

5446

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. PARKER -- 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 voting rights expansion, voter registration on election day, expansion of the use of and requirements for absentee voting, creation of a real-time state-wide voter registration database, special ballots for election employees, voter affidavits and to repeal certain provisions of such law relating thereto

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

1     Section 1. The election law is amended by adding two new sections  
2     5-217 and 5-217-a to read as follows:  
3     S 5-217. REGISTERING AT THE POLLING PLACE; ELECTION DAY REGISTRATION.  
4     1. THE PROVISIONS OF THIS SECTION AND SECTION 5-217-A OF THIS TITLE  
5     SHALL BE USED AS AN ADDITIONAL PROCEDURE FOR VOTER REGISTRATION. FOR  
6     THE PURPOSES OF THIS SECTION AND SECTION 5-217-A OF THIS TITLE, THE TERM  
7     "ELECTION DAY" SHALL REFER TO STATE PRIMARY AND TO STATE GENERAL  
8     ELECTIONS, TO ALL TOWN, CITY, SCHOOL DISTRICT, AND VILLAGE DISTRICT  
9     ELECTIONS, AND TO ALL ELECTIONS WHERE PERSONS MAY VOTE BY ABSENTEE  
10    BALLOT. A PERSON REGISTERING TO VOTE ON ELECTION DAY SHALL DO SO IN  
11    ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND ALL OTHER APPLICABLE  
12    LAW INCLUDING, BUT NOT LIMITED TO COMPLETION OF A VOTER REGISTRATION  
13    FORM AS PROVIDED FOR IN SECTION 5-210 OF THIS TITLE. THE PROVISIONS OF  
14    THIS SECTION AND THOSE OF 5-217-A OF THIS TITLE SHALL APPLY NOTWITH-  
15    STANDING ANY PROVISIONS OF LAW TO THE CONTRARY.  
16    2. ANY PERSON WHOSE NAME IS NOT ON THE CHECKLIST BUT WHO IS OTHERWISE  
17    A QUALIFIED VOTER SHALL BE ENTITLED TO VOTE BY REQUESTING TO BE REGIS-  
18    TERED TO VOTE AT THE POLLING PLACE ON ELECTION DATE. THE VOTER MAY THEN  
19    VOTE IN SUCH ELECTION. THE APPLICANT SHALL BE REQUIRED TO PRODUCE APPRO-  
20    PRIATE PROOF OF QUALIFICATIONS AS PROVIDED IN THIS CHAPTER.

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

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3. ANY PERSON WHO IS WAITING TO REGISTER TO VOTE AT THE POLLING PLACE ON ELECTION DAY AT THE TIME SCHEDULED FOR THE CLOSING OF THE POLLS SHALL BE ALLOWED TO VOTE IF DETERMINED TO BE QUALIFIED TO REGISTER.

S 5-217-A. EFFECT OF REGISTRATION ON ELECTION DAY. ANY PERSON WHO REGISTERS TO VOTE ON ELECTION DAY ACCORDING TO THE PROVISIONS OF SECTION 5-217 OF THIS TITLE SHALL BE REGISTERED TO VOTE AT ALL SUBSEQUENT TOWN, STATE, AND FEDERAL ELECTIONS.

S 2. Section 8-400 of the election law is REPEALED and a new section 8-400 is added to read as follows:

S 8-400. ABSENTEE VOTING. 1. A QUALIFIED VOTER MAY VOTE AS AN ABSENTEE VOTER UNDER THIS CHAPTER IF, ON THE OCCURRENCE OF ANY VILLAGE ELECTION CONDUCTED BY THE BOARD OF ELECTIONS, PRIMARY ELECTION, SPECIAL ELECTION, GENERAL ELECTION OR NEW YORK CITY COMMUNITY SCHOOL BOARD DISTRICT OR CITY OF BUFFALO SCHOOL DISTRICT ELECTION, IF HE OR SHE ELECTS TO DO SUCH. ANY REFERENCE TO "BOARD OF ELECTIONS" IN THE REMAINING PROVISIONS OF THIS SECTION MEANS ONLY THE BOARD OF ELECTIONS OF THE COUNTY OR CITY IN WHICH THE ABSENTEE VOTER IS A QUALIFIED VOTER.

2. THE BOARD OF ELECTIONS FOR ALL COUNTIES OR CITIES SHALL MAIL AN ABSENTEE BALLOT TO EVERY REGISTERED AND QUALIFIED VOTER RESIDING IN SUCH COUNTY OR CITY. SUCH ABSENTEE BALLOT SHALL BE MAILED TO EVERY REGISTERED AND QUALIFIED VOTER AT THE ADDRESS GIVEN ON HIS OR HER REGISTRATION RECORDS NO LATER THAN THIRTY DAYS BEFORE THE SCHEDULED ELECTION IS TO BE HELD.

3. IN THE CASE OF A PRIMARY ELECTION, THE BOARD SHALL DELIVER ONLY THE BALLOT OF THE PARTY IN WHICH THE RECORDS OF THE BOARD OF ELECTIONS SHOW THE ABSENTEE VOTER TO BE ENROLLED. IN THE EVENT A PRIMARY ELECTION IS UNCONTESTED IN THE ABSENTEE VOTERS ELECTION DISTRICT FOR ALL OFFICES OR POSITIONS EXCEPT THE PARTY POSITION OF MEMBER OF THE WARD, TOWN, CITY OR COUNTY COMMITTEE, NO BALLOT SHALL BE DELIVERED TO SUCH ABSENTEE VOTER FOR SUCH ELECTION; AND THE ABSENTEE VOTER SHALL BE ADVISED WHY HE OR SHE IS NOT BEING SENT A BALLOT.

