STATE OF NEW YORK

5473

2023-2024 Regular Sessions

IN ASSEMBLY

March 10, 2023

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

AN ACT to amend the election law and the public health law, in relation to requiring funeral directors to deliver death certificates

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

Section 1. Subdivision 1 of section 5-708 of the election law, as amended by chapter 476 of the laws of 2002, is amended to read as follows:

1. It shall be the duty of **all funeral directors to deliver death certificates to** the state health department and the department of health of the city of New York [~~to~~]**, who shall in turn** deliver to the state board of elections, at least monthly, records, in a format as mutually determined by both agencies, of the names of all persons of voting age for whom death certificates were issued. Such records shall be arranged by county of residence and shall include the name, residence address and birth date of each such person. **Each county board of elections shall subsequently ensure that any decedent registered to vote shall promptly be removed from enrollment.**

§ 2. Subdivisions (c), (d) and (e) of section 4142 of the public health law, subdivision (e) as added by chapter 352 of the laws of 2013, are amended and a new subdivision (f) is added to read as follows:

(c) state the facts required on the certificate of death relative to the date and place of burial, cremation or removal, over his signature and with his address; [~~and,~~]

(d) prior to the disposition of the remains, file the certificate of death with the registrar of the district in which the death occurred as provided in section four thousand one hundred forty of this article[~~.~~]**;**

(e) notwithstanding any contrary provisions of law as may be set forth in this section, commencing on or after the implementation date under section forty-one hundred forty-eight of this title, information and

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

LBD01026-01-3

signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this title[~~.~~]; and

(f) present the certificate promptly to the state health department and the department of health of the city of New York, who shall in turn deliver death certificates to the state board of elections, as prescribed by section 5-708 of the election law. Such records shall be arranged by county of residence and shall include the name, residence address and birth date of each deceased person. Each county board of elections shall subsequently ensure that any deceased person registered to vote shall promptly be removed from enrollment.

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