STATE OF NEW YORK

5312

2017-2018 Regular Sessions

IN ASSEMBLY

February 8, 2017

Introduced by M. of A. CUSICK, KAVANAGH, WALKER, O'DONNELL, ABINANTI, GALEF, BUCHWALD, LIFTON, ZEBROWSKI, CARROLL -- (at request of the Department of Law) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing an electronic registration process integrated within designated agency applications (Part A); to amend the election law, in relation to establishing an electronic personal voter registration and absentee ballot application process (Part B); to amend the election law, in relation to student voting, transfer of registrations, affidavit ballots, moving deadlines and access to records (Part C); to amend the election law, in relation to allowing for polling place voter registration for any qualified person who is not registered to vote (Part D); to amend the election law, in relation to qualified absentee voters and to repeal certain provisions of such law relating thereto (Part E); to amend the election law, in relation to completing and filing watcher certificates and the form and manner of challenges of voter qualifications (Part F); to amend the election law, in relation to mandatory core curriculum and language access; and to amend the election law, in relation to mandatory training curriculum for election commissioners, key staff of boards of elections and poll workers (Part G); to amend the election law, in relation to early voting (Part H); to amend the election law and the correction law, in relation to voting by convicted felons (Part I); to amend the election law, in relation to additional days of voting as a result of emergencies (Part J); to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas and in relation to date of primary elections; and to amend the public officers law, in relation to filling vacancies in elective offices (Part K); and to amend the election law, in relation to the reimbursement to counties and the city of New York of certain additional costs associated with implementation and administration of the New York votes act (Part L)

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

LBD07824-05-7

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act enacts into law major components of legislation which are necessary to enact the New York votes act. Each component is wholly contained within a Part identified as Parts A through L. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act.

§ 2. This act shall be known and may be cited as the "New York votes act".

PART A

Section 1. Article 5 of the election law is amended by adding a new title 9 to read as follows:

TITLE IX

AUTOMATIC ELECTRONIC VOTER REGISTRATION PROCESS

Section 5-900. Integrated personal voter registration application required.
5-902. Automatic reinstatement after forfeiture.
5-904. Failure to provide exemplar signature not to prevent registration.
5-906. Presumption of innocent authorized error.
5-908. Forms.

§ 5-900. Integrated personal voter registration application required. **1. In addition to any other method of voter registration provided for by this chapter, state and local agencies designated in subdivision ten of this section shall provide to the state board of elections voter registration qualification information associated with each person who submits an application for services at such agency, or who notifies the agency of a change of address or name. Such designated agencies shall ensure agency applications substantially include all of the elements required by section 5-210 of this article, including the appropriate attestation, so that persons completing such applications shall be able to also submit an application to register to vote through the electronic voter registration transmittal system. For purposes of this section, "agency" shall mean any state or local agency, department, division, office, institution or other entity designated by the state board of elections pursuant to subdivision ten of this section.**

2. For each application submitted to the agency, whether electronically or on paper, the agency shall transmit to the state board of elections through an interface with the electronic voter registration transmittal system established and maintained by the state board of elections that portion of the application that includes voter registration information. The state board of elections shall electronically forward such application to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with this chapter.

3. An integrated voter registration form submitted to an agency in paper format shall be transmitted to the state board of elections

through an electronic voter registration transmittal system by converting the paper form to an image file or a portable document format file which shall thereafter be deemed the original form for voter registration and enrollment purposes. The agency shall retain the complete original paper application for no less than two years. The transmittal of the converted paper application may include or be accompanied by data elements and transmittal information as required by the rules and regulations of the state board of elections.

4. An integrated voter registration application submitted to an agency in an electronic format shall be transmitted to the state board of elections through the electronic voter registration transmittal system and shall include all of the voter registration data elements, including electronic signature, as applicable, and record of attestation of the accuracy of the voter registration information and any relevant document images.

5. Information from the voter relevant to both voter registration and the agency application shall be entered by the voter only once upon an application.

6. The agency shall redact or remove from the completed integrated application to be transmitted to the state board of elections any information solely applicable to the agency application.

6-a. Information concerning the citizenship status of individuals, when collected and transmitted pursuant to subdivision one of this section, shall not be retained, used or shared for any other purpose except as may be required by law.

7. A voter shall be able to decline to register to vote using an integrated application by selecting a single check box, or equivalent, which shall read "I DECLINE USE OF THIS FORM FOR VOTER REGISTRATION PURPOSES. DO NOT FORWARD MY INFORMATION TO THE BOARD OF ELECTIONS".

8. The voter shall be able to sign the voter registration application and the agency application by means of a single manual or electronic signature unless the agency requires more than one signature for other agency purposes.

9. No application for voter registration shall be submitted if the applicant declines registration or fails to sign the integrated application, whether on paper or online.

10. Designated agencies for purposes of this section shall include all agencies designated as voter registration agencies in sections 5-211 and 5-212 of this article, as well as any other agency designated by the state board of elections. Any such designated agency shall take all actions that are necessary and proper for the implementation of this section, including facilitating technological capabilities to allow transmission of data through an interface with the electronic voter registration transmittal system in a secure manner.

11. Upon the release from a state correctional facility of any person serving a sentence of imprisonment on a felony conviction or any time assessment referenced in subdivision two, three or four of section 5-106 of this article, the department of corrections and community supervision shall provide such person a voter registration form, pursuant to section seventy-five of the correction law and such form, if possible, shall be integrated with the release documents normally presented and signed upon release. The department of corrections and community supervision shall submit relevant information for such person through the voter registration transmittal system and notify the board of elections of the person's discharge.

12. The state board of elections shall promulgate rules and regulations for the creation and administration of an integrated electronic voter registration process as provided for by this section.

§ 5-902. Automatic reinstatement after forfeiture. Any person whose voter registration is canceled pursuant to section 5-106 of this article shall be automatically reinstated as a voter upon becoming eligible, unless such voter shall affirmatively decline such reinstatement. The department of corrections and community supervision shall notify the board of elections through the voter registration transmittal system of the date when the forfeiture of voting rights shall end and provide an updated address for such person, if known. If no new address for such voter is available at that time, such voter shall be reinstated at the address of the previously canceled registration; provided, however, if the mailed notification of such registration shall be returned undeliverable to the board of elections, such returned mail shall be processed in accordance with this article.

§ 5-904. Failure to provide exemplar signature not to prevent registration. If a voter registration exemplar signature is not provided by an applicant who submits a voter registration application pursuant to this title and such signature exemplar is not otherwise available from the statewide voter registration database or a state or local agency, the local board of elections shall, absent another reason to reject the application, proceed to register and, as applicable, enroll the applicant. Within ten days of such action, the board of elections shall send a standard form promulgated by the state board of elections to the voter whose record lacks an exemplar signature, requiring such voter to submit a signature for identification purposes. The voter shall submit to the board of elections a voter registration exemplar signature by any one of the following methods: in person, by mail with return postage paid provided by the board of elections, by electronic mail, or by electronic upload to the board of elections through the electronic voter registration transmittal system. If such voter does not provide the required exemplar signature, when the voter appears to vote the voter shall be entitled to vote in the same manner as a voter with a notation indicating the voter's identity has not yet been verified in the manner provided by section 8-302 of this chapter.

§ 5-906. Presumption of innocent authorized error. 1. If a person who is ineligible to vote becomes registered to vote pursuant to section 5-902 of this title, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person. Such presumption may be rebutted with evidence of knowing and willful intent to falsely register to vote.

2. If a person who is ineligible becomes registered to vote pursuant to section 5-902 of this title and either votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of illegal voting or illegally attempting to vote. Such presumption may be rebutted with evidence of knowing and willful intent to vote or attempt to vote with knowledge that such person is not qualified or entitled to vote.

§ 5-908. Forms. The state board of elections shall promulgate rules and regulations to implement this title. All agency forms and notices required by this title shall be approved by the state board of elections. All applications and notices for use by a board of elections pursuant to this title shall be promulgated by the state board of elections, and no addition or alternation to such forms by a board of

elections shall be made without approval of the state board of elections.

§ 2. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; provided, however, the state board of elections shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART B

Section 1. Article 5 of the election law is amended by adding a new title 8 to read as follows:

TITLE VIII
ELECTRONIC PERSONAL VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCESS

Section 5-800. Electronic voter registration transmittal system.
5-802. Online voter registration application.
5-803. Online absentee ballot application.
5-804. Failure to provide exemplar signature not to prevent registration.

§ 5-800. Electronic voter registration transmittal system. In addition to any other means of voter registration provided for by this chapter, the state board of elections shall establish and maintain an electronic voter registration transmittal system through which applicants may apply to register to vote online. The state board of elections shall electronically transmit such applications to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with this chapter. In accordance with technical specifications provided by the state board of elections, each board of elections shall maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the electronic voter registration transmittal system established by the state board of elections. Notwithstanding any other inconsistent provision of this chapter, applications filed using such system shall be considered filed with the applicable board of elections on the calendar date the application is initially transmitted by the voter through the electronic voter registration transmittal system.

§ 5-802. Online voter registration application. 1. A voter shall be able to apply to register to vote using a personal online voter registration application submitted through the electronic voter registration transmittal system when the voter:

(a) completes an electronic voter registration application promulgated by the state board of elections which shall include all of the voter registration information required by section 5-210 of this article; and

(b) affirms, subject to penalty of perjury, by means of electronic or manual signature, that the information contained in the voter registra-

tion application is true and that the applicant meets all of the qualifications to become a registered voter; and

(c) consents to the use of an electronic copy of the individual's manual signature that is in the custody of the department of motor vehicles, the state board of elections, or other agency designated by sections 5-211 or 5-212 of this title, as the individual's voter registration exemplar signature, or provides such a signature by direct upload in a manner that complies with the New York state electronic signature and records act and the rules and regulations promulgated by the state board of elections.

