STATE OF NEW YORK

5435

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

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

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:

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

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

§ 2. Subdivision 1 of section 5-400 of the election law, as amended by chapter 659 of the laws of 1994 and paragraph (a) as amended by chapter 3 of the laws of 2019, is amended to read as follows:

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

[~~(a)~~] **(i)** Moved his or her residence outside the state[~~,~~]**;**

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

[~~(c)~~] **(iii)** Has been adjudicated an incompetent[~~,~~]**;**

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

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[~~(d)~~] (iv) Refused to take a challenge oath[~~.~~];
[~~(e)~~] (v) Has died[~~.~~];
[~~(f) Did not vote in any election conducted by the board of elections during the period ending with the second general election at which candidates for federal office are on the ballot after his name was placed in inactive status and for whom the board of elections did not, during such period, in any other way, receive any information that such voter still resides in the same county or city.~~
~~(g)~~] (vi) Personally requested to have his name removed from the list of registered voters[~~.~~];
[~~(h)~~] (vii) For any other reason, is no longer qualified to vote as provided in this chapter[~~.~~]; and
(b) the board of elections verifies that one of the circumstances provided for in paragraph (a) of this subdivision has occurred.

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

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

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

§ 4. This act shall take effect immediately.