4. IF A PERSON VOTING BY ABSENTEE BALLOT IS UNABLE TO SIGN HIS OR HER SIGNATURE BECAUSE OF ILLNESS, PHYSICAL DISABILITY OR INABILITY TO READ, HE OR SHE SHALL BE EXCUSED FROM SIGNING UPON MAKING A STATEMENT, IN SUBSTANTIALLY THE FOLLOWING FORM, WHICH SHALL BE WITNESSED BY ONE PERSON:

"I HEREBY STATE THAT I AM UNABLE TO SIGN MY ABSENTEE BALLOT WITHOUT ASSISTANCE BECAUSE I AM UNABLE TO WRITE BY REASON OF MY ILLNESS OR PHYSICAL DISABILITY OR BECAUSE I AM UNABLE TO READ. I HAVE MADE, OR HAVE RECEIVED ASSISTANCE IN MAKING, MY MARK IN LIEU OF MY SIGNATURE."

(DATE).....

.....(MARK)

(NAME OF VOTER)

"I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE ABOVE NAMED VOTER AFFIXED HIS OR HER MARK TO THIS APPLICATION IN MY PRESENCE AND I KNOW HIM OR HER TO BE THE PERSON WHO AFFIXED HIS OR HER MARK TO SAID APPLICATION AND UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY SWORN."

.....  
(SIGNATURE OF WITNESS)

.....  
(ADDRESS OF WITNESS)

SUCH STATEMENT SHALL BE INCLUDED IN THE ABSENTEE BALLOT FURNISHED BY THE BOARD OF ELECTIONS. THE PROVISIONS OF THIS SUBDIVISION SHALL ALSO APPLY TO ANY APPLICATION FOR AN ABSENTEE BALLOT PURSUANT TO SECTION 8-402 OF THIS TITLE.

5. THE BOARD SHALL KEEP A RECORD OF ALL ABSENTEE BALLOTS THAT ARE MAILED, SHOWING THE NAMES AND RESIDENCES OF THE ABSENTEE VOTERS, AND THEIR PARTY ENROLLMENT IN THE CASE OF PRIMARY ELECTIONS, AND, AS SOON AS PRACTICABLE SHALL, WHEN REQUESTED, GIVE TO THE CHAIRMAN OF EACH POLITICAL PARTY OR INDEPENDENT BODY IN THE COUNTY, AND SHALL MAKE AVAILABLE FOR INSPECTION TO ANY OTHER QUALIFIED VOTER UPON REQUEST, A COMPLETE LIST OF ALL ABSENTEE VOTERS TO WHOM BALLOTS HAVE BEEN DELIVERED OR MAILED, CONTAINING THEIR NAMES AND PLACES OF RESIDENCE AS THEY APPEAR ON THE REGISTRATION RECORD, INCLUDING THE ELECTION DISTRICT AND WARD, IF ANY, AND IN THE CITY OF NEW YORK AND THE COUNTY OF NASSAU, THE ASSEMBLY DISTRICT, AND THEIR PARTY ENROLLMENT IN THE CASE OF PRIMARY ELECTIONS.

S 3. Section 8-402 of the election law is REPEALED and a new section 8-402 is added to read as follows:

S 8-402. APPLICATIONS FOR ABSENTEE BALLOTS. 1. ANY VOTER, UPON APPLICATION, MAY REQUEST THAT THEIR ABSENTEE BALLOT BE MAILED TO THEM AT AN ADDRESS OTHER THAN THEIR PERMANENT ADDRESS, IF HE OR SHE EXPECTS TO BE ABSENT FROM THE COUNTY OR CITY OF RESIDENCE AND UNABLE TO OBTAIN THEIR ABSENTEE BALLOT.

(A) APPLICATION FORMS SHALL BE FURNISHED BY AND MAY BE OBTAINED FROM ANY BOARD OF ELECTIONS AT ANY TIME UNTIL THE DAY BEFORE SUCH ELECTION. APPLICATION FORMS SHALL ALSO BE SUPPLIED BY THE BOARD OF INSPECTORS OF THE ELECTION DISTRICT IN WHICH APPLICANT IS A QUALIFIED VOTER ON ALL OF THE DAYS PROVIDED FOR LOCAL REGISTRATION. IN ADDITION, APPLICATION FORMS SHALL BE SUPPLIED UPON THE REQUEST OF THE PERSON AUTHORIZED TO VOTE PURSUANT TO THIS SECTION, ANY SUCH PERSON'S SPOUSE, PARENT OR CHILD, A PERSON RESIDING WITH THE APPLICANT AS A MEMBER OF HIS HOUSEHOLD, OR THE APPLICANT'S DULY AUTHORIZED AGENT. APPLICATION FORMS SENT OUTSIDE OF THE UNITED STATES TO A COUNTRY OTHER THAN CANADA OR MEXICO, SHALL BE SENT AIR MAIL.