2. The board of elections shall provide the personal online voter registration application in any language required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

3. The online voter registration application process shall provide reasonable accommodations to improve accessibility for persons with disabilities, and shall be compatible for use with standard online accessibility assistance tools for persons with visual, physical or perceptive disabilities.

4. The state board of elections shall promulgate rules and regulations for the creation and administration of an online voter registration and absentee ballot application system pursuant to this section.

§ 5-803. Online absentee ballot application. As part of, or in addition to, the electronic voter registration transmittal system established pursuant to section 5-800 of this title, the state board of elections also shall provide a means by which qualified voters seeking to vote by absentee ballot can access, complete and submit online an absentee ballot application.

§ 5-804. Failure to provide exemplar signature not to prevent registration. If a voter registration exemplar signature is not provided by an applicant who submits a voter registration application pursuant to this title and such signature exemplar is not otherwise available from the statewide voter registration database or a state or local agency, the local board of elections shall, absent another reason to reject the application, proceed to register and, as applicable, enroll the applicant. Within ten days of such action, the board of elections shall send a standard form promulgated by the state board of elections to the voter whose record lacks an exemplar signature, requiring such voter to submit a signature for identification purposes. The voter shall submit to the board of elections a voter registration exemplar signature by any one of the following methods: in person, by mail with return postage paid provided by the board of elections, by electronic mail, or by electronic upload to the board of elections through the electronic voter registration transmittal system. If such voter does not provide the required exemplar signature, when the voter appears to vote the voter shall be entitled to vote in the same manner as a voter with a notation indicating the voter's identity has not yet been verified in the manner provided by section 8-302 of this chapter.

§ 2. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; provided, however, the state board of elections shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation

provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART C

Section 1. Section 5-104 of the election law is amended by adding a new subdivision 3 to read as follows:

3. The provisions set forth in subdivision one of this section regarding the right of students to register and vote shall be interpreted in a manner consistent with the constitutional requirement that each citizen must be permitted to vote in that community which is the "locus of ... primary concern" to that citizen at the time of the election. Accordingly, a student attending a college or university in this state shall be permitted to retain his or her parental residence for voting purposes if the parental community remains the locus of the student's primary concern or, in the alternative, a student shall be permitted to register and vote from his or her residence within the college or university community if he or she regards the college or university as the community of primary concern.

§ 2. Subdivisions 1 and 6 of section 5-208 of the election law, subdivision 1 as amended by chapter 200 of the laws of 1996 and subdivision 6 as added by chapter 659 of the laws of 1994, are amended to read as follows:

1. The board of elections shall transfer the registration and enrollment of any voter for whom it receives a notice of change of address to another address in the [~~same county or city~~] **state**, or for any voter who [~~casts~~] **submits** a ballot in an affidavit ballot envelope which sets forth such a new address. Such notices shall include, but not be limited to, notices received from any state agency which conducts a voter registration program pursuant to the provisions of sections 5-211 and 5-212 of this title **or which transmits information**, that the voter has notified such agency of a change of address in the [~~same city or county~~] **state** unless the voter has indicated that such change of address is not for voter registration purposes, notices of change of address from the United States Postal Service through the National Change of Address System, any notices of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service, national or state voter registration forms, confirmation mailing response cards, United States Postal Service notices to correspondents of change of address, applications for registration from persons already registered [~~in such county or city~~], or any other notices to correspondents sent to the board of elections by such voters.

6. If a notice sent pursuant to [~~subdivision five of~~] this section is returned [~~by the postal service~~] as undeliverable and without a forwarding address, the board of elections shall return the registration of such voter to the original address, send such voter a confirmation notice pursuant to the provisions of subdivision one of section 5-712 of this [~~title~~] **article** and place such voter in inactive status.

§ 3. Subdivision 3 of section 5-208 of the election law, as added by chapter 659 of the laws of 1994, is amended to read as follows:

3. If such a notice is received at least [~~twenty~~] **ten** days before a primary, special or general election, such change of address must be completed before such election. **If such a notice is not received at**

least ten days before a primary, special or general election, then a voter may vote in accordance with subdivision three of section 8-302 of this chapter.

§ 4. Subdivision 1 of section 4-117 of the election law, as amended by chapter 44 of the laws of 2016, is amended to read as follows:

1. The board of elections, [~~between August first and August fifth of each year~~] not less than sixty-five days nor more than seventy days before the primary election in each year, shall send by mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter of the days and hours of the ensuing primary and general elections, the place where he or she appears by his or her registration records to be entitled to vote, the fact that voters who have moved or will have moved from the address where they were last registered must [~~re-register or, that if such move was to another address in the same county or city, that such voter may~~] either notify the board of elections of his or her new address or vote by paper ballot at the polling place for his or her new address even if such voter has not re-registered, or otherwise notified the board of elections of the change of address. If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also indicate whether the polling place is accessible to physically disabled voters, that a voter who will be out of the city or county on the day of the primary or general election or a voter who is ill or physically disabled may obtain an absentee ballot, that a physically disabled voter whose polling place is not accessible may request that his or her registration record be moved to an election district which has a polling place which is accessible, the phone number to call for applications to move a registration record or for absentee ballot applications, the phone number to call for the location of registration and polling places, the phone number to call to indicate that the voter is willing to serve on election day as an election inspector, poll clerk, interpreter or in other capacities, the phone number to call to obtain an application for registration by mail, and such other information concerning the elections or registration as the board may include. In lieu of sending such communication to every registered voter, the board of elections may send a single communication to a household containing more than one registered voter, provided that the names of all such voters appear as part of the address on such communication.

§ 5. Paragraph (a) of subdivision 1 of section 5-400 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

(a) Moved his or her residence outside the [~~city or county in which he is registered~~] state.

§ 6. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of the election law, paragraphs (b) and (d) as added by section 20 and

paragraph (c) as added and paragraph (d) as relettered by section 22 of chapter 659 of the laws of 1994, are amended to read as follows:

(b) A notice that the registrant has moved to an address outside the [~~city or county~~] **state** which is signed by the registrant and sent to the board of elections.

(c) A notice signed by the registrant which states that such registrant has moved to an address outside the [~~city or county~~] **state** and that such change of address is for voter registration purposes.

(d) A notice from a board of elections or other voter registration officer or agency that such person has registered to vote from an address outside [~~such city or county~~] **the state**.

§ 7. Subdivision 3 of section 5-210 of the election law, as amended by chapter 255 of the laws of 2015, is amended to read as follows:

3. Completed application forms, when received by any board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the [~~twenty-fifth~~] **tenth** day before the next ensuing primary, general or special election, and received no later than the [~~twentieth~~] **fifth** day before such election, or delivered in person to such board of elections not later than the tenth day before a special election, shall entitle the applicant to vote in such election, if he or she is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until his or her identity is verified. Any board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall forthwith forward such application form to the proper board of elections. Each board of elections shall make an entry on each such form of the date it is received by such board.

§ 8. The opening paragraph of section 5-211 of the election law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office [~~of mental retardation and~~] **for people with** developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional [~~state~~] agencies designated as voter registration offices are the department of state [~~and~~]**,** the division of workers' compensation**, the state university of**

New York, the city university of New York, all public housing authorities listed in article thirteen of the public housing law, the department of corrections and community supervision and the New York division of military and naval affairs. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. [~~All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution.~~] The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

§ 9. Subdivision 3 of section 5-213 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

3. The board of elections shall restore the registration of any such voter to active status if such voter notifies the board of elections that he resides at the address from which he is registered, or the board finds that such voter has validly signed a designating or nominating petition which states that he resides at such address, or if such voter casts a ballot in an affidavit envelope which states that he resides at such address, or if the board receives notice that such voter has voted in an election conducted with registration lists prepared pursuant to the provisions of section 5-612 of this article. If any such notification or information is received [~~twenty~~] **ten** days or more before a primary, special or general election, the voter's name must be restored to active status for such election.

§ 10. Subdivision 3 of section 5-304 of the election law, as amended by chapter 90 of the laws of 1991, is amended to read as follows:

3. A change of enrollment received by the board of elections**, showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such cancellation mark which is dated,** not later than the [~~twenty-fifth~~] **one hundred twentieth** day before the [~~general election shall be deposited in a sealed enrollment box, which shall not be opened until the first Tuesday following such general election. Such change of enrollment shall be then removed and entered as provided in this article~~] **next ensuing primary, general or special election or delivered in person to such county board of elections not later than the one hundred twentieth day before a primary, general or special election, shall be effective for such election. Enrollment changes shall be entered as provided in this article and shall be deemed to take effect on the fifth day after such change of enrollment is received by the board of elections or if the change of enrollment, or**

the envelope containing it, bears a dated cancellation mark of the United States Postal Service, such change shall be entered and shall be deemed to take effect on the tenth day after the date of such mark, whichever is earlier; except that no change will take effect sooner than the fifth day after the receipt of such change of enrollment by the board of elections.

