration serial number
47 of each person who is challenged on the day of election OR ON ANY DAY IN
48 WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE,
49 together with the reason for the challenge. If no voters are chal-
50 langed, the board of inspectors shall enter the words "No Challenges"
51 across the space reserved for such names. In lieu of preparing section
52 two of the challenge report, the board of elections may provide, next to
53 the name of each voter on the computer generated registration list, a
54 place for the inspectors of election to record the information required
55 to be entered in such section two, or provide at the end of such comput-

1 er generated registration list, a place for the inspectors of election
2 to enter such information.

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

5 TITLE VI
6 EARLY VOTING

7 SECTION 8-600. EARLY VOTING.

8 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY
9 VOTING.

10 S 8-600. EARLY VOTING. 1. BEGINNING THE THIRD THURSDAY PRIOR TO ANY
11 GENERAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND THE SECOND THURSDAY
12 PRIOR TO ANY PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE,
13 AND ENDING ON THE THURSDAY IMMEDIATELY PRECEDING A GENERAL, PRIMARY OR
14 SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, PERSONS DULY REGISTERED
15 AND ELIGIBLE TO VOTE FOR CANDIDATES FOR SUCH OFFICE SHALL BE PERMITTED
16 TO VOTE IN PERSON BY BALLOT FOR A CANDIDATE FOR SUCH OFFICE. VOTERS WHO
17 CAST A VOTE AT AN EARLY VOTING SITE DURING THE EARLY VOTING PERIOD SHALL
18 BE PROHIBITED FROM VOTING ON ELECTION DAY.

19 2. THE BOARD OF ELECTIONS OF EACH COUNTY SHALL DESIGNATE AT LEAST FIVE
20 POLLING SITES, INCLUDING THE BOARD OF ELECTIONS ITSELF, IN EACH COUNTY
21 OR BOROUGH IN THE CITY OF NEW YORK, FOR PERSONS TO VOTE EARLY PURSUANT
22 TO THIS SECTION. SUCH POLLING SITES SHALL BE GEOGRAPHICALLY LOCATED SO
23 AS TO PROVIDE ALL VOTERS IN THE COUNTY AN EQUAL OPPORTUNITY TO CAST A
24 BALLOT, INSOFAR AS IS PRACTICABLE. IN THE EVENT THAT THE BOARD OF
25 ELECTIONS DETERMINES THAT THE NUMBER OF EARLY VOTING SITES IS INSUFFI-
26 CIENT DUE TO THE NUMBER OF VOTERS WHO ARE VOTING EARLY, THE BOARD OF
27 ELECTIONS MAY ESTABLISH ADDITIONAL EARLY VOTING SITES FOR THE CONVEN-
28 IENCE OF ELIGIBLE VOTERS WISHING TO VOTE AT SUCH EARLY VOTING SITES.
29 FURTHER, THE BOARD OF ELECTIONS SHALL GIVE ADEQUATE NOTICE TO ELIGIBLE
30 VOTERS OF SUCH ADDITIONAL EARLY VOTING SITES. THE PROVISIONS OF SECTION
31 4-104 OF THIS CHAPTER SHALL APPLY TO THE DESIGNATION OF POLLING PLACES
32 FOR EARLY VOTING EXCEPT WHERE SUCH PROVISIONS ARE INCONSISTENT WITH THIS
33 SUBDIVISION.

34 3. ANY PERSON ENTITLED TO VOTE EARLY MAY DO SO AT ANY EARLY VOTING
35 SITE ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN THE
36 COUNTY WHERE SUCH VOTER IS REGISTERED TO VOTE PROVIDED, HOWEVER, IF IT
37 IS IMPRACTICAL FOR THE COUNTY BOARD OF ELECTIONS TO PROVIDE EACH EARLY
38 VOTING SITE ALL APPROPRIATE BALLOTS FOR EACH ELECTION TO BE VOTED ON IN
39 THE COUNTY OR SUCH BOARD OF ELECTIONS IS UNABLE TO ENSURE THAT SUCH
40 VOTER HAS NOT PREVIOUSLY VOTED EARLY DURING SUCH ELECTION, THE BOARD OF
41 ELECTIONS SHALL PROVIDE APPROPRIATE FORMS OF BALLOTS ONLY FOR THOSE
42 VOTERS REGISTERED TO VOTE IN THE AREA SERVED BY SUCH EARLY VOTING SITE
43 AS DESIGNATED BY THE BOARD OF ELECTIONS.

44 4. POLLS SHALL BE OPEN FOR EARLY VOTING FROM EIGHT O'CLOCK IN THE
45 MORNING UNTIL EIGHT O'CLOCK IN THE EVENING EACH WEEK DAY AND FROM NINE
46 O'CLOCK IN THE MORNING UNTIL FIVE O'CLOCK IN THE AFTERNOON ON SATURDAY
47 AND SUNDAY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY
48 BOARD OF ELECTIONS FROM EXTENDING HOURS FOR EARLY VOTING PAST THE TIMES
49 SPECIFIED HEREIN.

