STATE OF NEW YORK

3921

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the election law, in relation to voting rights expansion, voter registration on election day, expansion of the use of and requirements for absentee voting, creation of a real-time state-wide voter registration database, special ballots for election employees, voter affidavits; and to repeal certain provisions of such law relating thereto

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

Section 1. The election law is amended by adding two new sections 5-217 and 5-217-a to read as follows:

§ 5-217. Registering at the polling place; election day registration. 1. The provisions of this section and section 5-217-a of this title shall be used as an additional procedure for voter registration. For the purposes of this section and section 5-217-a of this title, the term "election day" shall refer to state primary and to state general elections, to all town, city, school district, and village district elections, and to all elections where persons may vote by absentee ballot. A person registering to vote on election day shall do so in accordance with the provisions of this section and all other applicable law including, but not limited to completion of a voter registration form as provided for in section 5-210 of this title. The provisions of this section and those of 5-217-a of this title shall apply notwithstanding any provisions of law to the contrary.

2. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election date. The voter may then vote in such election. The applicant shall be required to produce appropriate proof of qualifications as provided in this chapter.

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

LBD07117-01-3

3. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

§ 5-217-a. Effect of registration on election day. Any person who registers to vote on election day according to the provisions of section 5-217 of this title shall be registered to vote at all subsequent town, state, and federal elections.

§ 2. Section 8-400 of the election law is REPEALED and a new section 8-400 is added to read as follows:

§ 8-400. Absentee voting. 1. A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she elects to do such. Any reference to "board of elections" in the remaining provisions of this section means only the board of elections of the county or city in which the absentee voter is a qualified voter.

2. The board of elections for all counties or cities shall mail an absentee ballot to every registered and qualified voter residing in such county or city. Such absentee ballot shall be mailed to every registered and qualified voter at the address given on his or her registration records no later than thirty days before the scheduled election is to be held.

3. In the case of a primary election, the board shall deliver only the ballot of the party in which the records of the board of elections show the absentee voter to be enrolled. In the event a primary election is uncontested in the absentee voters election district for all offices or positions except the party position of member of the ward, town, city or county committee, no ballot shall be delivered to such absentee voter for such election; and the absentee voter shall be advised why he or she is not being sent a ballot.

4. If a person voting by absentee ballot is unable to sign his or her signature because of illness, physical disability or inability to read, he or she shall be excused from signing upon making a statement, in substantially the following form, which shall be witnessed by one person:

"I hereby state that I am unable to sign my absentee ballot without assistance because I am unable to write by reason of my illness or physical disability or because I am unable to read. I have made, or have received assistance in making, my mark in lieu of my signature."

(Date).....

.....(Mark)
(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed his or her mark to this application in my presence and I know him or her to be the person who affixed his or her mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn."

.....
(Signature of Witness)

.....
(Address of Witness)

Such statement shall be included in the absentee ballot furnished by the board of elections. The provisions of this subdivision shall also apply to any application for an absentee ballot pursuant to section 8-402 of this title.

5. The board shall keep a record of all absentee ballots that are mailed, showing the names and residences of the absentee voters, and their party enrollment in the case of primary elections, and, as soon as practicable shall, when requested, give to the chair of each political party or independent body in the county, and shall make available for inspection to any other qualified voter upon request, a complete list of all absentee voters to whom ballots have been delivered or mailed, containing their names and places of residence as they appear on the registration record, including the election district and ward, if any, and in the city of New York and the county of Nassau, the assembly district, and their party enrollment in the case of primary elections.

§ 3. Section 8-402 of the election law is REPEALED and a new section 8-402 is added to read as follows:

§ 8-402. Applications for absentee ballots. 1. Any voter, upon application, may request that their absentee ballot be mailed to them at an address other than their permanent address, if he or she expects to be absent from the county or city of residence and unable to obtain their absentee ballot.

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election. Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent by air mail.

(b) The application for an absentee ballot when filed must contain in each instance the following information:

(i) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and his or her town or city and an address to which the ballot shall be mailed.

