

STATE OF NEW YORK

1732

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sens. CARLUCCI, AVELLA, PARKER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to a universal jurisdiction voting act

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

1 Section 1. Subdivisions 1, 4, and 8 of section 5-208 of the election
2 law, subdivisions 1 and 8 as amended by chapter 200 of the laws of 1996,
3 subdivision 4 as added by chapter 659 of the laws of 1994, are amended
4 and a new subdivision 9 is added to read as follows:

5 1. The board of elections shall transfer the registration and enroll-
6 ment of any voter appearing on a statewide voter list pursuant to subdi-
7 vision one of section 5-614 of this article for whom it receives a
8 notice of change of address to another address in [~~the same county or~~
9 ~~city~~] New York state, or for any voter who casts a ballot in an affida-
10 vit ballot envelope which sets forth such a new address. Such notices
11 shall include, but not be limited to, notices received from any state
12 agency which conducts a voter registration program pursuant to the
13 provisions of sections 5-211 and 5-212 of this title, that the voter has
14 notified such agency of a change of address in [~~the same city or county~~]
15 New York state unless the voter has indicated that such change of
16 address is not for voter registration purposes, notices of change of
17 address from the United States Postal Service through the National
18 Change of Address System, any notices of a forwarding address on mail
19 sent to a voter by the board of elections and returned by the postal
20 service, national or state voter registration forms, confirmation mail-
21 ing response cards, United States Postal Service notices to correspond-
22 ents of change of address, applications for registration from persons
23 already registered in [~~such county or city~~] New York state, or any other
24 notices to correspondents sent to the board of elections by such voters.

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

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1 4. If such application for registration from a voter already regis-
2 tered in [~~such county or city~~] New York state also reflects a change of
3 enrollment, the board of elections shall treat such application as an
4 application for change of enrollment pursuant to section 5-304 of this
5 article.

6 8. If the board of elections receives notice of a change of address
7 within [~~such city or county~~] New York state from, or with respect to, a
8 person who it determines is not registered in [~~such county or city~~] New
9 York state, it shall forthwith send such person a notice to that effect
10 in a form approved by the state board of elections at the new address
11 set forth in such notice of change of address, together with a voter
12 registration form.

13 9. The state board of elections shall promulgate regulations as to the
14 procedures for transferring a voter from one county to another.

15 § 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section
16 8-302 of the election law, as amended by chapter 164 of the laws of
17 2010, is amended to read as follows:

18 (ii) He or she may swear to and subscribe an affidavit stating that he
19 or she has duly registered to vote, the address in such election
20 district from which he or she registered, that he or she remains a duly
21 qualified voter in such election district, that his or her registration
22 poll record appears to be lost or misplaced or that his or her name
23 and/or his or her signature was omitted from the computer generated
24 registration list or that he or she has moved within [~~the county or~~
25 ~~city~~] New York state since he or she last registered, the address from
26 which he or she was previously registered and the address at which he or
27 she currently resides, and at a primary election, the party in which he
28 or she is enrolled. The inspectors of election shall offer such an affi-
29 davit to each such voter whose residence address is in such election
30 district. Each such affidavit shall be in a form prescribed by the
31 state board of elections, shall be printed on an envelope of the size
32 and quality used for an absentee ballot envelope, and shall contain an
33 acknowledgment that the affiant understands that any false statement
34 made therein is perjury punishable according to law. Such form
35 prescribed by the state board of elections shall request information
36 required to register such voter should the county board determine that
37 such voter is not registered and shall constitute an application to
38 register to vote. The voter's name and the entries required shall then
39 be entered without delay and without further inquiry in the fourth
40 section of the challenge report or in the place provided at the end of
41 the computer generated registration list, with the notation that the
42 voter has executed the affidavit hereinabove prescribed, or, if such
43 person's name appears on the computer generated registration list, the
44 board of elections may provide a place to make such entry next to his or
45 her name on such list. The voter shall then, without further inquiry,
46 be permitted to vote an affidavit ballot provided for by this chapter.
47 Such ballot shall thereupon be placed in the envelope containing his or
48 her affidavit, and the envelope sealed and returned to the board of
49 elections in the manner provided by this chapter for protested official
50 ballots, including a statement of the number of such ballots.

51 § 3. This act shall take effect immediately.