(B) THE APPLICATION FOR AN ABSENTEE BALLOT WHEN FILED MUST CONTAIN IN EACH INSTANCE THE FOLLOWING INFORMATION:

(I) APPLICANT'S FULL NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS, INCLUDING THE STREET AND NUMBER, IF ANY, RURAL DELIVERY ROUTE, IF ANY, MAILING ADDRESS IF DIFFERENT FROM THE RESIDENCE ADDRESS AND HIS OR HER TOWN OR CITY AND AN ADDRESS TO WHICH THE BALLOT SHALL BE MAILED.

(II) A STATEMENT THAT THE APPLICANT IS A QUALIFIED AND REGISTERED VOTER.

(III) A STATEMENT THAT THE APPLICANT EXPECTS IN GOOD FAITH TO BE ABSENT FROM THE COUNTY OR CITY OF HIS OR HER RESIDENCE PROVIDED, HOWEVER, IF THE APPLICANT EXPECTS TO BE ABSENT FROM SUCH COUNTY OR CITY FOR A DURATION COVERING MORE THAN ONE ELECTION AND SEEKS AN ABSENTEE BALLOT FOR EACH ELECTION, HE OR SHE SHALL STATE THE DATES WHEN HE OR SHE EXPECTS TO BEGIN AND END SUCH ABSENCE.

2. THE APPLICATION FOR AN ABSENTEE BALLOT SHALL CONTAIN THE FOLLOWING LANGUAGE PRINTED IN BOLD FACE DIRECTLY ABOVE THE SIGNATURE LINE: "I CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY

1 SWORN." SUCH APPLICATION SHALL BE ACCEPTED FOR ALL PROPOSES AS THE  
2 EQUIVALENT OF AN AFFIDAVIT AND IF IT CONTAINS A MATERIAL FALSE STATEMENT  
3 SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME PENALTIES AS IF HE OR  
4 SHE HAD BEEN DULY SWORN.

5 3. FOR PROPOSES OF THIS SECTION, THE USE OF TITLES, INITIALS OR  
6 CUSTOMARY ABBREVIATIONS OF GIVEN NAMES BY THE SIGNERS OF, OR WITNESSES  
7 TO, AN ABSENTEE BALLOT REQUEST LETTER, AN ABSENTEE BALLOT APPLICATION  
8 FORM OR AN ABSENTEE BALLOT ENVELOPE, OR THE USE OF CUSTOMARY ABBREVI-  
9 ATIONS OF ADDRESSES OF SUCH SIGNERS OR WITNESSES, SHALL NOT INVALIDATE  
10 SUCH VOTER'S SIGNATURE OR WITNESS'S SIGNATURE ON AN APPLICATION FOR AN  
11 ABSENTEE BALLOT OR UPON CANVASS OR RECANVASS OF THE BALLOT PURSUANT TO  
12 THIS CHAPTER.

13 4. PRINTED FORMS OF APPLICATIONS FOR ABSENTEE BALLOTS IN ACCORDANCE  
14 WITH THE REQUIREMENTS OF THIS SECTION SHALL BE PROVIDED BY THE BOARD OF  
15 ELECTIONS. AN APPROPRIATE NUMBER SHALL BE RETAINED BY THE BOARD OF  
16 ELECTIONS FOR THE PURPOSE OF FURNISHING AN APPLICATION FORM TO EACH  
17 QUALIFIED VOTER WHO APPLIES THEREFOR BEFORE THE BOARD OF ELECTIONS,  
18 EITHER IN PERSON OR BY MAIL, AND AN APPROPRIATE NUMBER SHALL BE DELIV-  
19 ERED TO EACH BOARD OF INSPECTORS ON REGISTRATION DAYS WITH THE ELECTION  
20 SUPPLIES, AND THE BOARD OF INSPECTORS SHALL RETAIN THE COMPLETED AND  
21 UNUSED APPLICATIONS AND RETURN THEM TO THE BOARD OF ELECTIONS WITH THEIR  
22 ELECTION SUPPLIES AND AN APPROPRIATE NUMBER SHALL BE AVAILABLE FOR  
23 DISTRIBUTION TO OFFICERS OF POLITICAL PARTIES, COUNTY CLERKS, CITY, TOWN  
24 AND VILLAGE CLERKS, COLLEGES, LIBRARIES, HOSPITALS, NURSING HOMES,  
25 SENIOR CITIZENS CENTERS AND ANY OTHER CONVENIENT DISTRIBUTION SOURCE  
26 WHICH IS APPROVED BY THE LOCAL OR STATE BOARD OF ELECTIONS AND WHICH  
27 REQUESTS SUCH FORMS.

28 5. THE STATE BOARD OF ELECTIONS SHALL PRESCRIBE A STANDARD APPLICATION  
29 FORM FOR USE UNDER THIS SECTION. THE USE OF ANY APPLICATION FORM WHICH  
30 SUBSTANTIALLY COMPLIES WITH THE PROVISIONS OF THIS SECTION SHALL BE  
31 ACCEPTABLE AND ANY APPLICATION FILED ON SUCH A FORM SHALL BE ACCEPTED  
32 FOR FILING.

