

STATE OF NEW YORK

3045

2019-2020 Regular Sessions

IN SENATE

February 1, 2019

Introduced by Sens. COMRIE, GIANARIS, HOYLMAN, KENNEDY, MAYER, RIVERA, SEPULVEDA -- 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 voter affidavits

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

1 Section 1. Subparagraph (ii) of paragraph (e) of subdivision 3 of
2 section 8-302 of the election law, as separately amended by chapters 3
3 and 6 of the laws of 2019, is amended to read as follows:
4 (ii) He or she may swear to and subscribe an affidavit stating that he
5 or she has duly registered to vote, the address in such election
6 district from which he or she registered, that he or she remains a duly
7 qualified voter in such election district, that his or her registration
8 poll record appears to be lost or misplaced or that his or her name
9 and/or his or her signature was omitted from the computer generated
10 registration list or such record indicates the voter already voted when
11 he or she did not do so or that he or she has moved within New York
12 state since he or she last registered, [~~the address from which he or she~~
13 ~~was previously registered and~~] the address at which he or she currently
14 resides, and at a primary election, the party in which he or she is
15 enrolled. The inspectors of election shall offer such an affidavit to
16 each such voter whose residence address is in such election district.
17 Each such affidavit shall substantially comply with and be in a form
18 prescribed by the state board of elections, shall be printed on an
19 envelope of the size and quality used for an absentee ballot envelope,
20 and shall contain an acknowledgment that the affiant understands that
21 any false statement made therein is perjury punishable according to law.
22 Such form prescribed by the state board of elections shall request
23 information required to register such voter should the county board
24 determine that such voter is not registered and shall constitute an
25 application to register to vote. The voter's name and the entries

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

LBD02909-02-9

1 required shall then be entered without delay and without further inquiry
2 in the fourth section of the challenge report or in the place provided
3 at the end of the computer generated registration list, with the nota-
4 tion that the voter has executed the affidavit hereinabove prescribed,
5 or, if such person's name appears on the computer generated registration
6 list, the board of elections may provide a place to make such entry next
7 to his or her name on such list. The voter shall then, without further
8 inquiry, be permitted to vote an affidavit ballot provided for by this
9 chapter. Such ballot shall thereupon be placed in the envelope contain-
10 ing his or her affidavit, and the envelope sealed and returned to the
11 board of elections in the manner provided by this chapter for protested
12 official ballots, including a statement of the number of such ballots.
13 § 2. This act shall take effect on the same date and in the same
14 manner as section 2 of chapter 3 of the laws of 2019, takes effect.