§ 11. The opening paragraph of paragraph (e) of subdivision 3 of section 8-302 of the election law, as amended by chapter 125 of the laws of 2011, is amended to read as follows:

Whenever a voter presents himself or herself and offers to cast a ballot, and he or she claims to live in the election district in which he or she seeks to vote but no registration poll record can be found for him or her in the poll ledger or his or her name does not appear on the computer generated registration list or his or her signature does not appear next to his or her name on such computer generated registration list or his or her registration poll record or the computer generated registration list does not show him or her to be enrolled in the party in which he or she claims to be enrolled and the voter is not otherwise eligible to cast an affidavit ballot pursuant to subdivision three-d of this section, a poll clerk or election inspector shall consult a map, street finder or other description of all of the polling places and election districts within the political subdivision in which said election district is located and if necessary, contact the board of elections to obtain the relevant information and advise the voter of the correct polling place and election district for the residence address provided by the voter to such poll clerk or election inspector. Thereafter, such voter shall be permitted to vote in said election district only as hereinafter provided:

§ 12. Section 8-302 of the election law is amended by adding a new subdivision 3-d to read as follows:

3-d. A person appearing on election day whose name cannot be found in a poll ledger or computer generated registration list and who affirms that he or she interacted with an agency designated in subdivision ten of section 5-900 of this chapter and consented to voter registration shall be permitted to cast an affidavit ballot. Such affidavit ballot shall be counted if at the polling place, the person presents proof of identity and evidence of registering to vote or performing an activity specified in subdivision one of section 5-900 of this chapter, and there is no affirmative proof that the person is ineligible to register to vote or that the person did not register or perform any activity specified in subdivision one of section 5-900 of this chapter.

(a) A person may swear to and subscribe to an affidavit stating that the person has registered to vote or performed any activity specified in subdivision one of section 5-900 of this chapter and consented to use agency information for voter registration. That affidavit shall be sufficient evidence of registering to vote or performing any activity specified in subdivision one of section 5-900 of this chapter for the purposes of this section.

(b) A person without identification may swear to and subscribe to an affidavit stating that the person did not present documentary proof of identity, but that all of the identifying information on the affidavit ballot envelope is complete and accurate. That affidavit shall be sufficient evidence of identity for the purposes of this section. Nothing in this subdivision shall be deemed to override the provisions of subdivision two-a of this section governing the requirements for a person whose name appears in the computer generated registration list with a notation

indicating that the voter's identity was not yet verified as required by the federal Help America Vote Act.

§ 13. Subdivision 3 of section 8-510 of the election law, as amended by chapter 43 of the laws of 1988, is amended to read as follows:

3. The inspectors shall place such completed report, each challenge affidavit and watcher affidavit and each court order, if any, directing that a person be permitted to vote, as well as each affidavit completed pursuant to subdivision three-d of section 8-302 of this article, inside a ledger of registration records or computer generated registration lists between the front cover, and the first registration record and then shall close and seal each ledger of registration records or computer generated registration lists, affix their signature to the seal, lock such ledger in the carrying case furnished for that purpose and enclose the keys in a sealed package or seal such list in the envelope provided for that purpose.

§ 14. Subdivision 1 of section 3-220 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

1. All registration records, certificates, lists, and inventories referred to in, or required by, this chapter shall be public records and open to public inspection under the immediate supervision of the board of elections or its employees and subject to such reasonable regulations as such board may impose, provided, however, that no data transmitted pursuant to title nine of article five of this chapter shall be considered a public record open to public inspection solely by reason of its transmission and that the following information shall not be released for public inspection:

(a) any voter's signature;

(b) the personal residence and contact information of any voter for whom any provision of law requires confidentiality;

(c) any portion of a voter's driver's license number, [~~department of motor vehicle~~] non-driver [~~photo ID~~] identification card number, social security number and facsimile number [~~shall not be released for public inspection~~];

(d) any voter's telephone number; and

(e) any voter's email address. No such records shall be handled at any time by any person other than a member of a registration board or board of inspectors of elections or board of elections except as provided by rules imposed by the board of elections.

§ 15. Subdivisions 9, 11 and 14 of section 5-210 of the election law, subdivision 9 as amended by chapter 44 of the laws of 2016 and subdivisions 11 and 14 as amended by chapter 179 of the laws of 2005, are amended to read as follows:

9. The county board of elections shall, promptly and in any event, not later than twenty-one days after receipt by it of the application, verify the identity of the applicant, except if such board receives the application within twenty-one days of a special, primary or general election, the board shall verify the identity of the applicant within five days or before such election, whichever shall be sooner. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within twenty-one days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county

board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable first class or return postage guaranteed mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when his registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which he will be eligible to vote, of the location of the polling place of the election district in which he is or will be a qualified voter, whether such polling place is accessible to physically handicapped voters, an indication that physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered without a new address, the board shall forthwith send such applicant a confirmation notice pursuant to the provisions of section 5-712 of this article and place such applicant in inactive status. The state board of elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

11. If the county board of elections suspects or believes that for any reason the applicant is not entitled to registration and enrollment, it shall make inquiry in reference thereto. If the board of elections shall find that the applicant is not qualified to register and enroll, the application shall be rejected and the applicant notified of such

rejection and the reason therefor, no later than ten days before the day of the first primary or general election occurring at least [~~twenty-five~~] ten days after the filing of the application, except that if the application was submitted between twenty-five and ten days before the day of the first primary or general election, such board shall notify the applicant at least five days before such election.

14. Notwithstanding the entry by the county board of elections on the registration poll record of the information contained on an application form prescribed by this section, such entry shall not preclude the county board of elections from subsequently rejecting the application if it is not satisfied that the applicant is entitled to register and enroll as provided by this section, provided that the applicant is notified of such rejection and reasons therefor no later than ten days before the day of the first primary or general election occurring at least [~~twenty-five~~] ten days after the filing of such application form, except that if the application was submitted between twenty-five and ten days before the day of the first primary or general election, such board shall notify the applicant at least five days before such election.

§ 16. This act shall take effect immediately; provided, however, that sections one, two, four, five, six, eight, eleven and twelve of this act shall take effect January 1, 2018; provided further that sections three, seven, nine, ten and fifteen of this act shall take effect January 1, 2019. Effective immediately, any rules, regulations and agreements necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

PART D

Section 1. Section 5-210 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. (a) Notwithstanding any other provision of this article relating to registration requirements, any qualified person who is not registered in this state may apply personally for registration and enrollment by appearing at the appropriate polling place for the election district in which he or she resides on any day of election, primary, general, or special, during the hours that such polling place is open for voting. To be eligible to register pursuant to this subdivision, a person must provide acceptable forms of identification containing proof of residence, as determined by state law implementing the Help Americans Vote Act of 2002 (Public Law 107-252). Any person who so registers to vote shall execute the following instrument in substantially the following form:

"I, (name), do hereby certify, under penalty of perjury, that, to the best of my knowledge, I am a qualified voter, having resided at (place of residence) for at least thirty days immediately preceding this election, that I am not disqualified on any legal grounds from voting, and that I have not already voted at this election."

(b) The board of elections shall establish a procedure by which a person who registers pursuant to paragraph (a) of this subdivision may cast his or her vote at the appropriate polling place.

(c) If a registrant is unable to provide valid proof of residence as provided for in paragraph (a) of this subdivision, such registrant may be allowed to register for and vote in any election by affidavit ballot. Such affidavit ballot shall not be counted until election officials can determine such registrant's residence and eligibility to vote.

§ 2. This act shall take effect on the first of January next succeeding the date upon which the people shall approve and ratify amendments to section 5 of article 2 of the constitution by a majority of the electors voting thereon relating to the ten day advance registration requirement.

PART E

Section 1. Subdivisions 1 and 2 of section 8-400 of the election law, subdivision 1 as amended by chapter 63 of the laws of 2010, paragraph (c) of subdivision 1 as amended by chapter 375 of the laws of 2015, the opening paragraph of subdivision 2 as amended by chapter 216 of the laws of 1988, paragraph (a) of subdivision 2 as amended by chapter 263 of the laws of 1991, paragraph (c) of subdivision 2 as amended by chapter 321 of the laws of 1988 and paragraph (d) of subdivision 2 as separately amended by chapters 97 and 104 of the laws of 2010, are amended to read as follows:

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, he or she expects to be:~~

~~(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city; or~~

~~(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or~~

~~(c) a resident or patient of a veterans health administration hospital; or~~

~~(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence~~] he or she requests an application for an absentee ballot on a form to be obtained and filed as provided herein or by letter as provided in paragraph (d) of subdivision two of this section.

2. A qualified voter desiring to vote at such election as an absentee voter [~~for any reason specified in subdivision one hereof~~] must make application for an absentee ballot on a form to be obtained and filed as provided herein or by letter as provided in paragraph (d) of this subdivision.

(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, and shall also be available for online completion and submission pursuant to section 5-803 of this chapter. 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 airmail. Any reference to

"board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the county or city in which the applicant is a qualified voter.

(b) Applications may be filed either with the board of elections or in person with the board of inspectors of the election district in which the applicant is a qualified voter, on one of the days provided for local registration.

(c) [~~All~~] **Except as otherwise provided in paragraph (a) of this subdivision,** applications must be mailed to the board of elections not later than the seventh day before the election for which a ballot is first requested or delivered to such board not later than the day before such election.

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, which is signed by the voter and received by the board of elections not earlier than the thirtieth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections.

§ 2. Paragraphs (c) and (d) of subdivision 3 and subdivision 4 of section 8-400 of the election law are REPEALED.

§ 3. This act shall take effect on the first of January next succeeding the date upon which the people shall approve and ratify amendments to section 2 of article 2 of the constitution by a majority of electors voting thereon relating to absentee voting.

PART F

Section 1. Section 4-117 of the election law is amended by adding a new subdivision 4 to read as follows:

4. Any person, other than an election officer, who mails or causes to be mailed, between August first and December thirty-first of any calendar year, any first class nonforwardable mail, where such person knows or reasonably should know that such nonforwardable mail: (a) is intended to be delivered to a registered voter or voter registration applicant; and (b) may be used by a challenger, other than an election officer, on election day to challenge the qualifications of a voter, shall file within two business days of such mailing, a duplicate copy of such nonforwardable mail, a duplicate copy of names and addresses to which such nonforwardable mail was sent, and a completed form prescribed by the state board of elections. The failure to comply with the provisions of this subdivision shall be punishable as a misdemeanor.

