

6038--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 11, 2015

Introduced by M. of A. BLAKE, KAVANAGH, ROZIC, KAMINSKY, MOSLEY, ORTIZ, STECK, LINARES, PEOPLES-STOKES, COOK, SEPULVEDA, HOOPER, BRINDISI, LUPARDO -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 2. ANY PERSON WHOSE NAME IS NOT ON THE CHECKLIST BUT WHO IS OTHERWISE  
2 A QUALIFIED VOTER SHALL BE ENTITLED TO VOTE BY REQUESTING TO BE REGIS-  
3 TERED TO VOTE AT THE POLLING PLACE ON ELECTION DATE. THE VOTER MAY THEN  
4 VOTE IN SUCH ELECTION. THE APPLICANT SHALL BE REQUIRED TO PRODUCE APPRO-  
5 PRIATE PROOF OF QUALIFICATIONS AS PROVIDED IN THIS CHAPTER.

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

9 S 5-217-A. EFFECT OF REGISTRATION ON ELECTION DAY. ANY PERSON WHO  
10 REGISTERS TO VOTE ON ELECTION DAY ACCORDING TO THE PROVISIONS OF SECTION  
11 5-217 OF THIS TITLE SHALL BE REGISTERED TO VOTE AT ALL SUBSEQUENT TOWN,  
12 STATE, AND FEDERAL ELECTIONS.

13 S 2. Section 8-400 of the election law is REPEALED and a new section  
14 8-400 is added to read as follows:

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

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

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

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

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

46 (DATE).....

47 .....(MARK)  
48 (NAME OF VOTER)

49 "I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE ABOVE NAMED VOTER AFFIXED  
50 HIS OR HER MARK TO THIS APPLICATION IN MY PRESENCE AND I KNOW HIM OR HER  
51 TO BE THE PERSON WHO AFFIXED HIS OR HER MARK TO SAID APPLICATION AND  
52 UNDERSTAND THAT THIS STATEMENT WILL BE ACCEPTED FOR ALL PURPOSES AS THE  
53 EQUIVALENT OF AN AFFIDAVIT AND IF IT CONTAINS A MATERIAL FALSE STATE-

1 MENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY  
2 SWORN."

3 .....  
4 (SIGNATURE OF WITNESS)

5 .....  
6 (ADDRESS OF WITNESS)

7 SUCH STATEMENT SHALL BE INCLUDED IN THE ABSENTEE BALLOT FURNISHED BY  
8 THE BOARD OF ELECTIONS. THE PROVISIONS OF THIS SUBDIVISION SHALL ALSO  
9 APPLY TO ANY APPLICATION FOR AN ABSENTEE BALLOT PURSUANT TO SECTION  
10 8-402 OF THIS TITLE.

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

22 S 3. Section 8-402 of the election law is REPEALED and a new section  
23 8-402 is added to read as follows:

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

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

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

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

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

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

1 2. THE APPLICATION FOR AN ABSENTEE BALLOT SHALL CONTAIN THE FOLLOWING  
2 LANGUAGE PRINTED IN BOLD FACE DIRECTLY ABOVE THE SIGNATURE LINE: "I  
3 CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND  
4 UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS  
5 THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE  
6 STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY  
7 SWORN." SUCH APPLICATION SHALL BE ACCEPTED FOR ALL PROPOSES AS THE  
8 EQUIVALENT OF AN AFFIDAVIT AND IF IT CONTAINS A MATERIAL FALSE STATEMENT  
9 SHALL SUBJECT THE PERSON SIGNING IT TO THE SAME PENALTIES AS IF HE OR  
10 SHE HAD BEEN DULY SWORN.

11 3. FOR PURPOSES OF THIS SECTION, THE USE OF TITLES, INITIALS OR  
12 CUSTOMARY ABBREVIATIONS OF GIVEN NAMES BY THE SIGNERS OF, OR WITNESSES  
13 TO, AN ABSENTEE BALLOT REQUEST LETTER, AN ABSENTEE BALLOT APPLICATION  
14 FORM OR AN ABSENTEE BALLOT ENVELOPE, OR THE USE OF CUSTOMARY ABBREVI-  
15 ATIONS OF ADDRESSES OF SUCH SIGNERS OR WITNESSES, SHALL NOT INVALIDATE  
16 SUCH VOTER'S SIGNATURE OR WITNESS'S SIGNATURE ON AN APPLICATION FOR AN  
17 ABSENTEE BALLOT OR UPON CANVASS OR RECANVASS OF THE BALLOT PURSUANT TO  
18 THIS CHAPTER.

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

34 5. THE STATE BOARD OF ELECTIONS SHALL PRESCRIBE A STANDARD APPLICATION  
35 FORM FOR USE UNDER THIS SECTION. THE USE OF ANY APPLICATION FORM WHICH  
36 SUBSTANTIALLY COMPLIES WITH THE PROVISIONS OF THIS SECTION SHALL BE  
37 ACCEPTABLE AND ANY APPLICATION FILED ON SUCH A FORM SHALL BE ACCEPTED  
38 FOR FILING.

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

1 BUT, MAY BE DELIVERED TO THE VOTER IN THE MANNER PRESCRIBED BY SECTION  
2 8-407 OF THIS TITLE IF SUCH FACILITY IS LOCATED IN THE COUNTY OR CITY IN  
3 WHICH SUCH VOTER IS ELIGIBLE TO VOTE.