(ii) A statement that the applicant is a qualified and registered voter.

(iii) A statement that the applicant expects in good faith to be absent from the county or city of his or her residence provided, however, if the applicant expects to be absent from such county or city for a duration covering more than one election and seeks an absentee ballot for each election, he or she shall state the dates when he or she expects to begin and end such absence.

2. The application for an absentee ballot shall contain the following language printed in bold face directly above the signature line: "I CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY

SWORN." Such application shall be accepted for all proposes as the equivalent of an affidavit and if it contains a material false statement shall subject the person signing it to the same penalties as if he or she had been duly sworn.

3. For purposes of this section, the use of titles, initials or customary abbreviations of given names by the signers of, or witnesses to, an absentee ballot request letter, an absentee ballot application form or an absentee ballot envelope, or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such voter's signature or witness's signature on an application for an absentee ballot or upon canvass or recanvass of the ballot pursuant to this chapter.

4. Printed forms of applications for absentee ballots in accordance with the requirements of this section shall be provided by the board of elections. An appropriate number shall be retained by the board of elections for the purpose of furnishing an application form to each qualified voter who applies therefor before the board of elections, either in person or by mail, and an appropriate number shall be delivered to each board of inspectors on registration days with the election supplies, and the board of inspectors shall retain the completed and unused applications and return them to the board of elections with their election supplies and an appropriate number shall be available for distribution to officers of political parties, county clerks, city, town and village clerks, colleges, libraries, hospitals, nursing homes, senior citizens centers and any other convenient distribution source which is approved by the local or state board of elections and which requests such forms.

5. The state board of elections shall prescribe a standard application form for use under this section. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing.

6. If the board shall find that the applicant is a qualified voter of the election district containing his or her residence as stated in his or her statement and that his or her statement is sufficient, it shall, as soon as practicable after it shall have determined his or her right thereto, mail to him or her at an address designated by him or her, or deliver to him or her, or to any person designated for such purpose in writing by him or her, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this title if such facility is located in the county or city in which such voter is eligible to vote.

§ 4. Section 8-404 of the election law, subdivision 1 as amended by chapter 375 of the laws of 2015, is amended to read as follows:

§ 8-404. Absentee voting; hospitalized veterans, special provisions.

1. After entering upon the registration records, the application for registration of a resident or patient of a veterans health administration hospital as to whom the medical superintendent or medical head of such hospital has attested that he or she expects that [~~he or she~~] **such veteran** will not be discharged prior to the day following the next general or special village, primary, special, general or New York city community school board district or city of Buffalo school district election, and the application for registration by the spouse, parent or child of such resident or patient, accompanying or being with him or her, if a qualified voter and a resident of the same election district, the board of elections, without further investigation and without further application by the applicant, shall send to him or her at such hospital an absentee ballot and shall record in the signature column on the back of his or her permanent personal registration poll record that such ballot has been sent.

(a) Any voter who is duly registered and whose registration records are marked "Hospitalized Veteran" or "Hospitalized Veteran's Relative" need not thereafter make application for an absentee ballot. Sixty days before each election, the board of elections shall compile and send a list to each veterans health administration hospital of all residents and patients of veterans health administration hospitals who appear by the records of such board to be "hospitalized veterans" entitled to receive absentee ballots at each such hospital pursuant to the provisions of this section. Each veterans health administration hospital shall no later than fifteen days following the receipt of such list, return it with notations made thereon showing whether the resident or patient continues to be confined therein or has been discharged therefrom. Upon the receipt of such returned list from each veterans health administration hospital with the proper notations showing that a "hospitalized veteran" continues to be confined in such hospital, the board of elections, by mail addressed to such "hospitalized veteran" at his or her last known hospital address and by mail addressed to such "hospitalized veteran's relative" at his or her last known address shall send an absentee ballot for the ensuing election to such "hospitalized veteran" and such "hospitalized veteran's relative" [~~an absentee ballot in the same manner as provided in this section for a qualified voter entitled to an absentee ballot because of permanent disability~~]. The board shall record on the back of his or her registration poll record in the space reserved for his or her signature at such election, the fact that such ballot has been sent.