§ 2. Subdivision 1-a of section 8-104 of the election law, as amended by chapter 164 of the laws of 2010, is amended to read as follows:

1-a. The election inspectors shall conspicuously post in the polling place before the opening of the polls, a voter information posting, which shall include: (a) the sample ballot and instructions for the use of ballot scanners and ballot marking devices required pursuant to section 7-118 of this chapter; (b) a statement that "today is election day" and the hours during which polling places will be open; (c) instructions on how to cast an affidavit ballot and a concise statement of a voter's right to such a ballot; (d) instructions relating to requirements for voting on ballot scanners by those registrants who must provide identification pursuant to the federal Help America Vote Act of 2002; (e) instructions for first-time voters; (f) a voter's bill of rights describing voter's rights under applicable federal and state law, including the right of accessibility and alternate language accessibility; (g) information pertaining to voting by election day paper ballot, including information about the consequence of casting an overvote, steps to prevent unintentional undervoting and spoiled ballots; (h) instructions on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been violated; [~~and~~] (i) general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation**; and (j) information about the requirements of a challenge on election day as provided in subdivision three of section 8-502 of this article**. The state board of elections shall prescribe the form and content of the voter information posting, which may be comprised of one or more pages, provided each page shall be posted separately. The state board of elections shall prescribe an official version of such voter information posting for every language which appears on any general, primary or special election ballot in any election district in the state and for such other languages as such board, in its opinion, determines is appropriate. Such posting shall be used in all jurisdictions, and a separate posting shall be made by election inspectors for each language appearing on the ballot and for such additional languages as the board of elections may require. A board of elections may modify or supplement the voter information posting used in its jurisdiction to provide additional or local information; provided, however, any such modification or supplementation shall be submitted to the state board of elections for prior approval.

§ 3. Section 8-500 of the election law, as amended by chapter 9 of the laws of 1978, subdivisions 1 and 3 as amended by chapter 373 of the laws of 1978, and subdivision 4 as amended by chapter 254 of the laws of 2014, is amended to read as follows:

§ 8-500. Watchers; provision for. 1. At any general, special, town or village election, any party committee or independent body whose candidates are upon the ballot, and at any primary election, any two or more candidates and any political committee may have for each election district three watchers at any one time, not more than one of whom may be within the guard rail at any one time. Watchers shall be appointed by the [~~chairman~~] **chairperson or secretary** of any such party, committee or independent body or by the candidates.

2. Watchers may be present at the polling place at least fifteen minutes before the unlocking and examination of any voting machine or ballot box at the opening of the polls, until after the signing of the inspectors' returns and proclamation of the result**; provided, however, that upon entering any polling place, each watcher shall deliver a completed certificate, issued pursuant to subdivision three of this section, to the appointed or designated chairperson of the election**

inspectors, as provided for in section 3-400 of this chapter, at each election district where such watcher is permitted to serve by such certificate.

2-a. The appointed or designated chairperson of the election inspectors, as provided for in section 3-400 of this chapter, shall initial each watcher certificate upon delivery. At the close of an election, the inspectors shall place each watcher certificate inside the ledger of registration records or computer generated registration list, as provided for in section 8-510 of this title.

3. The appointment of watchers for any election shall be by a certificate in writing issued by the [~~chairman~~] chairperson or secretary of the political party, party committee or independent body, or the candidates. [~~Such certificate shall be delivered to an inspector at the election district.~~] The state board of elections shall prescribe the content and form of watcher certificates for use at any general, special, town or village election and at any primary election. The information provided on such certificate shall include, but not be limited to, the watcher's first and last name, the watcher's residential address, the first and last name of the chairperson or secretary of the political party, committee or independent body, or the candidates that issued such certificate, the signature of such chairperson or secretary of the political party, committee or independent body, and the town or city, ward (if applicable) and election district for which the watcher certificate was issued.

4. Each watcher must be a qualified voter of the city or county in which he or she is to serve. No person shall be appointed or act as a watcher who is a candidate for any public office to be voted for by the voters of the election district in the same election in which the watcher is to serve. Nothing in this subdivision shall be construed as prohibiting any such candidate from visiting a polling place in such district on an election day while the polls are open.

§ 4. Section 8-502 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

§ 8-502. Challenges; generally. 1. Before his or her vote is cast at an election any person may, in accordance with the provisions of this section, be challenged as to his or her right to vote, or his or her right to vote by absentee, military, special federal or special presidential ballot. Such challenge may be made by an inspector or clerk, by any duly appointed watcher, or by any registered voter properly in the polling place.

2. An inspector shall challenge every person offering to vote, whom he or she shall know or suspect is not entitled to vote in the district, and every person whose name appears on the list of persons to be challenged on election day which is furnished by the board of elections.

3. Any person, other than an inspector or clerk, may challenge the qualifications of a voter only by completing, executing and delivering to the board of inspectors a challenge affidavit that satisfies the requirements of section 8-503 of this title.

§ 5. The election law is amended by adding a new section 8-503 to read as follows:

§ 8-503. Challenge affidavit. 1. The state board of elections shall prescribe the content and form of a challenge affidavit for use at any general, special, town or village election and at any primary election. Such affidavit shall contain the affiant's full name, residence, and business address, the name of his or her employer, the registration serial number of the person challenged and a recital of the reasons and

the facts supporting the affiant's belief that the person challenged lacks one or more of the qualifications for voting prescribed in section 5-102 or 5-106 of this chapter and specified in such affidavit. The affidavit shall state if the reasons for challenge are based upon the affiant's personal knowledge, or upon information received from another person. If the affiant's belief is based upon information furnished by another, the affidavit shall recite the name of the person furnishing the information and the basis for his or her information. After the affiant has signed such affidavit, an inspector shall read to him or her and request him or her to sign the following oath, which shall be subscribed by such affiant: "I do solemnly swear (or affirm) that I am a qualified voter of the city or county in which this affidavit is signed and that the foregoing statement made by me on (insert day, month and year) is a truthful disclosure of the reasons for my good faith belief that the registered voter therein named is not qualified to continue to vote in the election district in which he or she is now registered." If the affiant shall take and sign such oath, an inspector shall sign his or her name as a witness below the affiant's subscription to such oath. Each challenge affidavit may only challenge the qualifications of one voter.

2. The board of elections shall make challenge affidavit forms available to all qualified voters.

§ 6. Paragraphs (b) and (e) of subdivision 2 of section 8-508 of the election law, as amended by chapter 200 of the laws of 1996, are amended to read as follows:

(b) The second section of such report shall be reserved for the board of inspectors to enter the name, address and registration serial number of each person who is challenged on the day of election or an any day in which there is early voting pursuant to section 8-600 of this article, together with the reason for the challenge, the name and address of the person challenging the qualifications of such voter, if such person challenging the qualifications is not an inspector or clerk, and the words "Permitted to Vote" or "Refused to take oath". If no voters are challenged, the board of inspectors shall enter the words "No Challenges" across the space reserved for such names. In lieu of preparing section two of the challenge report, the board of elections may provide, next to the name of each voter on the computer generated registration list, a place for the inspectors of election to record the information required to be entered in such section two, or provide at the end of such computer generated registration list, a place for the inspectors of election to enter such information.

(e) At the foot of such report and at the end of any such computer generated registration list shall be printed a certificate that such report contains the names of all persons who were challenged on the day of election, and [~~that each voter so reported as having been challenged took the oaths as required~~] the reason for such challenge and the names and addresses of all challengers who are not inspectors or clerks, that such report contains the names of all voters to whom such board gave or allowed assistance and lists the nature of the disability which required such assistance to be given and the names and family relationship, if any, to the voter of the persons by whom such assistance was rendered; that each such assisted voter informed such board under oath that he or she required such assistance and that each person rendering such assistance took the required oath; that such report contains the names of all voters who were permitted to vote although their registration poll records were missing; that the entries made by such board are a true and

accurate record of its proceedings with respect to the persons named in such report.

§ 7. Subdivisions 1 and 2 of section 17-108 of the election law, as amended by chapter 373 of the laws of 1978, are amended to read as follows:

1. Any person who wilfully loses, alters, destroys or mutilates **a watcher certificate,** the list of voters or registration poll ledgers**, a challenge affidavit, or a challenge report** in any election district, or a certified copy thereof, is guilty of a misdemeanor.

2. An applicant for registration who shall make, incorporate or cause to be incorporated a material false statement in an application for registration, or in any challenge or other affidavit required for or made or filed in connection with registration or voting, and any person who knowingly takes a false oath before a board of inspectors of election, and any person who makes a material false statement in a medical certificate**, challenge affidavit** or an affidavit filed in connection with an application for registration, is guilty of a misdemeanor.

§ 8. Section 17-150 of the election law is amended to read as follows:

§ 17-150. Duress and intimidation of voters. **1.** Any person or corporation who directly or indirectly:

[~~1.~~] **(a)** Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for or against any particular person or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his **or her** name upon a registry of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election, or having registered or refrained from registering as a voter; or,

[~~2.~~] **(b)** By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his **or her** vote for or against any particular person at any election; or,

[~~3.~~] **(c)** Being an employer pays his [~~employess~~] **or her employees** the salary or wages due in "pay envelopes," in which there is enclosed or upon which there is written or printed political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his **or her** employees are engaged in labor, any handbill or placard containing any threat, notice or information, that if any particular ticket or candidate is elected or defeated, work in his **or her** place or establishment will cease, in whole or in part, his **or her** establishment will be closed up, or the wages of his **or her** employees reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his **or her** employees, is guilty of a misdemeanor, and, if a corporation, shall in addition forfeit its charter.

