

# STATE OF NEW YORK

1780

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

Introduced by Sen. 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 the registration status of voters

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

1 Section 1. Section 17-106 of the election law, as amended by chapter 9  
2 of the laws of 1978, is amended to read as follows:

3 § 17-106. Misconduct of election officers. Any election officer who  
4 wilfully refuses to accord to any duly accredited watcher or to any  
5 voter or candidate any right given him by this chapter, including the  
6 cancellation of a voter's registration in violation of section 5-400 of  
7 this chapter or the refusal to allow an individual to vote due to an  
8 inactive status in violation of section 5-213 of this chapter, or who  
9 wilfully violates any provision of the election law relative to the  
10 registration of electors or to the taking, recording, counting, canvass-  
11 ing, tallying or certifying of votes, or who wilfully neglects or  
12 refuses to perform any duty imposed on him by law, or is guilty of any  
13 fraud in the execution of the duties of his office, or connives in any  
14 electoral fraud, or knowingly permits any such fraud to be practiced, is  
15 guilty of a felony.

16 § 2. Subdivision 1 of section 5-400 of the election law, as amended by  
17 chapter 659 of the laws of 1994, is amended to read as follows:

18 1. A voter's registration[~~including the registration of a voter in~~  
19 ~~inactive status,~~] shall be cancelled if[~~7~~]: (a) since the time of his  
20 last registration, he:

21 [~~a~~] (i) Moved his residence outside the city or county in which he  
22 is registered[~~7~~];

23 [~~b~~] (ii) Was convicted of a felony disqualifying him from voting  
24 pursuant to the provisions of section 5-106 of this article[~~7~~];

25 [~~c~~] (iii) Has been adjudicated an incompetent[~~7~~];

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

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1 [~~(d)~~] (iv) Refused to take a challenge oath[-];

2 [~~(e)~~] (v) Has died[-];

3 [~~(f)~~] ~~Did not vote in any election conducted by the board of elections~~  
4 ~~during the period ending with the second general election at which~~  
5 ~~candidates for federal office are on the ballot after his name was~~  
6 ~~placed in inactive status and for whom the board of elections did not,~~  
7 ~~during such period, in any other way, receive any information that such~~  
8 ~~voter still resides in the same county or city.~~

9 (g) (vi) Personally requested to have his name removed from the list  
10 of registered voters[-];

11 [~~(h)~~] (vii) For any other reason, is no longer qualified to vote as  
12 provided in this chapter[-]; and

13 (b) the board of elections verifies that one of the circumstances  
14 provided for in paragraph (a) of this subdivision has occurred.

15 § 3. Subdivisions 2 and 3 of section 5-213 of the election law, as  
16 amended by chapter 200 of the laws of 1996, are amended to read as  
17 follows:

18 2. The registration poll records of all such voters shall be removed  
19 from the poll ledgers and [~~maintained at~~] compiled by the offices of the  
20 board of elections [~~in a file arranged alphabetically by~~] and placed in  
21 an inactive poll ledger to be distributed to each election district  
22 within a county. If such board uses computer generated registration  
23 lists, the names of such voters shall not be placed on such lists at  
24 subsequent elections other than lists prepared pursuant to the  
25 provisions of section 5-612 of this article but shall be [~~kept as a~~  
26 ~~computer record at the offices of such board~~] compiled by the offices of  
27 the board of elections and placed in an inactive poll ledger to be  
28 distributed to each election district within a county.

29 3. The board of elections shall restore the registration of any such  
30 voter to active status if such voter notifies the board of elections  
31 that he resides at the address from which he is registered, or the board  
32 finds that such voter has validly signed a designating or nominating  
33 petition which states that he resides at such address, or if such voter  
34 casts a ballot in an affidavit envelope which states that he resides at  
35 such address, or if the board receives notice that such voter has voted  
36 in an election conducted with registration lists prepared pursuant to  
37 the provisions of section 5-612 of this article. If such voter casts a  
38 ballot in an affidavit envelope and such ballot meets all other require-  
39 ments of this chapter, such voter's name shall be restored to active  
40 status for such election and such ballot shall be counted for the  
41 election in which it was cast. If any such notification or information  
42 is received twenty days or more before a primary, special or general  
43 election, the voter's name must be restored to active status for such  
44 election.

45 § 4. This act shall take effect immediately.