STATE OF NEW YORK

5346

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. TITUS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "disaster voting relief act of 2019"

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

Section 1. Short title. This act shall be known and may be cited as the "disaster voting relief act of 2019".

§ 2. The election law is amended by adding a new section 3-109 to read as follows:

§ 3-109. Disaster; governor may suspend or delay voting. 1. The governor may, upon issuance of an executive order declaring a state of emergency or upon the issuance of a federal disaster declaration suspend or delay an election in such municipality.

2. If a delay or suspension is authorized by the governor, the delayed voting shall resume or be rescheduled as soon as practicable pursuant to the procedures outlined in section 3-108 of this title. The state board of elections shall promulgate such rules and regulations to further effectuate the provisions of this section.

§ 3. The election law is amended by adding a new section 8-414 to read as follows:

§ 8-414. Persons entitled to vote absentee when an emergency is declared. Upon issuance of an executive order declaring a state of emergency or upon the issuance of a federal disaster declaration within fourteen days of an election any qualified voter whose polling location is within the area affected by such declaration may vote as an absentee voter notwithstanding the provisions of this chapter.

§ 4. Section 8-302 of the election law is amended by adding a new subdivision 6 to read as follows:

6. Upon the governor's issuance of an executive order declaring a state of emergency pursuant to section twenty-eight of the executive law

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

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or upon the issuance of a federal disaster declaration a voter seeking to vote by affidavit need not affirm that such voter is duly registered in the election district in which such voter seeks to cast an affidavit ballot if such voter is registered to vote within the county for which such declaration has been issued.

§ 5. Paragraph (a) of subdivision 2 of section 9-209 of the election law is amended by adding a new subparagraph (iv) to read as follows:

(iv) Notwithstanding subparagraph (iii) of this paragraph, the board of elections for the county in which such voter resides shall cast and canvass such ballot, if it determines that such voter was entitled to vote regardless of the fact that the voter may have appeared in the incorrect polling location due to the declaration of a state of emergency. Such ballot shall not be cast and canvassed for such contest for which the person was not entitled to vote at such election.

§ 6. The opening paragraph of section 9-209 of the election law, as separately amended by chapters 3 and 6 of the laws of 2019, is amended to read as follows:

Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to cast and canvass any absentee, military, special presidential, special federal or other special ballots and any ballots voted by voters who moved within the state after registering, voters who are in inactive status, voters whose registration was incorrectly transferred to another address even though they did not move, voters whose registration poll records were missing on the day of such election, voters who have not had their identity previously verified and voters whose registration poll records did not show them to be enrolled in the party in which they claimed to be enrolled and voters incorrectly identified as having already voted. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be cast and canvassed. Absentee ballots cast by voters pursuant to section 8-414 of this chapter shall be transmitted by the county board of elections where such ballot was cast to the board of elections where such voter is registered to vote to be canvassed with other affidavit and absentee ballots for the election district wherein the voter resides.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, the amendments to the opening paragraph of section 9-209 of the election law made by section six of this act shall take effect on the same date and in the same manner as chapter 3 of the laws of 2019 takes effect. Effective immediately, the board of elections is authorized to promulgate such rules and regulations necessary for the further implementation of this act on its effective date.