2. There shall be a rebuttable presumption that a person has practiced intimidation upon or against another person in order to induce such other person to refrain from voting for or against any particular person

or for or against any proposition, within the meaning of paragraph (a) of subdivision one of this section, where he or she:

(a) being other than an inspector or clerk, in the course of a single election, challenges the qualifications of thirty or more voters during such election, and where the board of elections, following an investigation pursuant to paragraph (f) of subdivision two of section 8-508 of this chapter, finds at least two-thirds of such challenged voters to be qualified voters; or

(b) being other than an inspector or clerk, challenges the qualifications of a voter at any general, primary, special, town or village election and thereafter, without good cause, fails to comply with the requirements of section 8-503 of this chapter.

§ 9. Subdivision 1 of section 17-154 of the election law is amended to read as follows:

1. (a) Intimidate, threaten or coerce, or to attempt to intimidate, threaten or coerce, any other person for the purpose of interfering with the right of such other person to register to vote, to vote, or to vote as he or she may choose, or for the purpose of causing such other person to vote for, or not to vote for, any candidate for the office of governor, lieutenant-governor, attorney-general, comptroller, judge of any court, member of the senate, or member of the assembly at any election held solely or in part for the purpose of selecting a governor, lieutenant-governor, attorney-general, comptroller, any judge or any member of the senate or any member of the assembly; [~~or,~~]

(b) There shall be a rebuttable presumption that a person has violated paragraph (a) of this subdivision when, during any election enumerated in such subdivision, he or she:

(i) being other than an inspector or clerk, challenges the qualifications of thirty or more voters during such election, and where the board of elections, following an investigation pursuant to paragraph (f) of subdivision two of section 8-508 of this chapter, finds at least two-thirds of such challenged voters to be qualified voters; or

(ii) being other than an inspector or clerk, challenges the qualifications of a voter at any such election and, without good cause, fails to comply with the requirements of section 8-503 of this chapter; or

§ 10. This act shall take effect one year after it shall have become a law.

PART G

Section 1. Subdivision 1-a of section 3-412 of the election law, as added by chapter 181 of the laws of 2005, is amended to read as follows:

1-a. The state board of elections shall establish a mandatory core curriculum for poll worker training which includes the requirements in subdivision two of this section, [~~as amended by a chapter of the laws of 2005,~~] and the rights of voters at the polls and obligation of election workers to protect those rights while maintaining the integrity of the franchise, including [~~assisting~~] accommodating voters with disabilities or with limited or no proficiency in the English language, handling, processing and entitlement to ballots, including affidavit and emergency ballots, proper identification requirements, procedures to be followed with respect to voters whose names are not on the list of registered voters or whose identities have not been verified, electioneering and other violations of the elective franchise as defined in this chapter, solicitation by individuals and groups at the polling place and procedures to be followed after the polls close. Such core curriculum also

shall include specific training in the proper operation of voting systems used in the election; procedures for expeditiously providing directions to voters about their assigned election district; ensuring polling sites are accessible to voters with disabilities or other specific needs; providing accommodation to persons who are illiterate; the requirements for conducting signature verification of voters; the requirements for individuals seeking to challenge voter eligibility and the process for handling any such challenges; and security procedures for the election. Each board of elections shall augment the core curriculum with local procedures not inconsistent with the core curriculum adopted by the state board of elections and which includes procedures relating to proper operation of, and remedying problems with, the voting machine or system in use in that jurisdiction. Each board of elections shall also develop and implement procedures to assist in the recruiting of new poll workers, including by focusing on recruitment of recent high school graduates, students attending orientation proceedings at state and public colleges and universities and newly naturalized citizens at naturalization proceedings.

§ 2. The election law is amended by adding a new section 3-213 to read as follows:

§ 3-213. Boards of elections; mandatory training curriculum. 1. Election commissioners and such other board of elections employees as determined by the state board of elections shall within six months after their first appointment complete a course of instruction on the operation of a board of elections which shall be provided by the state board of elections. The curriculum shall be established by the state board of elections in consultation with election commissioners and shall not exceed thirty hours of instruction.

2. Annually, election commissioners and other board of elections employees as determined by the state board of elections, shall complete before June first a continuing course of instruction on the operation of a board of elections which shall be provided by the state board of elections. The curriculum shall be established by the state board of elections in consultation with the election commissioners and shall not exceed three hours of instruction.

3. The state board of elections shall provide the training required by subdivision two of this section through, in addition to other methods it may choose, a web-based recorded format.

4. Upon the failure of a commissioner or other employee to complete the instruction within the time required by this section, the state board of elections shall send a letter to the county legislature or city council and the respective county party chair of the jurisdiction of the commissioner stating the delinquency.

§ 3. Section 3-412 of the election law is amended by adding three new subdivisions 1-b, 1-c and 1-d to read as follows:

1-b. The state board of elections shall establish and host an education and training institute which shall be responsible for the development and implementation of a statewide program wherein persons can become certified poll worker trainers. This institute shall also create a train-the-trainer program, in order for county boards of elections to implement an effective training program at their respective local level of program delivery. The state board's trainers shall include in the trainer curriculum to be developed, attention to, inter alia, poll worker ability to serve a diverse electorate with complete confidence and respect; professionalizing the delivery of all election day services; providing assistance to voters with disabilities and those with limited

English language proficiency, ensuring the dignity and privacy of such individuals; and to individuals who are members of racial or ethnic minorities, complete familiarity and comfort with all voting systems in use in poll sites, including ballot marking devices or other systems/services available to voters with disabilities; and poll worker ability to recognize and resolve a variety of issues which may arise in poll sites. The state board's trainers and all certified poll worker instructors shall utilize industry-proven training techniques aimed at adult learners including role-based training and hands-on training opportunities using official election day forms and poll site voting systems and may further include a web-based component and companion video.

1-c. County boards shall enroll trainers in the program in such quantities to ensure that an adequate contingent of fully trained and certified poll worker trainers are available to meet the training needs of such county. Each county board of elections shall enroll not less than two persons designated by the county board on a bipartisan basis, in the state board of elections training institute. Certified trainers must maintain their certification by attending once every two years, a continuing education program, to ensure the professionalism of the poll worker training agenda set by the state board of elections. Enrollees who have successfully completed the state board's training program and been awarded a "certified poll worker instructor" certificate may serve at the county board as a trainer of poll workers as well as a trainer of other bi-partisan designees of the county board, however the conferring of the title "certified poll worker instructor" may be made only by the state board of elections.

1-d. The state board of elections shall adopt such rules and regulations which may be necessary to create the training institute and associated curricula provided for in subdivisions one-a, one-b and one-c of this section, including a process whereby attendees who successfully complete a state board-sponsored training program shall be awarded a certificate conferring upon him or her, the title of "certified poll worker instructor".

§ 4. The election law is amended by adding a new section 3-507 to read as follows:

§ 3-507. Language access. 1. In addition to the requirements set forth in section 3-506 of this title, whenever any county board of elections finds that at least three percent of the voting-age residents of an election district in that county are non-English speaking or limited English proficient pursuant to data made available by the United States Census Bureau, it shall provide in such election district registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in the language of the applicable minority language group, in a manner that provides the same opportunity for access and participation as for other voters. This provision shall be subject to the requirements of federal law, including section 203 and section 4(f) of the Voting Rights Act of 1965, to the extent such laws are applicable.

2. As used in this section, the terms "limited English proficient" and "non-English speaking" shall refer to a person whose native speaking language is a language other than English, and who continues to use his or her native language as the primary means of oral and written communication.

§ 5. This act shall take effect immediately; provided, however, that sections two and three of this act shall take effect on the one hundred

eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART H

Section 1. Section 3-400 of the election law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding any inconsistent provisions of this article, election inspectors or poll clerks, if any, at polling places for early voting, shall consist of either board of elections employees who shall be appointed by the commissioners of such board or duly qualified individuals, appointed in the manner set forth in this section. Appointments to the offices of election inspector or poll clerk in each polling place for early voting shall be equally divided between the major political parties. The board of elections shall assign staff and provide the resources they require to ensure wait times at early voting sites do not exceed thirty minutes.

§ 2. Section 4-117 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. The notice required by subdivision one of this section shall include the dates, hours and locations of early voting for the general and primary election. The board of elections may satisfy the notice requirement of this subdivision by providing in the notice instructions to obtain the required early voting information from a website of the board of elections and providing a phone number to call for such information.

§ 3. Subdivision 2 of section 8-100 of the election law, as amended by chapter 335 of the laws of 2000, is amended to read as follows:

2. Polls shall be open for voting during the following hours: a primary election from [~~twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and in such city or county from~~] six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening**; early voting hours shall be as provided in section 8-600 of this article**.

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

(k) Voting at each polling place for early voting shall be conducted in a manner consistent with the provisions of this article, with the exception of the tabulation and proclamation of election results which shall be completed according to subdivisions eight and nine of section 8-600 of this article.

§ 5. Section 8-104 of the election law is amended by adding a new subdivision 7 to read as follows:

7. This section shall apply on all early voting days as provided for in section 8-600 of this article.

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

TITLE VI
EARLY VOTING

Section 8-600. Early voting.
8-602. State board of elections; powers and duties for early voting.

§ 8-600. Early voting. 1. Beginning the fourteenth day prior to any general, primary or special election for any public or party office, and ending on and including the second day prior to such general, primary or special election for such public or party office, persons duly registered and eligible to vote at such election shall be permitted to vote as provided in this title. The board of elections of each county and the city of New York shall establish procedures, subject to approval of the state board of elections, to ensure that persons who vote during the early voting period shall not be permitted to vote subsequently in the same election.

