

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.

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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)

1 _____
2 (Address of Witness)

3 Such statement shall be included in the absentee ballot furnished by
4 the board of elections. The provisions of this subdivision shall also
5 apply to any application for an absentee ballot pursuant to section
6 8-402 of this title.

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

18 § 3. Section 8-402 of the election law is REPEALED and a new section
19 8-402 is added to read as follows:

20 § 8-402. Applications for absentee ballots. 1. Any voter, upon appli-
21 cation, may request that their absentee ballot be mailed to them at an
22 address other than their permanent address, if he or she expects to be
23 absent from the county or city of residence and unable to obtain their
24 absentee ballot.

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

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

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

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

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

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

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

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

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

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

33 6. If the board shall find that the applicant is a qualified voter of
34 the election district containing his or her residence as stated in his
35 or her statement and that his or her statement is sufficient, it shall,
36 as soon as practicable after it shall have determined his or her right
37 thereto, mail to him or her at an address designated by him or her, or
38 deliver to him or her, or to any person designated for such purpose in
39 writing by him or her, at the office of the board, such an absentee
40 voter's ballot or set of ballots and an envelope therefor. If the ballot
41 or ballots are to be sent outside of the United States to a country
42 other than Canada or Mexico, such ballot or ballots shall be sent by air
43 mail. However, if an applicant who is eligible for an absentee ballot is
44 a resident of a facility operated or licensed by, or under the jurisdic-
45 tion of, the department of mental hygiene, or a resident of a facility
46 defined as a nursing home or residential health care facility pursuant
47 to subdivisions two and three of section two thousand eight hundred one
48 of the public health law, or a resident of a hospital or other facility
49 operated by the Veteran's Administration of the United States, such
50 absentee ballot need not be so mailed or delivered to any such applicant
51 but, may be delivered to the voter in the manner prescribed by section
52 8-407 of this title if such facility is located in the county or city in
53 which such voter is eligible to vote.

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

56 § 8-404. Absentee voting; hospitalized veterans, special provisions.

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

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

41 (b) If the returned list from a veterans' administration hospital
42 contains a notation showing that a "hospitalized veteran" is no longer a
43 resident or patient at the veterans health administration hospital where
44 he or she is recorded as staying, or if such letter containing an absen-
45 tee voter's ballot for a "hospitalized veteran" or a "hospitalized
46 veteran's relative" is returned by the post office as undeliverable, the
47 board of elections shall ascertain whether the "hospitalized veteran" or
48 "hospitalized veteran's relative" is residing at the address given on
49 his or her registration records as his or her permanent address. If he
50 or she is residing there, the board shall ~~[not]~~ send him or her ~~[any~~
51 ~~further absentee ballots unless he or she applies therefor in the regu-~~
52 ~~lar way]~~ an absentee ballot at such address. If he or she is not resid-
53 ing at the place of residence given on his or her registration records
54 but the board ascertains that he or she has been transferred to another
55 veterans health administration hospital, the board shall cause a central
56 board of registration to make the necessary changes of temporary address

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

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

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

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

20 § 8-406. Absentee ballots, delivery of. 1. ~~[If the]~~ The board shall
21 ~~[find that the applicant is a qualified voter of the election district~~
22 ~~containing his residence as stated in his statement and that his state-~~
23 ~~ment is sufficient, it shall, as soon as practicable after it shall have~~
24 ~~determined his right thereto,]~~ mail to ~~[him]~~ all voters an absentee
25 ballot and an envelope at ~~[an]~~ the permanent address designated ~~[by him,~~
26 ~~or deliver to him, or to any person designated for such purpose in writ-~~
27 ~~ing by him, at the office of the board, such an absentee voter's ballot~~
28 ~~or set of ballots and an envelope therefor]~~ on such voter's registration
29 records. If the ballot or ballots are to be sent outside of the United
30 States to a country other than Canada or Mexico, such ballot or ballots
31 shall be sent by air mail. However, if ~~[an applicant who is eligible~~
32 ~~for an absentee ballot]~~ a voter is a resident of a facility operated or
33 licensed by, or under the jurisdiction of, the department of mental
34 hygiene, or a resident of a facility defined as a nursing home or resi-
35 dential health care facility pursuant to subdivisions two and three of
36 section two thousand eight hundred one of the public health law, or a
37 resident of a hospital or other facility operated by the Veteran's
38 Administration of the United States, such absentee ballot need not be so
39 mailed or delivered to any such applicant but, may be delivered to the
40 voter in the manner prescribed by section 8-407 of this ~~[chapter]~~ title
41 if such facility is located in the county or city in which such voter is
42 eligible to vote.