33 6. IF THE BOARD SHALL FIND THAT THE APPLICANT IS A QUALIFIED VOTER OF  
34 THE ELECTION DISTRICT CONTAINING HIS OR HER RESIDENCE AS STATED IN HIS  
35 OR HER STATEMENT AND THAT HIS OR HER STATEMENT IS SUFFICIENT, IT SHALL,  
36 AS SOON AS PRACTICABLE AFTER IT SHALL HAVE DETERMINED HIS OR HER RIGHT  
37 THERETO, MAIL TO HIM OR HER AT AN ADDRESS DESIGNATED BY HIM OR HER, OR  
38 DELIVER TO HIM OR HER, OR TO ANY PERSON DESIGNATED FOR SUCH PURPOSE IN  
39 WRITING BY HIM OR HER, AT THE OFFICE OF THE BOARD, SUCH AN ABSENTEE  
40 VOTER'S BALLOT OR SET OF BALLOTS AND AN ENVELOPE THEREFOR. IF THE BALLOT  
41 OR BALLOTS ARE TO BE SENT OUTSIDE OF THE UNITED STATES TO A COUNTRY  
42 OTHER THAN CANADA OR MEXICO, SUCH BALLOT OR BALLOTS SHALL BE SENT BY AIR  
43 MAIL. HOWEVER, IF AN APPLICANT WHO IS ELIGIBLE FOR AN ABSENTEE BALLOT IS  
44 A RESIDENT OF A FACILITY OPERATED OR LICENSED BY, OR UNDER THE JURISDIC-  
45 TION OF, THE DEPARTMENT OF MENTAL HYGIENE, OR A RESIDENT OF A FACILITY  
46 DEFINED AS A NURSING HOME OR RESIDENTIAL HEALTH CARE FACILITY PURSUANT  
47 TO SUBDIVISIONS TWO AND THREE OF SECTION TWO THOUSAND EIGHT HUNDRED ONE  
48 OF THE PUBLIC HEALTH LAW, OR A RESIDENT OF A HOSPITAL OR OTHER FACILITY  
49 OPERATED BY THE VETERAN'S ADMINISTRATION OF THE UNITED STATES, SUCH  
50 ABSENTEE BALLOT NEED NOT BE SO MAILED OR DELIVERED TO ANY SUCH APPLICANT  
51 BUT, MAY BE DELIVERED TO THE VOTER IN THE MANNER PRESCRIBED BY SECTION  
52 8-407 OF THIS TITLE IF SUCH FACILITY IS LOCATED IN THE COUNTY OR CITY IN  
53 WHICH SUCH VOTER IS ELIGIBLE TO VOTE.

54 S 4. Section 8-404 of the election law, the opening paragraph of  
55 subdivision 1 as amended by chapter 359 of the laws of 1989 and para-

1 graph (b) of subdivision 1 as amended by chapter 373 of the laws of  
2 1978, is amended to read as follows:

3 S 8-404. Absentee voting; hospitalized veterans, special provisions.

4 1. After entering upon the registration records, the application for  
5 registration of an inmate or patient of a veterans' administration  
6 hospital as to whom the medical superintendent or medical head of such  
7 hospital has attested that he OR SHE expects that [he] SUCH VETERAN will  
8 not be discharged prior to the day following the next general or special  
9 village, primary, special, general or New York city community school  
10 board district or city of Buffalo school district election, and the  
11 application for registration by the spouse, parent or child of such  
12 inmate or patient, accompanying or being with him or her, if a qualified  
13 voter and a resident of the same election district, the board of  
14 elections, without further investigation and without further application  
15 by the applicant, shall send to him OR HER at such hospital an absentee  
16 ballot and shall record in the signature column on the back of his OR  
17 HER permanent personal registration poll record that such ballot has  
18 been sent.

19 (a) Any voter who is duly registered and whose registration records  
20 are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative"  
21 need not thereafter make application for an absentee ballot. Sixty days  
22 before each election, the board of elections shall compile and send a  
23 list to each veterans' administration hospital of all inmates and  
24 patients of veterans' administration hospitals who appear by the records  
25 of such board to be "hospitalized veterans" entitled to receive absentee  
26 ballots at each such hospital pursuant to the provisions of this  
27 section. Each veterans' administration hospital shall no later than  
28 fifteen days following the receipt of such list, return it with  
29 notations made thereon showing whether the inmate or patient continues  
30 to be confined therein or has been discharged therefrom. Upon the  
31 receipt of such returned list from each veterans' administration hospi-  
32 tal with the proper notations showing that a "hospitalized veteran"  
33 continues to be confined in such hospital, the board of elections, by  
34 mail addressed to such "hospitalized veteran" at his OR HER last known  
35 hospital address and by mail addressed to such "hospitalized veteran's  
36 relative" at his OR HER last known address shall send an absentee ballot  
37 for the ensuing election to such "hospitalized veteran" and such "hospi-  
38 talized veteran's relative" [an absentee ballot in the same manner as  
39 provided herein for a qualified voter entitled to an absentee ballot  
40 because of permanent disability]. The board shall record on the back of  
41 his OR HER registration poll record in the space reserved for his OR HER  
42 signature at such election, the fact that such ballot has been sent.