2. (a) The board of elections of each county or the city of New York shall designate polling places for early voting in each county, which may include the offices of the board of elections, for persons to vote early pursuant to this section. There shall be so designated at least one early voting polling place for every full increment of fifty thousand registered voters in each county; provided, however, the number of early voting polling places in a county shall not be required to be greater than seven, and a county with fewer than fifty thousand voters shall have at least one early voting polling place.

(b) The board of elections of each county or the city of New York may establish additional polling places for early voting in excess of the minimum number required by this subdivision for the convenience of eligible voters wishing to vote during the early voting period.

(c) Polling places for early voting shall be located to ensure, to the extent practicable, that eligible voters have adequate equitable access, taking into consideration population density, travel time to the polling place, proximity to other locations or commonly used transportation routes and such other factors the board of elections of the county or the city of New York deems appropriate. The provisions of section 4-104 of this chapter, except subdivisions four and five of such section, shall apply to the designation of polling places for early voting except to the extent such provisions are inconsistent with this section.

3. Any person permitted to vote early may do so at any polling place for early voting established pursuant to subdivision two of this section in the county where such voter is registered to vote. Provided, however, (a) if it is impractical to provide each polling place for early voting all appropriate ballots for each election to be voted on in the county, or (b) if permitting such persons to vote early at any polling place established for early voting would make it impractical to ensure that such voter has not previously voted early during such election, the board of elections may designate each polling place for early voting only for those voters registered to vote in a portion of the county to be served by such polling place for early voting, provided that all voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis.

4. (a) Polls shall be open for early voting for at least eight hours between six o'clock in the morning and nine o'clock in the evening each week day during the early voting period.

(b) At least one polling place for early voting shall remain open until nine o'clock in the evening on at least two week days in each

calendar week during the early voting period. If polling places for early voting are limited to voters from certain areas pursuant to subdivision three of this section, polling places that remain open until nine o'clock shall be designated such that any person entitled to vote early may vote until nine o'clock in the evening on at least two week days during the early voting period.

(c) Polls shall be open for early voting for at least five hours between nine o'clock in the morning and six o'clock in the evening on each Saturday, Sunday and legal holiday during the early voting period.

(d) Nothing in this section shall be construed to prohibit any board of elections from establishing a greater number of hours for voting during the early voting period beyond the number of hours required in this subdivision.

(e) Early voting polling places and their hours of operation for early voting at a general election shall be designated by May first of each year pursuant to subdivision one of section 4-104 of this chapter. Notwithstanding the provisions of subdivision one of section 4-104 of this chapter requiring poll site designation by May first, early voting polling places and their hours of operation for early voting for a primary or special election shall be made not later than forty-five days before such primary or special election.

5. Each board of elections shall create a communication plan to inform eligible voters of the opportunity to vote early. Such plan may utilize any and all media outlets, including social media, and shall publicize: the location and dates and hours of operation of all polling places for early voting; an indication of whether each polling place is accessible to voters with physical disabilities; a clear and unambiguous notice to voters that if they cast a ballot during the early voting period they will not be allowed to vote election day; and if polling places for early voting are limited to voters from certain areas pursuant to subdivision three of this section, the location of the polling places for early voting serving the voters of each particular city, town or other political subdivision.

6. The form of paper ballots 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 be secured in the manner of voted ballots cast on election day and such ballots shall not be canvassed or examined until after the close of the polls on election day, and no unofficial tabulations of election results shall be printed or viewed in any manner until after the close of polls on election day.

7. Voters casting ballots pursuant to this title shall be subject to challenge as provided in sections 8-500, 8-502, 8-503 and 8-504 of this article.

8. Notwithstanding any other provisions of this chapter, at the end of each day of early voting, any early voting ballots that have not been scanned because a ballot scanner was not available or because the ballot has been abandoned by the voter at the ballot scanner shall be cast in a manner consistent with section 9-110 of this chapter, except that such ballots which cannot then be cast on a ballot scanner shall be held inviolate and unexamined and shall be duly secured until after the close of polls on election day when such ballots shall be examined and canvassed in a manner consistent with subdivision two of section 9-110 of this chapter.

9. The board of elections shall secure all ballots and scanners used for early voting from the beginning of the early voting period through the close of the polls on election day; provided, however, the state board of elections may by regulation duly adopted by a majority of such board establish a procedure whereby ballot scanners used for early voting may also be used on election day if the portable memory devices used during early voting containing the early voting election information and vote tabulations are properly secured apart from the scanners, and the results therefrom shall be duly canvassed after the close of polls on election day.

10. After the close of polls on election day, inspectors or board of elections employees appointed to canvass ballots cast during early voting shall follow all relevant provisions of article nine of this chapter that are not inconsistent with this section, for canvassing, processing, recording, and announcing results of voting at polling places for early voting, and securing ballots, scanners, and other election materials. Such canvass may occur at the offices of the board of elections, at the early voting polling place or such other location designated by the board of elections.

11. Notwithstanding the requirements of this title requiring the canvass of ballots cast during early voting after the close of polls on election day, such canvass may begin one hour before the scheduled close of polls on election day provided the board of elections adopts procedures to prevent the public release of election results prior to the close of polls on election day and such procedures shall be consistent with the regulations of the state board of elections and shall be filed with the state board of elections at least thirty days before they shall be effective.

§ 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.

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to any election held 120 days or more after it shall have taken effect.

PART I

Section 1. Subdivision 2 of section 5-106 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

2. No person who has been convicted of a felony **and sentenced to a period of imprisonment for such felony** pursuant to the laws of this state, shall have the right to register for or vote at any election unless he [~~shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon a provision that any such~~

~~person shall not have the right of suffrage until it shall have been separately restored to him~~] or she has been released from incarceration for such felony or released from serving a time assessment pursuant to subparagraph (x) of paragraph (f) of subdivision three of section two hundred fifty-nine-i of the executive law.

§ 2. Subdivision 3 of section 5-106 of the election law is amended to read as follows:

3. No person who has been convicted in a federal court, of a felony, or a crime or offense which would constitute a felony under the laws of this state, and sentenced to a period of imprisonment for such felony, shall have the right to register for or vote at any election unless he [~~shall have been pardoned or restored to the rights of citizenship by the president of the United States, or his maximum sentence of imprisonment has expired, or he has been discharged from parole~~] or she has been released from incarceration for such felony or released from serving a time assessment pursuant to a violation of parole supervision under federal jurisdiction.

§ 3. Subdivision 4 of section 5-106 of the election law is amended to read as follows:

4. No person who has been convicted in another state for a crime or offense which would constitute a felony under the laws of this state and sentenced to a period of imprisonment for such felony, shall have the right to register for or vote at any election in this state unless he shall have been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or his or her maximum sentence has expired, or he [~~has been discharged from parole~~] or she has been released from incarceration for such felony or released from serving a time assessment for a violation of parole supervision under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies.

§ 4. Section 75 of the correction law, as amended by section 18 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 75. Notice of voting rights. Upon the [~~discharge~~] release from a correctional facility of any person [~~whose maximum sentence of imprisonment has expired or upon a person's discharge from community supervision,~~] the department shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 5. The correction law is amended by adding a new section 510 to read as follows:

§ 510. Voting upon release. Upon the release from a local correctional facility of any person convicted of a felony the chief administrative officer shall notify such person of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 6. The department of corrections and community supervision shall notify each person serving a period of community supervision on the effective date of this act of his or her right to vote and provide such person with a form of application for voter registration together with written information distributed by the board of elections on the importance and the mechanics of voting.

§ 7. This act shall take effect immediately, provided, however, that sections four, five, and six of this act shall take effect on the one hundred twentieth day after it shall have become a law.

PART J

Section 1. Section 3-108 of the election law, subdivision 5 as added by chapter 394 of the laws of 2008, is amended to read as follows:

§ 3-108. Disaster; additional day for voting. 1. A county board of elections, or the state board of elections with respect to an election conducted in a district in the jurisdiction of more than one county board of elections, may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other disaster[~~, less than twenty-five per centum of the registered voters of any city, town or village, or if the city of New York, or any county therein, actually voted in any general election~~] **or state of emergency, the ability of voters to vote has become, or will imminently become, impossible and such impossibility cannot be mitigated during the scheduled course of voting**. Such a determination by a county board of elections shall be subject to approval by the state board of elections. If the state board of elections makes such a determination, it shall notify the [~~board~~] **boards** of elections having jurisdiction [~~in that county~~] **over that election** that an additional day of election shall be held, which notice shall show: the nature of the disaster; the county, city, town or village affected thereby; the number of persons duly registered to vote therein at such [~~general~~] election; and the number of persons who voted therein at such [~~general~~] election.

2. The county board of elections**, or the state board of elections, as applicable,** shall thereafter set a date for an additional day for voting in the county, city, town or village affected by the statement, which shall not be more than twenty days after the original date of the [~~general~~] election and shall determine the hours during which the polls shall remain open on such additional day for voting; provided, however, that in any event the polls shall remain open for not less than eleven hours. [~~The~~] **Each** county board of elections **having jurisdiction over such election** shall [~~publish notice thereof not less than twice in each week preceding the date for the additional day for voting, in~~] **notify** newspapers as designated in this chapter[~~, and~~] **in the week preceding the date of the additional day of voting. Such notice shall be provided to all media outlets and county, town, city and village clerks and municipal attorneys not less than one week preceding the date of the additional day of voting and shall be posted on the board's website as soon as possible. To the extent practicable, the board** shall notify all registered voters by mail. Such notice shall also direct attention to any change of polling places and shall contain such other and additional information as in the judgment of the board of elections shall be necessary and proper.