(b) If the returned list from a veterans' administration hospital contains a notation showing that a "hospitalized veteran" is no longer a resident or patient at the veterans health administration hospital where he or she is recorded as staying, or if such letter containing an absentee voter's ballot for a "hospitalized veteran" or a "hospitalized veteran's relative" is returned by the post office as undeliverable, the board of elections shall ascertain whether the "hospitalized veteran" or "hospitalized veteran's relative" is residing at the address given on his or her registration records as his or her permanent address. If he or she is residing there, the board shall [~~not~~] send him or her [~~any further absentee ballots unless he or she applies therefor in the regular way~~] **an absentee ballot at such address**. If he or she is not residing at the place of residence given on his or her registration records but the board ascertains that he or she has been transferred to another veterans health administration hospital, the board shall cause a central board of registration to make the necessary changes of temporary address

on his or her registration records and shall continue sending him or her absentee ballots at the veterans health administration hospital where he or she is staying. If he or she is not residing at the place of residence given on his or her registration records and the board cannot ascertain that he or she has been transferred to another veterans health administration hospital, the board shall cancel his or her registration. Whenever a registration is cancelled pursuant to this paragraph notice shall be mailed to the veteran or his or her relative at his or her permanent residence address and last temporary address.

2. The board of elections shall furnish to each party county chairman in such county a list of the names and residence addresses of the hospitalized veterans and hospitalized veterans' relatives to whom absentee ballots have been sent.

3. Such ballots shall be mailed, voted, returned, counted, and canvassed as provided in this chapter for other absentee voters' ballots.

§ 5. Section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

§ 8-406. Absentee ballots, delivery of. 1. [~~If the~~] **The** board shall [~~find that the applicant is a qualified voter of the election district containing his residence as stated in his statement and that his statement is sufficient, it shall, as soon as practicable after it shall have determined his right thereto,~~] mail to [~~him~~] **all voters an absentee ballot and an envelope** at [~~an~~] **the permanent** address designated [~~by him, or deliver to him, or to any person designated for such purpose in writing by him, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor~~] **on such voter's registration records**. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if [~~an applicant who is eligible for an absentee ballot~~] **a voter** is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this [~~chapter~~] **title** if such facility is located in the county or city in which such voter is eligible to vote.

2. When mailing an absentee ballot to a voter the board of elections shall provide a domestic postage paid return envelope. When providing an absentee ballot to a voter in-person, the board of elections shall offer the voter a domestic postage paid return envelope and provide one if requested.

§ 6. Section 8-407 of the election law, as added by chapter 296 of the laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of 1989, is amended to read as follows:

§ 8-407. Voting by residents of nursing homes, residential health care facilities, facilities operated or licensed, or under the jurisdiction of, the department of mental hygiene or hospitals or facilities operated by the Veteran's Administration of the United States. 1. The board of elections of a county or city in which there is located at least one

facility operated or licensed, or under the jurisdiction of, the department of mental hygiene, or a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law or an adult care facility subject to the provisions of title two of article seven of the social services law, or a hospital or other facility operated by the Veteran's Administration of the United States shall provide [~~that~~] residents of each such facility [~~for which such board has received twenty-five or more applications for~~] absentee ballots [~~from voters who are eligible to vote by absentee ballot in such city or county at such election, may vote by absentee ballot only~~] in the manner provided for in this section. [~~Such board may, in its discretion, provide that the procedure described in this subdivision shall be applicable to all such facilities in such county or city without regard to the number of absentee ballot applications received from the residents of any such facility.~~]

2. Such a board of elections shall appoint, in the same manner as other inspectors, one or more bi-partisan boards of inspectors, each composed of two such inspectors. Such inspectors may be regular employees of such board of elections.

