STATE OF NEW YORK

S. 1099 A. 775

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 10, 2019

IN SENATE -- Introduced by Sens. CARLUCCI, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MARTINEZ, MAY, MAYER, METZGER, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, STEWART-COUSINS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

IN ASSEMBLY -- Introduced by M. of A. DINOWITZ, LAVINE, L. ROSENTHAL, GLICK, ENGLEBRIGHT, CRESPO, LUPARDO, FAHY, COLTON, MOSLEY, ABINANTI, ZEBROWSKI, OTIS, SIMON, ROZIC, JAFFEE, BUCHWALD, RYAN, CUSICK, PAULIN, HEVESI, CARROLL, GALEF, RAMOS, LIFTON, VANEL, D'URSO, SEAWRIGHT, WRIGHT, NIOU, BLAKE, BURKE, CRUZ, EICHENSTEIN, EPSTEIN, FALL, FRONTUS, GRIFFIN, HEASTIE, JACOBSON, McMAHON, RAYNOR, REYES, THIELE, WEINSTEIN -- Multi-Sponsored by -- M. of A. BRONSON, CAHILL, COOK, GOTTFRIED -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to voter registration transfers

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

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

1. The board of elections shall transfer the registration and enrollment of any voter **appearing on a statewide voter list pursuant to subdivision one of section 5-614 of this article** for whom it receives a notice of change of address to another address in [~~the same county or city~~] **New York state**, or for any voter who [~~casts~~] **submits** a ballot in an affidavit ballot envelope which sets forth such a new address. Such

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

LBD01332-02-9

notices shall include, but not be limited to, notices received from any state agency which conducts a voter registration program pursuant to the provisions of sections 5-211 and 5-212 of this title, that the voter has notified such agency of a change of address in [~~the same city or county~~] New York state unless the voter has indicated that such change of address is not for voter registration purposes, notices of change of address from the United States Postal Service through the National Change of Address System, any notices of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service, national or state voter registration forms, confirmation mailing response cards, United States Postal Service notices to correspondents of change of address, applications for registration from persons already registered in [~~such county or city~~] New York state, or any other notices to correspondents sent to the board of elections by such voters.

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

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

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

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

(ii) He or she may swear to and subscribe an affidavit stating that he or she has duly registered to vote, the address in such election district from which he or she registered, that he or she remains a duly qualified voter in such election district, that his or her registration poll record appears to be lost or misplaced or that his or her name and/or his or her signature was omitted from the computer generated registration list or that he or she has moved within [~~the county or city~~] New York state since he or she last registered, the address from which he or she was previously registered and the address at which he or she currently resides, and at a primary election, the party in which he or she is enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. Such form prescribed by the state board of elections shall request information required to register such voter should the county board determine that such voter is not registered and shall constitute an application to register to vote. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided at the end of the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such

person's name appears on the computer generated registration list, the board of elections may provide a place to make such entry next to his or her name on such list. The voter shall then, without further inquiry, be permitted to vote an affidavit ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing his or her affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

§ 3. Subdivision 1 of section 4-117 of the election law, as amended by chapter 3 of the laws of 2018, is amended to read as follows:

1. The board of elections, between August first and August fifth of each year, shall send by mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter of the days and hours of the ensuing primary and general elections, the place where he appears by his registration records to be entitled to vote, the fact that voters who have moved or will have moved from the address where they were last registered must [~~re-register or, that if such move was to another address in the same county or city, that such voter may~~] either notify the board of elections of his new address or vote by paper ballot at the polling place for his new address even if such voter has not re-registered, or otherwise notified the board of elections of the change of address. If the primary will not be held on the first Tuesday after the second Monday in September, the communication shall contain a conspicuous notice in all capital letters and bold font notifying the voter of the primary date. If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also indicate whether the polling place is accessible to physically disabled voters, that a voter who will be out of the city or county on the day of the primary or general election or a voter who is ill or physically disabled may obtain an absentee ballot, that a physically disabled voter whose polling place is not accessible may request that his registration record be moved to an election district which has a polling place which is accessible, the phone number to call for applications to move a registration record or for absentee ballot applications, the phone number to call for the location of registration and polling places, the phone number to call to indicate that the voter is willing to serve on election day as an election inspector, poll clerk, interpreter or in other capacities, the phone number to call to obtain an application for registration by mail, and such other information concerning the elections or registration as the board may include. In lieu of sending such communication to every registered voter, the board of elections may send a single communication to a household containing more than one registered voter, provided that the names of all such voters appear as part of the address on such communication.

§ 4. Paragraph (a) of subdivision 1 of section 5-400 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

(a) Moved his **or her** residence outside the [~~**city or county in which he is registered**~~] **state**.

§ 5. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of the election law, paragraphs (b) and (d) as added by section 20 and paragraph (c) as added and paragraph (d) as relettered by section 22 of chapter 659 of the laws of 1994, are amended to read as follows:

(b) A notice that the registrant has moved to an address outside the [~~**city or county**~~] **state** which is signed by the registrant and sent to the board of elections.

(c) A notice signed by the registrant which states that such registrant has moved to an address outside the [~~**city or county**~~] **state** and that such change of address is for voter registration purposes.

(d) A notice from a board of elections or other voter registration officer or agency that such person has registered to vote from an address outside [~~**such city or county**~~] **the state**.

§ 6. The opening paragraph of section 9-209 of the election law, as amended by chapter 163 of the laws of 2010, 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 [~~**county or city**~~] **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. 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.

§ 7. This act shall take effect on the sixtieth day after it shall have become a law.