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

48 § 6. Section 8-407 of the election law, as added by chapter 296 of the
49 laws of 1988, subdivisions 1, 3 and 15 as amended by chapter 195 of the
50 laws of 2001, and subdivision 6 as amended by chapter 326 of the laws of
51 1989, is amended to read as follows:

52 § 8-407. Voting by residents of nursing homes, residential health care
53 facilities, facilities operated or licensed, or under the jurisdiction
54 of, the department of mental hygiene or hospitals or facilities operated
55 by the Veteran's Administration of the United States. 1. The board of
56 elections of a county or city in which there is located at least one

1 facility operated or licensed, or under the jurisdiction of, the depart-
2 ment of mental hygiene, or a facility defined as a nursing home or resi-
3 dential health care facility pursuant to subdivisions two and three of
4 section two thousand eight hundred one of the public health law or an
5 adult care facility subject to the provisions of title two of article
6 seven of the social services law, or a hospital or other facility oper-
7 ated by the Veteran's Administration of the United States shall provide
8 ~~[that]~~ residents of each such facility ~~[for which such board has~~
9 ~~received twenty-five or more applications for]~~ absentee ballots ~~[from~~
10 ~~voters who are eligible to vote by absentee ballot in such city or coun-~~
11 ~~ty at such election, may vote by absentee ballot only]~~ in the manner
12 provided for in this section. ~~[Such board may, in its discretion,~~
13 ~~provide that the procedure described in this subdivision shall be appli-~~
14 ~~cable to all such facilities in such county or city without regard to~~
15 ~~the number of absentee ballot applications received from the residents~~
16 ~~of any such facility.]~~

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

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

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

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

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

49 7. It shall be the duty of each such superintendent, administrator or
50 director to assist the board of inspectors attending such facility in
51 the discharge of its duties, including, but not limited to making avail-
52 able to such board of inspectors space within such facility suitable for
53 the discharge of its duties.

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

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

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

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

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

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

19 ~~[13.]~~ 12. Upon completion of its duties, the board of inspectors shall
20 forthwith return all such ballots to the board of elections.

21 ~~[14.]~~ 13. Any person, political committee or independent body entitled
22 to appoint watchers for the election district in which any such facility
23 is located ~~[at the election for which such absentee ballots are cast,]~~
24 shall be entitled to appoint a watcher to attend such board of inspec-
25 tors at such facility.

26 ~~[15.]~~ 14. All ballots cast pursuant to the provisions of this section
27 which are received before the close of the polls on election day by the
28 board of elections charged with the duty of casting and canvassing such
29 ballots, may be delivered to the inspectors of election in the manner
30 prescribed by this chapter or retained at the board of elections and
31 cast and canvassed pursuant to the provisions of section 9-209 of this
32 chapter as such board shall, in its discretion, determine pursuant to
33 the provisions of subdivision one of this section.

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

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

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

54 § 5-714. Computerized statewide voter registration list. 1. The New
55 York state board of elections shall, within one year of the effective
56 date of this section implement, in a uniform and nondiscriminatory

1 manner, a single, uniform, official, centralized, interactive, computer-
2 ized statewide voter registration database system. Such database system
3 shall be defined, maintained, and administered at the state level and
4 shall contain the voter registration lists maintained by each county
5 board of elections. Further, such database system shall contain the name
6 and registration information of every legally registered voter in the
7 state and shall assign a unique identifier to each legally registered
8 voter. The single, uniform, official, centralized, interactive, comput-
9 erized statewide voter registration database system required by this
10 section shall be referred to as the "centralized statewide registration
11 system".