43 (b) If the returned list from a veterans' administration hospital  
44 contains a notation showing that a "hospitalized veteran" is no longer  
45 an inmate or patient at the veterans' administration hospital where he  
46 OR SHE is recorded as staying, or if such letter containing an absentee  
47 voter's ballot for a "hospitalized veteran" or a "hospitalized veterans'  
48 relative" is returned by the post office as undeliverable, the board of  
49 elections shall ascertain whether the "hospitalized veteran" or "hospi-  
50 talized veteran's relative" is residing at the address given on his OR  
51 HER registration records as his OR HER permanent address. If he OR SHE  
52 is residing there, the board shall [not] send him OR HER [any further  
53 absentee ballots unless he applies therefor in the regular way] AN  
54 ABSENTEE BALLOT AT SUCH ADDRESS. If he OR SHE is not residing at the  
55 place of residence given on his OR HER registration records but the  
56 board ascertains that he OR SHE has been transferred to another veter-

1 ans' administration hospital, the board shall cause a central board of  
2 registration to make the necessary changes of temporary address on his  
3 OR HER registration records and shall continue sending him OR HER absen-  
4 tee ballots at the veterans' administration hospital where he OR SHE is  
5 staying. If he OR SHE is not residing at the place of residence given on  
6 his OR HER registration records and the board cannot ascertain that he  
7 OR SHE has been transferred to another veterans' administration hospi-  
8 tal, the board shall cancel his OR HER registration. Whenever a regis-  
9 tration is cancelled pursuant hereto notice shall be mailed to the  
10 veteran or his OR HER relative at his OR HER permanent residence address  
11 and last temporary address.

12 2. The board of elections shall furnish to each party county chairman  
13 in such county a list of the names and residence addresses of the hospi-  
14 talized veterans and hospitalized veterans' relatives to whom absentee  
15 ballots have been sent.

16 3. Such ballots shall be mailed, voted, returned, counted, and  
17 canvassed as provided in this chapter for other absentee voters'  
18 ballots.

19 S 5. Section 8-406 of the election law, as amended by chapter 296 of  
20 the laws of 1988, is amended to read as follows:

21 S 8-406. Absentee ballots, delivery of. [If the] THE board shall [find  
22 that the applicant is a qualified voter of the election district  
23 containing his residence as stated in his statement and that his state-  
24 ment is sufficient, it shall, as soon as practicable after it shall have  
25 determined his right thereto,] mail to [him] ALL VOTERS AN ABSENTEE  
26 BALLOT AND AN ENVELOPE at [an] THE PERMANENT address designated [by him,  
27 or deliver to him, or to any person designated for such purpose in writ-  
28 ing by him, at the office of the board, such an absentee voter's ballot  
29 or set of ballots and an envelope therefor] ON SUCH VOTERS REGISTRATION  
30 RECORDS. If the ballot or ballots are to be sent outside of the United  
31 States to a country other than Canada or Mexico, such ballot or ballots  
32 shall be sent by air mail. However, if [an applicant who is eligible for  
33 an absentee ballot] A VOTER is a resident of a facility operated or  
34 licensed by, or under the jurisdiction of, the department of mental  
35 hygiene, or a resident of a facility defined as a nursing home or resi-  
36 dential health care facility pursuant to subdivisions two and three of  
37 section two thousand eight hundred one of the public health law, or a  
38 resident of a hospital or other facility operated by the Veteran's  
39 Administration of the United States, such absentee ballot need not be so  
40 mailed or delivered to any such applicant but, may be delivered to the  
41 voter in the manner prescribed by section 8-407 of this chapter if such  
42 facility is located in the county or city in which such voter is eligi-  
43 ble to vote.

44 S 6. Section 8-407 of the election law, as added by chapter 296 of the  
45 laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the  
46 laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of  
47 1989, is amended to read as follows:

48 S 8-407. Voting by residents of nursing homes, residential health care  
49 facilities, facilities operated or licensed, or under the jurisdiction  
50 of, the department of mental hygiene or hospitals or facilities operated  
51 by the Veteran's Administration of the United States. 1. The board of  
52 elections of a county or city in which there is located at least one  
53 facility operated or licensed, or under the jurisdiction of, the depart-  
54 ment of mental hygiene, or a facility defined as a nursing home or resi-  
55 dential health care facility pursuant to subdivisions two and three of  
56 section two thousand eight hundred one of the public health law or an

1 adult care facility subject to the provisions of title two of article  
2 seven of the social services law, or a hospital or other facility oper-  
3 ated by the Veteran's Administration of the United States shall provide  
4 [that] residents of each such facility [for which such board has  
5 received twenty-five or more applications for] absentee ballots [from  
6 voters who are eligible to vote by absentee ballot in such city or coun-  
7 ty at such election, may vote by absentee ballot only] in the manner  
8 provided for in this section. [Such board may, in its discretion,  
9 provide that the procedure described in this subdivision shall be appli-  
10 cable to all such facilities in such county or city without regard to  
11 the number of absentee ballot applications received from the residents  
12 of any such facility.]

13 2. Such a board of elections shall appoint, in the same manner as  
14 other inspectors, one or more bi-partisan boards of inspectors, each  
15 composed of two such inspectors. Such inspectors may be regular employ-  
16 ees of such board of elections.

17 3. Not earlier than thirteen days before or later than the day before  
18 such an election such a board of inspectors shall, between the hours of  
19 nine o'clock in the morning and five o'clock in the evening, attend at  
20 each such facility for the residents [of which the board of elections  
21 has custody of twenty-five or more absentee ballots or, if the board of  
22 elections has so provided, each such facility for which the board has  
23 custody of one or more such absentee ballots, pursuant to the provisions  
24 of this chapter].

25 4. Each such board of inspectors may attend at more than one facility,  
26 provided, however, that no such board of inspectors shall be assigned to  
27 attend at more facilities than it reasonably can be expected to complete  
28 within the time specified by this section.

