

S T A T E O F N E W Y O R K

6818

I N S E N A T E

February 25, 2016

Introduced by Sen. AVELLA -- 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 ensuring certain notification requirements are cost-effective and efficient

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

1 Section 1. Subdivision 1 of section 4-117 of the election law, as
2 amended by chapter 288 of the laws of 2009, is amended to read as
3 follows:

4 1. The board of elections, between August first and August fifth of
5 each year, shall send by [first class] mail on which is endorsed
6 ["ADDRESS CORRECTION REQUESTED"] SUCH LANGUAGE DESIGNATED BY THE STATE
7 BOARD OF ELECTIONS TO ENSURE POSTAL AUTHORITIES DO NOT FORWARD SUCH MAIL
8 BUT RETURN IT TO THE BOARD OF ELECTIONS WITH FORWARDING INFORMATION,
9 WHEN IT CANNOT BE DELIVERED AS ADDRESSED and which contains a request
10 that any such mail received for persons not residing at the address be
11 dropped back in the mail, a communication, in a form approved by the
12 state board of elections, to every registered voter who has been regis-
13 tered without a change of address since the beginning of such year,
14 except that the board of elections shall not be required to send such
15 communications to voters in inactive status. The communication shall
16 notify the voter of the days and hours of the ensuing primary and genera-
17 al elections, the place where he appears by his registration records to
18 be entitled to vote, the fact that voters who have moved or will have
19 moved from the address where they were last registered must re-register
20 or, that if such move was to another address in the same county or city,
21 that such voter may either notify the board of elections of his new
22 address or vote by paper ballot at the polling place for his new address
23 even if such voter has not re-registered, or otherwise notified the
24 board of elections of the change of address. If the location of the
25 polling place for the voter's election district has been moved, the
26 communication shall contain the following legend in bold type: "YOUR
27 POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The communica-
28 tion shall also indicate whether the polling place is accessible to

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

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1 physically disabled voters, that a voter who will be out of the city or
2 county on the day of the primary or general election or a voter who is
3 ill or physically disabled may obtain an absentee ballot, that a physically
4 disabled voter whose polling place is not accessible may request
5 that his registration record be moved to an election district which has
6 a polling place which is accessible, the phone number to call for applications
7 to move a registration record or for absentee ballot applications, the phone number to call for the location of registration and
8 polling places, the phone number to call to indicate that the voter is
9 willing to serve on election day as an election inspector, poll clerk,
10 interpreter or in other capacities, the phone number to call to obtain
11 an application for registration by mail, and such other information
12 concerning the elections or registration as the board may include. In
13 lieu of sending such communication to every registered voter, the board
14 of elections may send a single communication to a household containing
15 more than one registered voter, provided that the names of all such
16 voters appear as part of the address on such communication.

17 S 2. Subdivision 9 of section 5-210 of the election law, as amended by
18 chapter 179 of the laws of 2005, is amended to read as follows:

19 9. The county board of elections shall, promptly and in any event, not
20 later than twenty-one days after receipt by it of the application, verify
21 the identity of the applicant. In order to do so, the county board of
22 elections shall utilize the information provided in the application and
23 shall attempt to verify such information with the information provided
24 by the department of motor vehicles, social security administration and
25 any other lawful available information source. If the county board of
26 elections is unable to verify the identity of the applicant within twenty-
27 one days of the receipt of the application, it shall immediately take
28 steps to confirm that the information provided by the applicant was
29 accurately utilized by such county board of elections, was accurately
30 verified with other information sources and that no data entry error, or
31 other similar type of error, occurred. Following completion of the
32 preceding steps, the county board of elections shall mail (a) a notice
33 of its approval, (b) a notice of its approval which includes an indication
34 that such board has not yet been able to verify the identity of the
35 applicant and a request for more information so that such verification
36 may be completed, or (c) a notice of its rejection of the application
37 to the applicant in a form approved by the state board of
38 elections. Notices of approval, notices of approval with requests for
39 more information or notices of rejection shall be sent by nonforwardable
40 first class or return postage guaranteed mail on which is endorsed
41 ["ADDRESS CORRECTION REQUESTED"] SUCH LANGUAGE DESIGNATED BY THE STATE
42 BOARD OF ELECTIONS TO ENSURE POSTAL AUTHORITIES DO NOT FORWARD SUCH MAIL
43 BUT RETURN IT TO THE BOARD OF ELECTIONS WITH FORWARDING INFORMATION,
44 WHEN IT CANNOT BE DELIVERED AS ADDRESSED and which contains a request
45 that any such mail received for persons not residing at the address be
46 dropped back in the mail. The voter's registration and enrollment shall
47 be complete upon receipt of the application by the appropriate county
48 board of elections. The failure of a county board of elections to verify
49 an applicant's identity shall not be the basis for the rejection of a
50 voter's application, provided, however, that such verification failure
51 shall be the basis for requiring county board of elections to take the
52 additional verification steps provided by this chapter. The notice shall
53 also advise the registrant of the date when his registration and enrollment
54 is effective, of the date and the hours of the next regularly scheduled
55 primary or general election in which he will be eligible to vote,

1 of the location of the polling place of the election district in which
2 he is or will be a qualified voter, whether such polling place is acces-
3 sible to physically handicapped voters, an indication that physically
4 handicapped voters or voters who are ill or voters who will be out of
5 the city or county on the day of the primary or general election, may
6 obtain an absentee ballot and the phone number to call for absentee
7 ballot applications, the phone numbers to call for location of polling
8 places, to obtain registration forms and the phone number to call to
9 indicate that the voter is willing to serve on election day as an
10 inspector, poll clerk or interpreter. The notice of approval, notice of
11 approval with request for more information or notice of rejection shall
12 also advise the applicant to notify the board of elections if there is
13 any inaccuracy. The form of such mail notification shall be prescribed
14 by the state board of elections and shall contain such other information
15 and instructions as it may reasonably require to carry out the purposes
16 of this section. The request for more information shall inform the voter
17 that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY
18 INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMA-
19 TION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO
20 CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered
21 without a new address, the board shall forthwith send such applicant a
22 confirmation notice pursuant to the provisions of section 5-712 of this
23 article and place such applicant in inactive status. The state board of
24 elections shall prepare uniform notices by this section as provided for
25 in subdivision eight of section 3-102 of this chapter.

26 S 3. This act shall take effect immediately.