12 2. The centralized statewide registration system and the computerized
13 statewide voter registration list shall be fully compliant with all
14 applicable requirements specified in section 303 of the federal "Help
15 America Vote Act of 2002", Pub.L. 107-252, codified at 42 U.S.C. sec.
16 15301 et seq and shall meet all applicable privacy requirements under
17 this chapter.

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

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

38 (b) Within two years of the effective date of this section the comput-
39 erized statewide voter registration list maintained pursuant to this
40 section shall allow for:

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

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

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

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

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

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

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

15 § 11-302. Special ballots for board of election employees. A person
16 who is an employee of the board of elections or who has been appointed
17 to serve as an inspector of elections, poll clerk or election coordina-
18 tor at a polling place other than the one at which he or she is regis-
19 tered to vote, may deliver to the inspectors of election of the election
20 district in which he or she is registered, or to the board of elections,
21 at any time during the period in which an application for an absentee
22 ballot may be so delivered pursuant to the provisions of this chapter, a
23 written statement that he or she will be unable to appear at the polling
24 place for such election district on the day of an election because his
25 or her duties as an employee of such board or as an inspector, poll
26 clerk or election coordinator require him or her to be elsewhere. The
27 board of elections shall provide such voter a special ballot any time
28 prior to the close of the polls on election day, provided however that
29 the distribution of such ballots to such voters shall be timed to afford
30 such voters sufficient time to cast such ballots prior to the close of
31 the polls on election day. Absent affirmative proof of fraud such
32 ballots shall be presumed valid and cast. Such cast ballots may be
33 delivered to an office of such board of elections or to any board of
34 inspectors not later than the close of the polls on election day. Such
35 ballots shall be retained at the board of elections and cast and
36 canvassed pursuant to the provisions of section 9-209 of this chapter.

37 § 10. Subparagraph (ii) of paragraph (e) of subdivision 3 of section
38 8-302 of the election law, as amended by section 8 of part XX of chapter
39 55 of the laws of 2019, is amended to read as follows:

40 (ii) He or she may swear to and subscribe an affidavit stating that he
41 or she has duly registered to vote, the address in such election
42 district from which he or she registered, that he or she remains a duly
43 qualified voter in such election district, that his or her registration
44 poll record appears to be lost or misplaced or that his or her name
45 and/or his or her signature was omitted from the computer generated
46 registration list or such record indicates the voter already voted when
47 he or she did not do so or that he or she has moved within New York
48 state since he or she last registered, [~~the address from which he or she~~
49 ~~was previously registered and~~] the address at which he or she currently
50 resides, and at a primary election, the party in which he or she is
51 enrolled. The inspectors of election shall offer such an affidavit to
52 each such voter whose residence address is in such election district.
53 Each such affidavit shall substantially comply with and be in a form
54 prescribed by the state board of elections, shall be printed on an
55 envelope of the size and quality used for an absentee ballot envelope,
56 and shall contain an acknowledgment that the affiant understands that

1 any false statement made therein is perjury punishable according to law.
2 Such form prescribed by the state board of elections shall request
3 information required to register such voter should the county board
4 determine that such voter is not registered and shall constitute an
5 application to register to vote. The voter's name and the entries
6 required shall then be entered without delay and without further inquiry
7 in the fourth section of the challenge report or in the place provided
8 in the computer generated registration list, with the notation that the
9 voter has executed the affidavit hereinabove prescribed, or, if such
10 person's name appears in such registration list, the board of elections
11 may provide a place to make such entry next to his or her name in such
12 list. The voter shall then, without further inquiry, be permitted to
13 vote an affidavit ballot provided for by this chapter. Such ballot shall
14 thereupon be placed in the envelope containing his or her affidavit, and
15 the envelope sealed and returned to the board of elections in the manner
16 provided by this chapter for protested official ballots, including a
17 statement of the number of such ballots.
18 § 11. This act shall take effect immediately.