29 5. The board of elections shall deliver to each board of inspectors  
30 all [the] absentee ballots [in the custody of such board of elections  
31 which are addressed to] FOR residents of the facilities which such board  
32 of inspectors is assigned to attend, together with one or more portable  
33 voting booths of a type approved by the state board of elections and  
34 such other supplies as such board of inspectors will require to  
35 discharge its duties properly.

36 6. The board of elections, at least twenty days before each such  
37 election, [or on the day after it shall have received the requisite  
38 number of applications for absentee ballots from the residents of any  
39 such facility, whichever is later,] shall communicate with the super-  
40 intendent, administrator or director of each such facility to arrange  
41 the day and time when the board of inspectors will attend at such facil-  
42 ity. The board of elections shall keep a list of the day and time at  
43 which the board of inspectors will attend at each such facility as a  
44 public record at its office.

45 7. It shall be the duty of each such superintendent, administrator or  
46 director to assist the board of inspectors attending such facility in  
47 the discharge of its duties, including, but not limited to making avail-  
48 able to such board of inspectors space within such facility suitable for  
49 the discharge of its duties.

50 8. The board of inspectors shall deliver [each absentee ballot  
51 addressed to a resident of each such facility to such resident] ABSENTEE  
52 BALLOTS FOR RESIDENTS TO ALL FACILITIES. If [such] ANY resident is phys-  
53 ically disabled the inspectors shall, if necessary, deliver the ballot  
54 to such voter at his OR HER bedside.

1 9. The board of inspectors shall arrange the portable voting booth or  
2 booths provided and effect such safeguards as may be necessary to  
3 provide secrecy for the votes cast by such residents.

4 10. If such a resident is unable to mark his OR HER ballot, he OR SHE  
5 may be assisted in marking such ballot by the two members of the board  
6 of inspectors or such other person as he may select. If a voter is  
7 unable to mark the ballot and unable to communicate how he OR SHE wishes  
8 such ballot marked, such ballot shall not be cast. No person who assists  
9 a voter to mark his ballot pursuant to the provisions of this section,  
10 shall disclose to any other person how any such ballot was marked.

11 11. [Except as otherwise provided in this section, all ballots cast  
12 pursuant to this section shall be cast in the manner provided by this  
13 chapter for the casting of absentee ballots.

14 12.] After such ballots have been cast and sealed in the appropriate  
15 envelopes, they shall be returned to such inspectors.

16 [13.] 12. Upon completion of its duties, the board of inspectors shall  
17 forthwith return all such ballots to the board of elections.

18 [14.] 13. Any person, political committee or independent body entitled  
19 to appoint watchers for the election district in which any such facility  
20 is located [at the election for which such absentee ballots are cast,]  
21 shall be entitled to appoint a watcher to attend such board of inspec-  
22 tors at such facility.

23 [15.] 14. All ballots cast pursuant to the provisions of this section  
24 which are received before the close of the polls on election day by the  
25 board of elections charged with the duty of casting and canvassing such  
26 ballots, may be delivered to the inspectors of election in the manner  
27 prescribed by this chapter or retained at the board of elections and  
28 cast and canvassed pursuant to the provisions of section 9-209 of this  
29 chapter as such board shall, in its discretion, determine pursuant to  
30 the provisions of subdivision one of this section.

31 S 7. Section 8-410 of the election law, as amended by chapter 352 of  
32 the laws of 1986, is amended to read as follows:

33 S 8-410. Absentee voting; method of. The absentee voter shall mark an  
34 absentee ballot as provided for paper ballots or ballots prepared for  
35 counting by ballot counting machines. He OR SHE shall make no mark or  
36 writing whatsoever upon the ballot, except as above prescribed, and  
37 shall see that it bears no such mark or writing. He OR SHE shall make no  
38 mark or writing whatsoever on the outside of the ballot. After marking  
39 the ballot or ballots he OR SHE shall fold each such ballot and enclose  
40 them in the envelope and seal the envelope. He OR SHE shall then take  
41 and subscribe the oath on the envelope, with blanks properly filled in.  
42 The envelope, containing the ballot or ballots, shall then be mailed or  
43 delivered to the board of elections of the county or city of his OR HER  
44 residence.

45 S 8. Subdivision 1 of section 8-412 of the election law, as amended by  
46 chapter 155 of the laws of 1994, is amended to read as follows:

47 1. The board of elections shall cause all absentee ballots received by  
48 it before the close of the polls on election day and all ballots  
49 contained in envelopes showing a cancellation mark of the United States  
50 postal service or a foreign country's postal service, or showing a dated  
51 endorsement of receipt by another agency of the United States govern-  
52 ment, with a date which is ascertained to be not later than the day  
53 before election and received by such board of elections not later than  
54 seven days following the day of election to be cast and counted [except  
55 that the absentee ballot of a voter who requested such ballot by letter,  
56 rather than application, shall not be counted unless a valid application



1 form, signed by such voter, is received by the board of elections with  
2 such ballot].