3. Not earlier than thirteen days before or later than the day before such an election such a board of inspectors shall, between the hours of nine o'clock in the morning and five o'clock in the evening, attend at each such facility for the residents [~~of which the board of elections has custody of twenty-five or more absentee ballots or, if the board of elections has so provided, each such facility for which the board has custody of one or more such absentee ballots, pursuant to the provisions of this chapter~~].

4. Each such board of inspectors may attend at more than one facility, provided, however, that no such board of inspectors shall be assigned to attend at more facilities than it reasonably can be expected to complete within the time specified by this section.

5. The board of elections shall deliver to each board of inspectors all [~~the~~] absentee ballots [~~in the custody of such board of elections which are addressed to~~] **for** residents of the facilities which such board of inspectors is assigned to attend, together with one or more portable voting booths of a type approved by the state board of elections and such other supplies as such board of inspectors will require to discharge its duties properly.

6. The board of elections, at least twenty days before each such election, [~~or on the day after it shall have received the requisite number of applications for absentee ballots from the residents of any such facility, whichever is later,~~] shall communicate with the superintendent, administrator or director of each such facility to arrange the day and time when the board of inspectors will attend at such facility. The board of elections shall keep a list of the day and time at which the board of inspectors will attend at each such facility as a public record at its office.

7. It shall be the duty of each such superintendent, administrator or director to assist the board of inspectors attending such facility in the discharge of its duties, including, but not limited to making available to such board of inspectors space within such facility suitable for the discharge of its duties.

8. The board of inspectors shall deliver [~~each absentee ballot addressed to a resident of each such facility to such resident~~] **absentee ballots for residents to all facilities**. If [~~such~~] **any** resident is phys-

ically disabled the inspectors shall, if necessary, deliver the ballot to such voter at his **or her** bedside.

9. The board of inspectors shall arrange the portable voting booth or booths provided and effect such safeguards as may be necessary to provide secrecy for the votes cast by such residents.

10. If such a resident is unable to mark his **or her** ballot, he **or she** may be assisted in marking such ballot by the two members of the board of inspectors or such other person as he **or she** may select. If a voter is unable to mark the ballot and unable to communicate how he **or she** wishes such ballot marked, such ballot shall not be cast. No person who assists a voter to mark his **or her** ballot pursuant to the provisions of this section, shall disclose to any other person how any such ballot was marked.

11. [~~**Except as otherwise provided in this section, all ballots cast pursuant to this section shall be cast in the manner provided by this chapter for the casting of absentee ballots.**~~

~~**12.**~~] After such ballots have been cast and sealed in the appropriate envelopes, they shall be returned to such inspectors.

[~~**13.**~~] **12.** Upon completion of its duties, the board of inspectors shall forthwith return all such ballots to the board of elections.

[~~**14.**~~] **13.** Any person, political committee or independent body entitled to appoint watchers for the election district in which any such facility is located [~~**at the election for which such absentee ballots are cast,**~~] shall be entitled to appoint a watcher to attend such board of inspectors at such facility.

[~~**15.**~~] **14.** All ballots cast pursuant to the provisions of this section which are received before the close of the polls on election day by the board of elections charged with the duty of casting and canvassing such ballots, may be delivered to the inspectors of election in the manner prescribed by this chapter or retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter as such board shall, in its discretion, determine pursuant to the provisions of subdivision one of this section.

§ 7. Subdivision 1 of section 8-412 of the election law, as amended by chapter 140 of the laws of 2020, is amended to read as follows:

1. The board of elections shall cause all absentee ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted [~~**except that the absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot**~~]. For purposes of this section, any absentee ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election.

§ 8. The election law is amended by adding a new section 5-714 to read as follows:

§ 5-714. Computerized statewide voter registration list. 1. The New York state board of elections shall, within one year of the effective date of this section implement, in a uniform and nondiscriminatory

manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration database system. Such database system shall be defined, maintained, and administered at the state level and shall contain the voter registration lists maintained by each county board of elections. Further, such database system shall contain the name and registration information of every legally registered voter in the state and shall assign a unique identifier to each legally registered voter. The single, uniform, official, centralized, interactive, computerized statewide voter registration database system required by this section shall be referred to as the "centralized statewide registration system".