50 5. THE BOARD OF ELECTIONS SHALL CREATE A COMMUNICATION PLAN THAT IS
51 EASILY ACCESSIBLE AND UNDERSTOOD BY ALL VOTERS. SUCH COMMUNICATIONS PLAN
52 SHALL UTILIZE ANY AND ALL MEDIA OUTLETS, INCLUDING SOCIAL MEDIA. INFOR-
53 MATION TO BE PROVIDED SHALL INCLUDE THE LOCATION OF ALL EARLY VOTING
54 SITES AND A NOTATION WHETHER SUCH SITES ARE ACCESSIBLE TO DISABLED
55 VOTERS, DATES AND HOURS OF OPERATION, A CLEAR AND UNAMBIGUOUS MESSAGE TO
56 VOTERS NOTIFYING THEM THAT IF SUCH VOTERS CAST A BALLOT DURING THE EARLY

1 VOTING PERIOD THEN THEY WILL NOT BE ALLOWED TO VOTE ON ELECTION DAY; AND
2 IF EARLY VOTING POLLING PLACES ARE REGIONALIZED PURSUANT TO SUBDIVISION
3 THREE OF THIS SECTION, THE LOCATION OF THE EARLY VOTING POLLING PLACE
4 SERVING THE VOTERS OF ANY PARTICULAR CITY, TOWN OR OTHER POLITICAL
5 SUBDIVISION.

6 6. THE FORM OF PAPER BALLOTS, IF USED IN EARLY VOTING, SHALL COMPLY
7 WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE
8 TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST
9 IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE,
10 PROVIDED HOWEVER THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD SHALL
11 NOT BE CANVASSED UNTIL NINE O'CLOCK IN THE EVENING ON ELECTION DAY.

12 7. VOTERS CASTING BALLOTS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO
13 CHALLENGE AS PROVIDED IN SECTIONS 8-500, 8-502 AND 8-504 OF THIS ARTI-
14 CLE.

15 8. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, AT NINE
16 O'CLOCK IN THE EVENING ON ELECTION DAY, THE REMOVABLE ELECTRONIC OR
17 COMPUTERIZED DEVICES IN USE BY ALL VOTING SCANNERS USED DURING THE EARLY
18 VOTING PERIOD SHALL BE PROCESSED, IN A MANNER NOT INCONSISTENT WITH
19 ARTICLE NINE OF THIS CHAPTER, BY BIPARTISAN TEAMS OF BOARD OF ELECTIONS
20 EMPLOYEES OR ELECTION INSPECTORS AS DESIGNATED BY THE BOARD OF
21 ELECTIONS. THEREAFTER, TABULATED RESULTS TAPES SHALL BE PRODUCED AND A
22 CANVASS SHEET REFLECTING THE AGGREGATED VOTE RESULTS OF EARLY VOTING
23 SHALL BE COMPLETED AND SIGNED BY SAID BIPARTISAN CANVASS TEAMS.

24 9. NOTWITHSTANDING ANY PROVISIONS OF THIS CHAPTER, AT THE END OF EACH
25 DAY OF EARLY VOTING, ANY EARLY VOTING BALLOTS THAT WERE NOT ABLE TO BE
26 SCANNED AT ANY EARLY VOTING SITE SHALL BE SCANNED BY A BIPARTISAN TEAM
27 OF INSPECTORS ASSIGNED TO SUCH EARLY VOTE SITE. ANY SUCH BALLOTS THAT
28 REMAIN UNSCANNED BECAUSE THE SCANNER WAS UNAVAILABLE, OR BECAUSE OF AN
29 OVERVOTE OR BLANK BALLOT WARNING ON THE BALLOT SCANNER SCREEN, SHALL BE
30 RETURNED TO THE BOARD OF ELECTIONS UNCOUNTED. AT NINE O'CLOCK IN THE
31 EVENING ON ELECTION DAY AT THE BOARD OF ELECTIONS, SUCH UNSCANNED
32 BALLOTS SHALL BE CANVASSED BY BIPARTISAN TEAMS OF BOARD OF ELECTIONS
33 EMPLOYEES OR ELECTION INSPECTORS AS DESIGNATED BY THE BOARD OF
34 ELECTIONS. THE VOTES FROM SUCH BALLOTS SHALL BE RECORDED ON TALLY SHEETS
35 AND BE SIGNED BY SAID BIPARTISAN CANVASS TEAMS. RESULTS TABULATED ON
36 SAID TALLY SHEETS SHALL BE ADDED TO THE TABULATED RESULTS TAPES TOTALS,
37 AND THE SIGNED TALLY SHEETS SHALL BE AFFIXED TO CORRESPONDING EARLY
38 VOTING CANVASS SHEETS.

39 10. UPON THE COMPLETION OF THE CANVASS OF ALL EARLY VOTING BALLOTS
40 CAST, THE REMOVABLE ELECTRONIC OR COMPUTERIZED DEVICES USED IN ALL EARLY
41 VOTING SCANNERS SHALL BE USED TO PRODUCE THE UNOFFICIAL TALLY OF RESULTS
42 AS REQUIRED IN SECTION 9-126 OF THIS CHAPTER.

43 S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.
44 ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE
45 PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF
46 ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE
47 PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED
48 UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE
49 STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGU-
50 LATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS
51 THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED FURTHER THAT SUCH RULES
52 AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR EACH
53 VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY VOTING BY
54 SUCH VOTER.

55 S 7. This act shall take effect on the first of January next succeed-
56 ing the date on which it shall have become a law.