3 S 9. The election law is amended by adding a new section 5-714 to read  
4 as follows:

5 S 5-714. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST. 1. THE NEW  
6 YORK STATE BOARD OF ELECTIONS SHALL, WITHIN ONE YEAR OF THE EFFECTIVE  
7 DATE OF THIS SECTION IMPLEMENT, IN A UNIFORM AND NONDISCRIMINATORY  
8 MANNER, A SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE, COMPUTER-  
9 IZED STATEWIDE VOTER REGISTRATION DATABASE SYSTEM. SUCH DATABASE SYSTEM  
10 SHALL BE DEFINED, MAINTAINED, AND ADMINISTERED AT THE STATE LEVEL AND  
11 SHALL CONTAIN THE VOTER REGISTRATION LISTS MAINTAINED BY EACH COUNTY  
12 BOARD OF ELECTIONS. FURTHER, SUCH DATABASE SYSTEM SHALL CONTAIN THE NAME  
13 AND REGISTRATION INFORMATION OF EVERY LEGALLY REGISTERED VOTER IN THE  
14 STATE AND SHALL ASSIGN A UNIQUE IDENTIFIER TO EACH LEGALLY REGISTERED  
15 VOTER. THE SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE, COMPUT-  
16 ERIZED STATEWIDE VOTER REGISTRATION DATABASE SYSTEM REQUIRED BY THIS  
17 SECTION SHALL BE REFERRED TO AS THE "CENTRALIZED STATEWIDE REGISTRATION  
18 SYSTEM".

19 2. THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM AND THE COMPUTERIZED  
20 STATEWIDE VOTER REGISTRATION LIST SHALL BE FULLY COMPLIANT WITH ALL  
21 APPLICABLE REQUIREMENTS SPECIFIED IN SECTION 303 OF THE FEDERAL "HELP  
22 AMERICA VOTE ACT OF 2002", PUB.L. 107-252, CODIFIED AT 42 U.S.C. SEC.  
23 15301 ET SEQ AND SHALL MEET ALL APPLICABLE PRIVACY REQUIREMENTS UNDER  
24 THIS CHAPTER.

25 3. WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION EACH COUNTY  
26 BOARD OF ELECTIONS SHALL MAINTAIN VOTER REGISTRATION INFORMATION BY  
27 UTILIZING THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM DEVELOPED OR  
28 ACQUIRED BY THE STATE BOARD OF ELECTIONS UNDER SUBDIVISION ONE OF THIS  
29 SECTION. PRIOR TO THE IMPLEMENTATION OF THE COMPUTERIZED STATEWIDE VOTER  
30 REGISTRATION LIST REQUIRED BY SUBDIVISION ONE OF THIS SECTION, IF THE  
31 COUNTY CHOOSES TO MAINTAIN VOTER REGISTRATION INFORMATION ON ITS OWN  
32 COMPUTER SYSTEM, THE INFORMATION REQUIRED BY LAW TO BE TRANSMITTED TO  
33 THE NEW YORK STATE BOARD OF ELECTIONS SHALL BE TRANSMITTED IN A MEDIA  
34 FORMAT ACCEPTABLE TO THE NEW YORK STATE BOARD OF ELECTIONS AND WITHIN  
35 THE TIME PRESCRIBED BY THE NEW YORK STATE BOARD OF ELECTIONS.

36 4. (A) THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM SHALL ENABLE THE  
37 STATE BOARD OF ELECTIONS TO MAINTAIN VOTER REGISTRATION INFORMATION AND  
38 SHALL INCLUDE SUCH ADDITIONAL CAPABILITIES AS MAY BE NECESSARY OR DESIR-  
39 ABLE TO ENABLE THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF  
40 ELECTIONS TO CARRY OUT THEIR RESPONSIBILITIES RELATED TO THE CONDUCT OF  
41 ELECTIONS. SUCH ADDITIONAL CAPABILITIES MAY INCLUDE BUT NEED NOT BE  
42 LIMITED TO THE PREPARATION OF BALLOTS, THE IDENTIFICATION OF VOTING  
43 DISTRICTS FOR EACH ADDRESS, ACCESS BY COUNTY BOARDS OF ELECTIONS TO THE  
44 MASTER LIST OF REGISTERED ELECTORS.

45 (B) WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION THE COMPUT-  
46 ERIZED STATEWIDE VOTER REGISTRATION LIST MAINTAINED PURSUANT TO THIS  
47 SECTION SHALL ALLOW FOR:

48 (I) THE MANAGEMENT OF ABSENTEE BALLOTS, THE PREPARATION OF OFFICIAL  
49 ABSTRACTS OF VOTES CAST, THE TRANSMISSION OF VOTING DATA FROM COUNTY  
50 BOARDS OF ELECTION TO THE STATE BOARD OF ELECTIONS, AND REPORTING OF  
51 VOTING RESULTS ON ELECTION NIGHT; AND

52 (II) ACCESS TO THE DIGITIZED SIGNATURES OF ELECTORS IN THE CENTRALIZED  
53 STATEWIDE REGISTRATION SYSTEM FOR THE PURPOSE OF COMPARING AN ELECTOR'S  
54 SIGNATURE IN THE SYSTEM WITH THE SIGNATURE ON THE RETURN ENVELOPE OF AN  
55 ABSENTEE BALLOT, INCLUDING BY USING A SIGNATURE VERIFICATION.