3. Official ballots shall be provided at public expense at each polling place for such additional day of election. In any election district in which voting machines were used upon the original day of voting, they shall be used for the additional day for voting. The [~~original seal~~] **security seals** on such machines shall not be removed nor shall the machines be unlocked until the opening of the polls on the additional day for voting and the board of elections shall provide [~~an~~] additional [~~seal~~] **security seals** to be used as soon as the polls are closed on such day.

4. Only those persons duly registered to vote upon the original date of the [~~general~~] election who did not vote on such date shall be entitled to vote on the additional day for voting. Voting on the additional day provided for in this section shall be accomplished solely by physically appearing at the polling place and nothing contained in this section shall be construed to extend the time set by law for casting or canvassing a special, military, absentee, special federal or special presidential ballot; provided, however, that nothing contained herein shall be deemed to invalidate any special, military, absentee, [~~military~~] special federal or special presidential ballot duly received on the original date of the [~~general~~] election.

5. (a) A county board of elections, or the state board of elections with respect to an election conducted in a political subdivision in the jurisdiction of more than one county board of elections, may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other disaster or state of emergency, the ability to make a filing with respect to any provision of this chapter was substantially impaired. Upon making such a finding, a county board of elections, or the state board of elections shall extend for a reasonable time the period for making such filing. An extension granted pursuant to this subdivision [~~granted by a county board of elections~~] shall not be [~~subject to the approval of the state board of elections if such extension is~~] longer than [~~one~~] two business [~~day~~] days.

(b) A county board of elections, or the state board of elections with respect to an election conducted in a political subdivision in the jurisdiction of more than one county board of elections, may determine that, as the direct consequence of a fire, earthquake, tornado, explosion, power failure, act of sabotage, enemy attack or other disaster or state of emergency, the ability to convene a party caucus on the date scheduled for such caucus and make the required filings for the purpose of nominating one or more candidates was substantially impaired. Upon making such a finding, a county board of elections, or the state board of elections, shall postpone for a reasonable time the date of said party caucus and required filings. An extension granted pursuant to this subdivision shall not be longer than one week from the date of the originally-scheduled party caucus.

(c) If an extension is granted pursuant to this subdivision by the state board of elections, such board shall notify the respective county boards of elections of such extension and post such notice on its website.

(d) The county board of elections shall immediately notify media outlets of the extensions provided pursuant to this section, post such notice to its website and, to the extent practicable for the extension of a party caucus, post such notice at the location of the originally-scheduled caucus. The county board of elections shall also provide written notice to all appropriate county, town, city and village clerks and municipal attorneys.

§ 2. This act shall take effect immediately.

PART K

Section 1. Subdivision 1 of section 1-106 of the election law, as amended by chapter 700 of the laws of 1977, is amended to read as follows:

1. All papers required to be filed pursuant to the provisions of this chapter shall, unless otherwise provided, be filed between the hours of nine A.M. and five P.M. If the last day for filing shall fall on a Saturday, Sunday or legal holiday, the next business day shall become the last day for filing. All papers sent by mail in an envelope postmarked prior to midnight of the last day of filing shall be deemed timely filed and accepted for filing when received, except **that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations or nominations, certificates of authorization for such designations or nominations, certificates of disqualification, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the state board of elections or a board of elections outside of the city of New York shall be deemed timely filed and accepted for filing if sent by mail or designated delivery service permitted by subdivision three of this section, in an envelope postmarked prior to midnight of the last day of filing and received no later than two business days after the last day to file such certificates, petitions, objections or specifications. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such board of elections outside the city of New York no later than two business days after the last day to file such certificates, petitions, objections or specifications shall be a fatal defect. Excepted further** that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the board of elections of the city of New York must be actually received by such city board of elections on or before the last day to file any such petition, certificate or objection and such office shall be open for the receipt of such petitions, certificates and objections until midnight on the last day to file any such petition, certificate or objection. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such city board of elections on or before such last day shall be a fatal defect.

§ 2. Subdivision 1 of section 4-104 of the election law, as amended by chapter 180 of the laws of 2005, is amended to read as follows:

1. Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held. The board of trustees of each village in which general and special village elections conducted by the board of elections are held at a time other than the time of a general election shall submit such a list of polling places for such village elections to the board of elections. A polling place may be located in a building owned by a religious organization or used by it as a place of worship. If such a building is designated as a polling place, it shall not be required to be open for voter registration on any Saturday if this is contrary to the religious beliefs of the religious organization. In such a situation, the board of elections shall designate an alternate location to be used for voter registration. Such polling places must be designated by [~~**May first**~~] **March fifteenth**, of each year, and shall be effective for one year thereafter. Such a list required to be submitted by a village board of trustees must be submitted at least four months

before each general village election and shall be effective until four months before the subsequent general village election. No place in which a business licensed to sell alcoholic beverages for on premises consumption is conducted on any day of local registration or of voting shall be so designated. If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be unsuitable or unsafe or should circumstances arise that make a designated polling place unsuitable or unsafe, then the board of elections is empowered to select an alternative meeting place. In the city of New York, the board of elections shall designate such polling places and alternate registration places if the polling place cannot be used for voter registration on Saturdays.

§ 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdivision 2 as amended by chapter 635 of the laws of 1990, are amended to read as follows:

1. The state board of elections shall, [~~at least eight months before each~~] by February first in the year of each general election, make and transmit to the board of elections of each county, a certificate stating each office, except county, city, village and town offices to be voted for at such election in such county.

2. Each county, city, village and town clerk, [~~at least eight months before each~~] by February first in the year of each general election, shall make and transmit to the board of elections a certificate stating each county, city, village or town office, respectively to be voted for at each such election. Each village clerk, at least five months before each general village election conducted by the board of elections, shall make, and transmit to such board, a certificate stating each village office to be filled at such election.

§ 4. Paragraph b of subdivision 1 of section 4-108 of the election law, as amended by chapter 117 of the laws of 1985, is amended to read as follows:

b. Whenever any proposal, proposition or referendum as provided by law is to be submitted to a vote of the people of a county, city, town, village or special district, at an election conducted by the board of elections, the clerk of such political subdivision, at least [~~thirty-six days~~] three months prior to the general election at which such proposal, proposition or referendum is to be submitted, shall transmit to each board of elections a certified copy of the text of such proposal, proposition or referendum and a statement of the form in which it is to be submitted. If a special election is to be held, such transmittal shall also give the date of such election.

§ 5. Section 4-110 of the election law, as amended by chapter 434 of the laws of 1984, is amended to read as follows:

§ 4-110. Certification of primary election candidates; state board of elections. The state board of elections not later than [~~thirty-six~~] fifty-five days before a primary election, shall certify to each county board of elections: The name and residence of each candidate to be voted for within the political subdivision of such board for whom a designation has been filed with the state board; the title of the office or position for which the candidate is designated; the name of the party upon whose primary ballot his or her name is to be placed; and the order in which the names of the candidates are to be printed as determined by the state board. Where an office or position is uncontested, such certification shall state such fact.

§ 6. Subdivision 1 of section 4-112 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

1. The state board of elections, not later than [~~thirty-six~~] fifty-five days before a general election, or fifty-three days before a special election, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by the returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he or she is a candidate; the emblem chosen to distinguish the candidates of the party or body; and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.

§ 7. Section 4-114 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

§ 4-114. Determination of candidates and questions; county board of elections. The county board of elections, not later than the [~~thirty-fifth~~] fifty-fourth day before the day of a primary or general election, or the fifty-third day before a special election, shall determine the candidates duly nominated for public office and the questions that shall appear on the ballot within the jurisdiction of that board of elections.

§ 8. Subdivision 1 of section 5-604 of the election law, as amended by chapter 28 of the laws of 2010, is amended to read as follows:

1. The board of elections shall also cause to be published for each election district a complete list of the registered voters of each election district. Such list shall, in addition to the information required for registration lists, include the party enrollment of each voter. At least as many copies of such list shall be prepared as the required minimum number of registration lists.

Lists for all the election districts in a ward or assembly district may be bound together in one volume. The board of elections shall also cause to be published a complete list of names and residence addresses of the registered voters, including the party enrollment of each voter, for each town and city over which the board has jurisdiction. The names for each town and city may be arranged according to street and number or alphabetically. Such lists shall be published before the first day of [~~April~~] February. The board shall keep at least five copies for public inspection at each main office or branch office of the board. Surplus copies of the lists shall be sold at a charge not exceeding the cost of publication.

§ 9. Paragraph a of subdivision 5 of section 5-708 of the election law, as added by chapter 659 of the laws of 1994, is amended to read as follows:

a. At least once each year during the month of [~~May~~] February, each board of elections shall obtain through the National Change of Address System, the forwarding address for every voter registered with such board of elections for whom the United States Postal Service has such a forwarding address together with the name of each such voter whom the Postal Service records indicate has moved from the address at which he is registered without leaving a forwarding address.

§ 10. Subdivision 1 of section 6-108 of the election law, as amended by chapter 160 of the laws of 1996, is amended to read as follows:

1. In any town in a county having a population of over seven hundred fifty thousand inhabitants, as shown by the latest federal decennial or special population census, party nominations of candidates for town offices shall be made at the primary preceding the election. In any other town, nominations of candidates for town offices shall be made by

caucus or primary election as the rules of the county committee shall provide, except that the members of the county committee from a town may adopt by a two-thirds vote, a rule providing that the party candidates for town offices shall be nominated at the primary election. If a rule adopted by the county committee of a political party or by the members of the county committee from a town, provides that party candidates for town offices, shall be nominated at a primary election, such rule shall not apply to nor affect a primary held less than four months after a certified copy of the rule shall have been filed with the board of elections. After the filing of such a rule, the rule shall continue in force until a certified copy of a rule revoking the same shall have been filed with such board at least four months before a subsequent primary. Such a caucus shall be held no earlier than the first day on which designating petitions for the [~~fall~~] primary election may be signed.

