

4433

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I N   A S S E M B L Y

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Introduced by M. of A. SILVER, CUSICK, WRIGHT, GOTTFRIED, GLICK, CYMBROWITZ, BRENNAN, PERRY, COLTON -- Multi-Sponsored by -- M. of A. ABINANTI, BRAUNSTEIN, BUCHWALD, CAHILL, COOK, DINOWITZ, GALEF, HEVESI, JAFFEE, KIM, LUPARDO, MAGNARELLI, MARKEY, PAULIN, RAMOS, SCARBOROUGH, SCHIMEL, SIMOTAS, SKOUFIS, SOLAGES, THIELE -- read once and referred to the Committee on Election Law

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-  
22 ING THE DAYS AND HOURS FOR EARLY VOTING AND THE LOCATIONS THEREFOR, the

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

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

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

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

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

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

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

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

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

3 TITLE VI  
4 EARLY VOTING

5 SECTION 8-600. EARLY VOTING.

6 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY  
7 VOTING.

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

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

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

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

48 5. THE BOARD OF ELECTIONS SHALL CREATE A COMMUNICATION PLAN THAT IS  
49 EASILY ACCESSIBLE AND UNDERSTOOD BY ALL VOTERS. SUCH COMMUNICATIONS PLAN  
50 SHALL UTILIZE ANY AND ALL MEDIA OUTLETS, INCLUDING SOCIAL MEDIA. INFOR-  
51 MATION TO BE PROVIDED SHALL INCLUDE THE LOCATION OF ALL EARLY VOTING  
52 SITES AND A NOTATION WHETHER SUCH SITES ARE ACCESSIBLE TO DISABLED  
53 VOTERS, DATES AND HOURS OF OPERATION, A CLEAR AND UNAMBIGUOUS MESSAGE TO  
54 VOTERS NOTIFYING THEM THAT IF SUCH VOTERS CAST A BALLOT DURING THE EARLY  
55 VOTING PERIOD THEN THEY WILL NOT BE ALLOWED TO VOTE ON ELECTION DAY; AND  
56 IF EARLY VOTING POLLING PLACES ARE REGIONALIZED PURSUANT TO SUBDIVISION

THREE OF THIS SECTION, THE LOCATION OF THE EARLY VOTING POLLING PLACE SERVING THE VOTERS OF ANY PARTICULAR CITY, TOWN OR OTHER POLITICAL SUBDIVISION.

6. 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 THE EARLY VOTING PERIOD SHALL NOT BE CANVASSED UNTIL NINE O'CLOCK IN THE EVENING ON ELECTION DAY.

7. 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.

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

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

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

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. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE 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 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.