1 5. (A) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD OF  
2 ELECTIONS IS RESPONSIBLE FOR THE COST OF ACQUIRING COMPUTER HARDWARE AND  
3 PROVIDING NECESSARY TRAINING FOR THE CENTRALIZED STATEWIDE REGISTRATION  
4 SYSTEM. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES SPECIFYING  
5 WHETHER SUCH HARDWARE IS OWNED BY THE STATE OR THE COUNTIES OR WHETHER  
6 AND TO WHAT EXTENT OWNERSHIP MAY BE SHARED BETWEEN THE STATE AND THE  
7 COUNTIES. IF THE STATE PROVIDES SYSTEM HARDWARE TO ANY COUNTY, IT MAY  
8 TRANSFER OWNERSHIP OF THE HARDWARE TO THAT COUNTY. THE STATE BOARD OF  
9 ELECTIONS MAY PROMULGATE RULES PROVIDING THAT THE COUNTY SHALL BE SOLELY  
10 RESPONSIBLE FOR THE SUPPORT AND MAINTENANCE OF THE HARDWARE PROVIDED TO  
11 THE COUNTIES.

12 (B) WITHIN FOUR YEARS OF THE EFFECTIVE DATE OF THIS SECTION THE STATE  
13 BOARD OF ELECTIONS SHALL MAKE THE CENTRALIZED STATEWIDE REGISTRATION  
14 SYSTEM SOFTWARE AVAILABLE AT NO CHARGE TO EACH COUNTY BOARD OF  
15 ELECTIONS.

16 (C) AS SOON AS PRACTICABLE, THE DEPARTMENT OF STATE SHALL MAKE THE  
17 MASTER LIST OF REGISTERED ELECTORS AVAILABLE AT NO CHARGE ON THE INTER-  
18 NET TO COUNTY BOARDS OF ELECTION. THIS SECTION SHALL NOT BE CONSTRUED TO  
19 REQUIRE THE STATE TO PROVIDE OR PAY FOR INTERNET CONNECTION SERVICES FOR  
20 ANY COUNTY.

21 S 10. Section 11-302 of the election law, as amended by chapter 163 of  
22 the laws of 2010, is amended to read as follows:

23 S 11-302. Special ballots for board of election employees. A person  
24 who is an employee of the board of elections or who has been appointed  
25 to serve as an inspector of elections, poll clerk or election coordina-  
26 tor at a polling place other than the one at which he or she is regis-  
27 tered to vote, may deliver to the inspectors of election of the election  
28 district in which he or she is registered, or to the board of elections,  
29 at any time during the period in which an application for an absentee  
30 ballot may be so delivered pursuant to the provisions of this chapter, a  
31 written statement that he or she will be unable to appear at the polling  
32 place for such election district on the day of an election because his  
33 or her duties as an employee of such board or as an inspector, poll  
34 clerk or election coordinator require him or her to be elsewhere. The  
35 board of elections shall provide such voter a special ballot [not earli-  
36 er than two weeks before the election and] not later than the close of  
37 the polls on election day. ABSENT AFFIRMATIVE PROOF OF FRAUD SUCH  
38 BALLOTS SHALL BE PRESUMED VALID AND CAST. Such cast ballots may be  
39 delivered to an office of such board of elections or to any board of  
40 inspectors not later than the close of the polls on election day. Such  
41 ballots shall be retained at the board of elections and cast and  
42 canvassed pursuant to the provisions of section 9-209 of this chapter.

43 S 11. Subparagraph (ii) of paragraph (e) of subdivision 3 of section  
44 8-302 of the election law, as amended by chapter 164 of the laws of  
45 2010, is amended to read as follows:

46 (ii) He or she may swear to and subscribe an affidavit stating that he  
47 or she has duly registered to vote, the address in such election  
48 district from which he or she registered, that he or she remains a duly  
49 qualified voter in such election district, that his or her registration  
50 poll record appears to be lost or misplaced or that his or her name  
51 and/or his or her signature was omitted from the computer generated  
52 registration list or that he or she has moved within the county or city  
53 since he or she last registered, [the address from which he or she was  
54 previously registered and] the address at which he or she currently  
55 resides, and at a primary election, the party in which he or she is  
56 enrolled. The inspectors of election shall offer such an affidavit to

1 each such voter whose residence address is in such election district.  
2 Each such affidavit shall SUBSTANTIALLY COMPLY WITH AND be in a form  
3 prescribed by the state board of elections, shall be printed on an  
4 envelope of the size and quality used for an absentee ballot envelope,  
5 and shall contain an acknowledgment that the affiant understands that  
6 any false statement made therein is perjury punishable according to law.  
7 Such form prescribed by the state board of elections shall request  
8 information required to register such voter should the county board  
9 determine that such voter is not registered and shall constitute an  
10 application to register to vote. The voter's name and the entries  
11 required shall then be entered without delay and without further inquiry  
12 in the fourth section of the challenge report or in the place provided  
13 at the end of the computer generated registration list, with the nota-  
14 tion that the voter has executed the affidavit hereinabove prescribed,  
15 or, if such person's name appears on the computer generated registration  
16 list, the board of elections may provide a place to make such entry next  
17 to his or her name on such list. The voter shall then, without further  
18 inquiry, be permitted to vote an affidavit ballot provided for by this  
19 chapter. Such ballot shall thereupon be placed in the envelope contain-  
20 ing his or her affidavit, and the envelope sealed and returned to the  
21 board of elections in the manner provided by this chapter for protested  
22 official ballots, including a statement of the number of such ballots.  
23 S 12. This act shall take effect immediately.