§ 11. Subdivisions 1 and 2 of section 6-147 of the election law, as amended by chapter 434 of the laws of 1984, are amended to read as follows:

1. The name of a person designated on more than one petition as a candidate for a party position to be filled by two or more persons shall be printed on the ballot with the group of candidates designated by the petition first filed unless such person, in a certificate duly acknowledged by him **or her** and filed with the board of elections not later than the [~~eighth~~] **tenth** Tuesday preceding the primary election or five days after the board of elections mails such person notice of his **or her** designation in more than one group, whichever is later, specifies another group in which his **or her** name shall be printed.

2. A person designated as a candidate for the position of member of the county committee in more than one election district shall be deemed to have been designated in the lowest numbered election district unless such person, in a certificate duly acknowledged by him **or her**, and filed with the board of elections not later than the [~~eighth~~] **tenth** Tuesday preceding the primary election or five days after the board of elections mails such person notice of his **or her** designation in more than one election district whichever is later, specifies that he **or she** wishes to be deemed designated in a different election district.

§ 12. Subdivisions 1, 4, 5, 9, 11, 12 and 14 of section 6-158 of the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434 of the laws of 1984 and subdivision 9 as amended by chapter 517 of the laws of 1986, are amended to read as follows:

1. A designating petition shall be filed not earlier than the [~~tenth~~] **thirteenth** Monday before, and not later than the [~~ninth~~] **twelfth** Thursday preceding the primary election.

4. A petition of enrolled members of a party requesting an opportunity to write in the name of an undesignated candidate for a public office or party position at a primary election shall be filed not later than the [~~eighth~~] **eleventh** Thursday preceding the primary election. However, where a designating petition has been filed and the person named therein has declined such designation and another person has been designated to fill the vacancy, then in that event, a petition for an opportunity to ballot in a primary election shall be filed not later than the [~~seventh~~] **tenth** Thursday preceding such primary election.

5. A judicial district convention shall be held not earlier than [~~the Tuesday following the third Monday in September preceding the general election and not later than the fourth Monday in September preceding such election~~] **ten days following the deadline pursuant to section twenty-one of article VI of the state constitution for the vacancy in the**

office of the supreme court to occur and still be filled at the next general election and not later than six days after such earliest date to hold such convention.

9. A petition for an independent nomination for an office to be filled at the time of a general election shall be filed not earlier than [~~twelve~~] twenty-three weeks and not later than [~~eleven~~] twenty-two weeks preceding such election. A petition for an independent nomination for an office to be filled at a special election shall be filed not later than twelve days following the issuance of a proclamation of such election. [~~A petition for trustee of the Long Island Power Authority shall be filed not earlier than seven weeks and not later than six weeks preceding the day of the election of such trustees.~~]

11. A certificate of acceptance or declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the third day after the [~~eleventh~~] twenty-second Tuesday preceding such election except that a candidate who files such a certificate of acceptance for an office for which there have been filed certificates or petitions designating more than one candidate for the nomination of any party, may thereafter file a certificate of declination not later than the third day after the primary election. A certificate of acceptance or declination of an independent nomination for an office to be filled at a special election shall be filed not later than fourteen days following the issuance of a proclamation of such election.

12. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the sixth day after the [~~eleventh~~] twenty-second Tuesday preceding such election. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at a special election shall be filed not later than sixteen days following the issuance of a proclamation of such election.

14. A vacancy occurring three months before [~~September twentieth of~~] the general election in any year in any office authorized to be filled at a general election, except in the offices of governor, lieutenant-governor, or United States senator shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election.

§ 13. Subdivision 6 of section 6-158 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

6. (a) A certificate of a party nomination made other than at the primary election for an office to be filled at the time of a general election shall be filed not later than [~~seven~~] thirty days after the fall primary election, (b) except that a certificate of nomination for an office which becomes vacant after the seventh day preceding such primary election shall be filed not later than [~~fourteen~~] thirty days after the primary election or ten days after the creation of such vacancy, whichever is later, and (c) except, further, that a certificate of party nomination of candidates for elector of president and vice-president of the United States shall be filed not later than [~~fourteen~~] sixty days [~~after the fall primary~~] before the general election, and (d) except still further that a certificate of party nomination made at a judicial district convention shall be filed not later than the day after the last day to hold such convention and the minutes of such convention, duly certified by the chairman and secretary, shall be filed within seventy-two hours after adjournment of the convention. A certificate of

party nomination for an office to be filled at a special election shall be filed not later than ten days following the issuance of a proclamation of such election.

§ 14. Paragraph (a) of subdivision 1 of section 8-100 of the election law, as amended by chapter 17 of the laws of 2007, is amended to read as follows:

(a) A primary election[~~, to be known as the fall primary,~~] shall be held on the [~~first~~] **fourth** Tuesday [~~after the second Monday~~] in [~~September~~] **June** before every general election unless otherwise changed by an act of the legislature. **Members of the state and county committees and assembly district leaders and associate district leaders and all other party positions to be elected shall be elected at such primary and all nominations for public office required to be made at a primary election in such year shall be made at such primary.** In each year in which electors of president and vice president of the United States are to be elected an additional primary election, to be known as the spring primary, shall be held on the first Tuesday in February unless otherwise changed by an act of the legislature, for the purpose of electing delegates to the national convention[~~, members of state and county committees and assembly district leaders and associate assembly district leaders~~].

§ 15. Paragraph (a) of subdivision 1 of section 10-108 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

(a) Ballots for military voters shall be mailed or otherwise distributed by the board of elections, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, as soon as practicable but in any event not later than [~~thirty-two~~] **forty-six** days before a primary or general election[~~; twenty-five days before~~]**,** a New York city community school board district or city of Buffalo school district election; fourteen days before a village election conducted by the board of elections; and forty-five days before a special election. A voter who submits a military ballot application shall be entitled to a military ballot thereafter for each subsequent election through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur; provided, however, such application shall not be valid for any election held within seven days after its receipt. Ballots shall also be mailed to any qualified military voter who is already registered and who requests such military ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for military ballot. In the case of a primary election, the board shall deliver only the ballot of the party with which the military voter is enrolled according to the military voter's registration records. In the event a primary election is uncontested in the military voter's 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 military voter for such election; and the military voter shall be advised of the reason why he or she will not receive a ballot.

§ 16. Subdivision 4 of section 11-204 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it shall have so determined, or not later than [~~thirty-two~~] **forty-six** days before each general or primary election [~~and forty-five days before each~~] **or** special election in which such applicant is qualified to vote, or three days after receipt of such an application, whichever is later, mail to him or her at the residence address outside the United States shown in his or her application, a special federal ballot, an inner affirmation envelope and an outer envelope, or otherwise distribute same to the voter in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title. The board of elections shall also mail, or otherwise distribute in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title, a special federal ballot to every qualified special federal voter who is already registered and who requests such special federal ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for a special federal ballot.

§ 17. Subdivisions 1 and 4 of section 42 of the public officers law, subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivision 4 as amended by chapter 317 of the laws of 1954, are amended to read as follows:

1. A vacancy occurring **three months** before [~~September twentieth of~~] **the general election in** any year in any office authorized to be filled at a general election, except in the offices of governor or lieutenant-governor, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election.

4. A special election shall not be held to fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after [~~September nineteenth of~~] **three months before the general election in** such year; nor to fill a vacancy in the office of state senator or in the office of member of assembly, unless the vacancy occurs before the first day of April of the last year of the term of office, or unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and **the next general election or be called after three months before** the next general election [~~or be called after September nineteenth~~] in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election.

§ 18. This act shall take effect immediately.

PART L

Section 1. The election law is amended by adding a new section 3-112 to read as follows:

§ 3-112. State reimbursement for additional expenses relating to early voting, enhanced language access and expanded primary hours. 1. The state shall reimburse counties and the city of New York for additional costs directly associated with the implementation and administration of:

(a) early voting pursuant to title six of article eight of this chapter; and

(b) enhanced language access for certain limited English proficient and non-English speaking residents of such counties or city pursuant to section 3-507 of this chapter.

2. The state also shall reimburse affected counties for additional costs directly associated with the implementation and administration of that portion of section three of part H of a chapter of the laws of two thousand seventeen entitled the "New York votes act" that amended subdivision two of section 8-100 of this chapter to expand hours for primary elections held in such counties.

3. Reimbursement of expenses by the state pursuant to subdivisions one and two of this section shall be made only upon written application of such counties or the city of New York filed with the state board of elections. Such application shall, at a minimum, include a detailed description and itemization of the additional costs and expenses for which reimbursement is sought and such other information as the state board of elections may require. To the extent applicable, such reimbursable costs may include additional clerical costs, maintenance and operation costs, as well as salaries of local board of elections personnel, poll inspectors, ballot and sample ballot production and such other additional costs that may accrue in fulfilling the statutory requirements referenced in subdivisions one and two of this section.

4. The state board of elections shall approve such reimbursement provided it conforms to standards relating to the administration of elections.

5. State aid shall be granted to the city of New York and the respective counties outside the city of New York pursuant to this section only to the extent of reimbursing one hundred per centum of the additional expenditures incurred by the county or city in complying with the statutory requirements referenced in subdivisions one and two of this section.

6. The state board of elections shall promulgate rules and regulations in furtherance of these provisions in accordance with section 3-102 of this title.

§ 2. This act shall take effect immediately.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through L of this act shall be as specifically set forth in the last section of such Parts.