

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:

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

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

5 § 3-109. Disaster; governor may suspend or delay voting. 1. The gover-
6 nor may, upon issuance of an executive order declaring a state of emer-
7 gency or upon the issuance of a federal disaster declaration suspend or
8 delay an election in such municipality.

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

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

16 § 8-414. Persons entitled to vote absentee when an emergency is
17 declared. Upon issuance of an executive order declaring a state of emer-
18 gency or upon the issuance of a federal disaster declaration within
19 fourteen days of an election any qualified voter whose polling location
20 is within the area affected by such declaration may vote as an absentee
21 voter notwithstanding the provisions of this chapter.

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

24 6. Upon the governor's issuance of an executive order declaring a
25 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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1 or upon the issuance of a federal disaster declaration a voter seeking
2 to vote by affidavit need not affirm that such voter is duly registered
3 in the election district in which such voter seeks to cast an affidavit
4 ballot if such voter is registered to vote within the county for which
5 such declaration has been issued.

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

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

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

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

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