STATE OF NEW YORK

3234--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to permitting voting at any polling place within the same county

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 a new section 8-107 to read as follows:

§ 8-107. Choice of polling place. Any voter registered to vote in any election district within a county outside the city of New York shall be entitled to vote at any polling place within that county. Any voter registered to vote in any election district within the city of New York shall be entitled to vote at any polling place within the city of New York. Each board of elections shall ensure that each polling place within its jurisdiction shall be equipped to print ballots on demand. The state board of elections shall promulgate regulations to ensure that auditing and recanvassing of votes shall remain simple, accurate, affordable, and secure, including by requiring marks on ballots to determine the relevant election district so ballots can be quickly and easily sorted by election district. Nothing in this section shall be read to permit a board of elections to reduce the number of polling places below existing requirements, and each election district shall have a polling place at which preprinted ballots shall be available, which shall be deemed the polling place for such election district.

§ 2. Subdivision 3 of section 8-600 of the election law, as added by chapter 6 of the laws of 2019, is amended to read as follows:

3. Any voter **registered in an election district outside the city of New York** may vote at any polling place for early voting established pursuant to subdivision two of this section in the county where such voter is registered to vote[**~~; provided, however, if it is impractical to~~**

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

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~~provide each polling place for early voting all of the election district ballots or if early voting at any such polling place makes ensuring that no voter has not previously voted early during such election, the board of elections may assign election districts to a particular early voting poll site~~]. **Any voter registered in an election district within the city of New York may vote at any polling place for early voting established pursuant to subdivision two of this section in the city of New York.** All voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis. [~~If the board of elections does not agree by majority vote to plan to assign election districts to early voting poll sites, all voters in the county must be able to vote at any poll site for early voting in the county.~~]

§ 3. Section 4-132 of the election law is amended by adding a new subdivision e to read as follows:

e. On demand ballot printers for individuals entitled to vote in such polling place where ballots for such individual's election district are not available in pre-printed format. Ballot printers must be maintained and serviced prior to each election. Paperwork must be created and signed by the commissioners that each ballot printer that is intended to be put into use in the upcoming election has been serviced and is in good working condition.

§ 4. Subdivision 9 of section 5-210 of the election law, as amended by chapter 44 of the laws of 2016, is amended to read as follows:

9. The county board of elections shall, promptly and in any event, not later than twenty-one days after receipt by it of the application, verify the identity of the applicant. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within twenty-one days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable first class or return postage guaranteed 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. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for

requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when his **or her** registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which he **or she** will be eligible to vote, of the location of the polling [~~place~~] **places** of the election district **and county** in which he **or she** is or will be a qualified voter, **of the location of the polling place of the election district and county in which preprinted ballots shall be available,** whether such polling [~~place is~~] **places are** accessible to physically handicapped voters, an indication that physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered without a new address, the board shall forthwith send such applicant a confirmation notice pursuant to the provisions of section 5-712 of this article and place such applicant in inactive status. The state board of elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

§ 5. Subdivision 1 of section 5-226 of the election law is amended to read as follows:

1. If any voter has been registered in a wrong election district, the board of elections shall, if he **or she** is a qualified voter in any election district within the jurisdiction of such board, change his **or her** registration to the correct election district. The board of elections shall thereupon give immediate notice by mail to such voter that his **or her** registration has been corrected, and also the location of the polling [~~place~~] **places** of the election district in which he **or she** is a qualified voter.

§ 6. Subdivision 1 of section 5-500 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

1. There shall be two records of the registration of each voter. Except as otherwise provided in this chapter, one record shall be sent, at the time of every election, to the polling [~~place~~] **places** where the voter is entitled to vote, and shall be known as the "registration poll record". Between elections it shall be kept in the main office or a branch office of the board of elections. The other record shall be kept constantly in such main office or branch office and shall be known as the "central file registration record". The two types of records shall be prepared in different colors.

§ 7. Subdivision 1 of section 5-601 of the election law, as amended by chapter 599 of the laws of 1991, is amended to read as follows:

1. [~~A physically disabled voter whose polling place is located in a building that is not accessible shall be entitled to vote in any other election district whose polling place is located in a building which is accessible, provided that the candidates and ballot proposals on the ballot in such other election district are the same as those on the ballot in the election district in which such voter resides.~~] **Each polling place shall be accessible.**

§ 8. Subdivision 6 of section 7-122 of the election law, as amended by chapter 411 of the laws of 2019, is amended to read as follows:

6. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at [~~the~~] **a** polling place of the election district in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his or her own name)

.....
Address of Witness

§ 9. Subdivision 3 of section 8-100 of the election law is amended to read as follows:

3. In any election district in which a primary of any party is uncontested, no primary of such party shall be held. In any election district in which the primaries of all parties are uncontested on the day of any primary election, no primaries shall be held on such day [~~and the polling place shall not be opened for voting~~].

§ 10. This act shall take effect January 1, 2024.