

STATE OF NEW YORK

3986

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. SEPULVEDA, THIELE, BICHOTTE -- Multi-Sponsored by
-- M. of A. HYNDMAN -- read once and referred to the Committee on
Election Law

AN ACT to amend the election law, in relation to the registration status
of voters

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

1 Section 1. Section 17-106 of the election law, as amended by chapter 9
2 of the laws of 1978, is amended to read as follows:

3 § 17-106. Misconduct of election officers. Any election officer who
4 wilfully refuses to accord to any duly accredited watcher or to any
5 voter or candidate any right given him by this chapter, including the
6 cancellation of a voter's registration in violation of section 5-400 of
7 this chapter or the refusal to allow an individual to vote due to an
8 inactive status in violation of section 5-213 of this chapter, or who
9 wilfully violates any provision of the election law relative to the
10 registration of electors or to the taking, recording, counting, canvass-
11 ing, tallying or certifying of votes, or who wilfully neglects or
12 refuses to perform any duty imposed on him by law, or is guilty of any
13 fraud in the execution of the duties of his office, or connives in any
14 electoral fraud, or knowingly permits any such fraud to be practiced, is
15 guilty of a felony.

16 § 2. Subdivision 1 of section 5-400 of the election law, as amended by
17 chapter 659 of the laws of 1994, is amended to read as follows:

18 1. A voter's registration[~~including the registration of a voter in~~
19 ~~inactive status,~~] shall be cancelled if[~~7~~]: (a) since the time of his
20 last registration, he:

21 [~~(a)~~] (i) Moved his residence outside the city or county in which he
22 is registered[~~7~~];

23 [~~(b)~~] (ii) Was convicted of a felony disqualifying him from voting
24 pursuant to the provisions of section 5-106 of this article[~~7~~];

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

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1 ~~[(e)]~~ (iii) Has been adjudicated an incompetent~~[-];~~
2 ~~[(d)]~~ (iv) Refused to take a challenge oath~~[-];~~
3 ~~[(e)]~~ (v) Has died~~[-];~~

4 ~~[(f)] Did not vote in any election conducted by the board of elections~~
5 ~~during the period ending with the second general election at which~~
6 ~~candidates for federal office are on the ballot after his name was~~
7 ~~placed in inactive status and for whom the board of elections did not,~~
8 ~~during such period, in any other way, receive any information that such~~
9 ~~voter still resides in the same county or city.~~

10 ~~[(g)]~~ (vi) Personally requested to have his name removed from the list
11 of registered voters~~[-];~~

12 ~~[(h)]~~ (vii) For any other reason, is no longer qualified to vote as
13 provided in this chapter~~[-]; and~~

14 (b) the board of elections verifies that one of the circumstances
15 provided for in paragraph (a) of this subdivision has occurred.

16 § 3. Subdivisions 2 and 3 of section 5-213 of the election law, as
17 amended by chapter 200 of the laws of 1996, are amended to read as
18 follows:

19 2. The registration poll records of all such voters shall be removed
20 from the poll ledgers and ~~[maintained at]~~ compiled by the offices of the
21 board of elections ~~[in a file arranged alphabetically by]~~ and placed in
22 an inactive poll ledger to be distributed to each election district
23 within a county. If such board uses computer generated registration
24 lists, the names of such voters shall not be placed on such lists at
25 subsequent elections other than lists prepared pursuant to the
26 provisions of section 5-612 of this article but shall be ~~[kept as a~~
27 ~~computer record at the offices of such board]~~ compiled by the offices of
28 the board of elections and placed in an inactive poll ledger to be
29 distributed to each election district within a county.

30 3. The board of elections shall restore the registration of any such
31 voter to active status if such voter notifies the board of elections
32 that he resides at the address from which he is registered, or the board
33 finds that such voter has validly signed a designating or nominating
34 petition which states that he resides at such address, or if such voter
35 casts a ballot in an affidavit envelope which states that he resides at
36 such address, or if the board receives notice that such voter has voted
37 in an election conducted with registration lists prepared pursuant to
38 the provisions of section 5-612 of this article. If such voter casts a
39 ballot in an affidavit envelope and such ballot meets all other require-
40 ments of this chapter, such voter's name shall be restored to active
41 status for such election and such ballot shall be counted for the
42 election in which it was cast. If any such notification or information
43 is received twenty days or more before a primary, special or general
44 election, the voter's name must be restored to active status for such
45 election.

46 § 4. This act shall take effect immediately.