2. The centralized statewide registration system and the computerized statewide voter registration list shall be fully compliant with all applicable requirements specified in section 303 of the federal "Help America Vote Act of 2002", Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq and shall meet all applicable privacy requirements under this chapter.

3. Within two years of the effective date of this section each county board of elections shall maintain voter registration information by utilizing the centralized statewide registration system developed or acquired by the state board of elections under subdivision one of this section. Prior to the implementation of the computerized statewide voter registration list required by subdivision one of this section, if the county chooses to maintain voter registration information on its own computer system, the information required by law to be transmitted to the New York state board of elections shall be transmitted in a media format acceptable to the New York state board of elections and within the time prescribed by the New York state board of elections.

4. (a) The centralized statewide registration system shall enable the state board of elections to maintain voter registration information and shall include such additional capabilities as may be necessary or desirable to enable the county boards of elections and the state board of elections to carry out their responsibilities related to the conduct of elections. Such additional capabilities may include but need not be limited to the preparation of ballots, the identification of voting districts for each address, access by county boards of elections to the master list of registered electors.

(b) Within two years of the effective date of this section the computerized statewide voter registration list maintained pursuant to this section shall allow for:

(i) the management of absentee ballots, the preparation of official abstracts of votes cast, the transmission of voting data from county boards of election to the state board of elections, and reporting of voting results on election night; and

(ii) access to the digitized signatures of electors in the centralized statewide registration system for the purpose of comparing an elector's signature in the system with the signature on the return envelope of an absentee ballot, including by using a signature verification.

5. (a) Subject to available appropriations, the state board of elections is responsible for the cost of acquiring computer hardware and providing necessary training for the centralized statewide registration system. The state board of elections shall promulgate rules specifying whether such hardware is owned by the state or the counties or whether and to what extent ownership may be shared between the state and the counties. If the state provides system hardware to any county, it may transfer ownership of the hardware to that county. The state board of

elections may promulgate rules providing that the county shall be solely responsible for the support and maintenance of the hardware provided to the counties.

(b) Within four years of the effective date of this section the state board of elections shall make the centralized statewide registration system software available at no charge to each county board of elections.

(c) As soon as practicable, the department of state shall make the master list of registered electors available at no charge on the internet to county boards of election. This section shall not be construed to require the state to provide or pay for internet connection services for any county.

§ 9. Section 11-302 of the election law, as amended by chapter 257 of the laws of 2019, is amended to read as follows:

§ 11-302. Special ballots for board of election employees. A person who is an employee of the board of elections or who has been appointed to serve as an inspector of elections, poll clerk or election coordinator at a polling place other than the one at which he or she is registered to vote, may deliver to the inspectors of election of the election district in which he or she is registered, or to the board of elections, at any time during the period in which an application for an absentee ballot may be so delivered pursuant to the provisions of this chapter, a written statement that he or she will be unable to appear at the polling place for such election district on the day of an election because his or her duties as an employee of such board or as an inspector, poll clerk or election coordinator require him or her to be elsewhere. The board of elections shall provide such voter a special ballot any time prior to the close of the polls on election day, provided however that the distribution of such ballots to such voters shall be timed to afford such voters sufficient time to cast such ballots prior to the close of the polls on election day. **Absent affirmative proof of fraud such ballots shall be presumed valid and cast.** Such cast ballots may be delivered to an office of such board of elections or to any board of inspectors not later than the close of the polls on election day. Such ballots shall be retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter.

§ 10. Subparagraph (ii) of paragraph (e) of subdivision 3 of section 8-302 of the election law, as amended by section 8 of part XX of chapter 55 of the laws of 2019, 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 such record indicates the voter already voted when he or she did not do so or that he or she has moved within 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 **substantially comply with and** 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 in the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears in such registration list, the board of elections may provide a place to make such entry next to his or her name in 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.

§ 11. This act shall take effect immediately.