

4947

2015-2016 Regular Sessions

I N   S E N A T E

April 24, 2015

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Introduced by Sen. COMRIE -- 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 enacting the disaster  
voting relief act of 2015

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "disaster voting relief act of 2015".

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

5     S 3-109. DISASTER; GOVERNOR MAY SUSPEND OR DELAY VOTING. 1. THE GOVER-  
6     NOR MAY, UPON ISSUANCE OF AN EXECUTIVE ORDER DECLARING A STATE OF EMER-  
7     GENCY OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION SUSPEND OR  
8     DELAY AN ELECTION IN SUCH MUNICIPALITY.

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

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

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

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

24    6. UPON THE GOVERNOR'S ISSUANCE OF AN EXECUTIVE ORDER DECLARING A  
25    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.

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1 OR UPON THE ISSUANCE OF A FEDERAL DISASTER DECLARATION A VOTER SEEKING  
2 TO VOTE BY AFFIDAVIT NEED NOT AFFIRM THAT SUCH VOTER IS DULY REGISTERED  
3 IN THE ELECTION DISTRICT IN WHICH SUCH VOTER SEEKS TO CAST AN AFFIDAVIT  
4 BALLOT IF SUCH VOTER IS REGISTERED TO VOTE WITHIN THE COUNTY FOR WHICH  
5 SUCH DECLARATION HAS BEEN ISSUED.

6 S 5. Paragraph (a) of subdivision 2 of section 9-209 of the election  
7 law is amended by adding a new subparagraph (iv) to read as follows:

8 (IV) NOTWITHSTANDING SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE BOARD  
9 OF ELECTIONS FOR THE COUNTY IN WHICH SUCH VOTER RESIDES SHALL CAST AND  
10 CANVASS SUCH BALLOT, IF IT DETERMINES THAT SUCH VOTER WAS ENTITLED TO  
11 VOTE REGARDLESS OF THE FACT THAT THE VOTER MAY HAVE APPEARED IN THE  
12 INCORRECT POLLING LOCATION DUE TO THE DECLARATION OF A STATE OF EMERGEN-  
13 CY. SUCH BALLOT SHALL NOT BE CAST AND CANVASSED FOR SUCH CONTEST FOR  
14 WHICH THE PERSON WAS NOT ENTITLED TO VOTE AT SUCH ELECTION.

15 S 6. The opening paragraph of section 9-209 of the election law, as  
16 amended by chapter 163 of the laws of 2010, is amended to read as  
17 follows:

18 Before completing the canvass of votes cast in any primary, general,  
19 special, or other election at which voters are required to sign their  
20 registration poll records before voting, the board of elections shall  
21 proceed in the manner hereinafter prescribed to cast and canvass any  
22 absentee, military, special presidential, special federal or other  
23 special ballots and any ballots voted by voters who moved within the  
24 county or city after registering, voters who are in inactive status,  
25 voters whose registration was incorrectly transferred to another address  
26 even though they did not move, voters whose registration poll records  
27 were missing on the day of such election, voters who have not had their  
28 identity previously verified and voters whose registration poll records  
29 did not show them to be enrolled in the party in which they claimed to  
30 be enrolled. Each such ballot shall be retained in the original envelope  
31 containing the voter's affidavit and signature, in which it is delivered  
32 to the board of elections until such time as it is to be cast and  
33 canvassed. ABSENTEE BALLOTS CAST BY VOTERS PURSUANT TO SECTION 8-414 OF  
34 THIS CHAPTER SHALL BE TRANSMITTED BY THE COUNTY BOARD OF ELECTIONS WHERE  
35 SUCH BALLOT WAS CAST TO THE BOARD OF ELECTIONS WHERE SUCH VOTER IS  
36 REGISTERED TO VOTE TO BE CANVASSED WITH OTHER AFFIDAVIT AND ABSENTEE  
37 BALLOTS FOR THE ELECTION DISTRICT WHEREIN THE VOTER RESIDES.

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