4 S 4. Section 8-404 of the election law, subdivision 1 as amended by  
5 chapter 375 of the laws of 2015, is amended to read as follows:

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

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

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

47 (b) If the returned list from a veterans' administration hospital  
48 contains a notation showing that a "hospitalized veteran" is no longer a  
49 resident or patient at the veterans health administration hospital where  
50 he or she is recorded as staying, or if such letter containing an absen-  
51 tee voter's ballot for a "hospitalized veteran" or a "hospitalized  
52 veteran's relative" is returned by the post office as undeliverable, the  
53 board of elections shall ascertain whether the "hospitalized veteran" or  
54 "hospitalized veteran's relative" is residing at the address given on  
55 his or her registration records as his or her permanent address. If he  
56 or she is residing there, the board shall [not] send him or her [any

1 further absentee ballots unless he or she applies therefor in the regu-  
2 lar way] AN ABSENTEE BALLOT AT SUCH ADDRESS. If he or she is not resid-  
3 ing at the place of residence given on his or her registration records  
4 but the board ascertains that he or she has been transferred to another  
5 veterans health administration hospital, the board shall cause a central  
6 board of registration to make the necessary changes of temporary address  
7 on his or her registration records and shall continue sending him or her  
8 absentee ballots at the veterans health administration hospital where he  
9 or she is staying. If he or she is not residing at the place of resi-  
10 dence given on his or her registration records and the board cannot  
11 ascertain that he or she has been transferred to another veterans health  
12 administration hospital, the board shall cancel his or her registration.  
13 Whenever a registration is cancelled pursuant to this paragraph notice  
14 shall be mailed to the veteran or his or her relative at his or her  
15 permanent residence address and last temporary address.

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

20 3. Such ballots shall be mailed, voted, returned, counted, and  
21 canvassed as provided in this chapter for other absentee voters'  
22 ballots.

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

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

48 S 6. Section 8-407 of the election law, as added by chapter 296 of the  
49 laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the  
50 laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of  
51 1989, is amended to read as follows:

52 S 8-407. Voting by residents of nursing homes, residential health care  
53 facilities, facilities operated or licensed, or under the jurisdiction  
54 of, the department of mental hygiene or hospitals or facilities operated  
55 by the Veteran's Administration of the United States. 1. The board of  
56 elections of a county or city in which there is located at least one

1 facility operated or licensed, or under the jurisdiction of, the depart-  
2 ment of mental hygiene, or a facility defined as a nursing home or resi-  
3 dential health care facility pursuant to subdivisions two and three of  
4 section two thousand eight hundred one of the public health law or an  
5 adult care facility subject to the provisions of title two of article  
6 seven of the social services law, or a hospital or other facility oper-  
7 ated by the Veteran's Administration of the United States shall provide  
8 [that] residents of each such facility [for which such board has  
9 received twenty-five or more applications for] absentee ballots [from  
10 voters who are eligible to vote by absentee ballot in such city or coun-  
11 ty at such election, may vote by absentee ballot only] in the manner  
12 provided for in this section. [Such board may, in its discretion,  
13 provide that the procedure described in this subdivision shall be appli-  
14 cable to all such facilities in such county or city without regard to  
15 the number of absentee ballot applications received from the residents  
16 of any such facility.]

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

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

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

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

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

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

54 8. The board of inspectors shall deliver [each absentee ballot  
55 addressed to a resident of each such facility to such resident] ABSENTEE  
56 BALLOTS FOR RESIDENTS TO ALL FACILITIES. If [such] ANY resident is phys-

1 ically disabled the inspectors shall, if necessary, deliver the ballot  
2 to such voter at his OR HER bedside.

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

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

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

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

18 [13.] 12. Upon completion of its duties, the board of inspectors shall  
19 forthwith return all such ballots to the board of elections.

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

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

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

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

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

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

1 that the absentee ballot of a voter who requested such ballot by letter,  
2 rather than application, shall not be counted unless a valid application  
3 form, signed by such voter, is received by the board of elections with  
4 such ballot].

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

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

21 2. THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM AND THE COMPUTERIZED  
22 STATEWIDE VOTER REGISTRATION LIST SHALL BE FULLY COMPLIANT WITH ALL  
23 APPLICABLE REQUIREMENTS SPECIFIED IN SECTION 303 OF THE FEDERAL "HELP  
24 AMERICA VOTE ACT OF 2002", PUB.L. 107-252, CODIFIED AT 42 U.S.C. SEC.  
25 15301 ET SEQ AND SHALL MEET ALL APPLICABLE PRIVACY REQUIREMENTS UNDER  
26 THIS CHAPTER.

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

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

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

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

54 (II) ACCESS TO THE DIGITIZED SIGNATURES OF ELECTORS IN THE CENTRALIZED  
55 STATEWIDE REGISTRATION SYSTEM FOR THE PURPOSE OF COMPARING AN ELECTOR'S

1 SIGNATURE IN THE SYSTEM WITH THE SIGNATURE ON THE RETURN ENVELOPE OF AN  
2 ABSENTEE BALLOT, INCLUDING BY USING A SIGNATURE VERIFICATION.

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

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

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

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

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

45 S 11. Subparagraph (ii) of paragraph (e) of subdivision 3 of section  
46 8-302 of the election law, as amended by chapter 164 of the laws of  
47 2010, is amended to read as follows:

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

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