STATE OF NEW YORK

6764

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the election law, in relation to notices to voters of registration cancellation or inactive status

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

Section 1. Section 5-213 of the election law is amended by adding a new subdivision 6 to read as follows:

6. When a board of elections places a voter's registration in inactive status, the board of elections shall notify the voter immediately using: (a) first class forwardable mail addressed to the address where the board believes the voter now resides; (b) first class forwardable mail addressed to the address where the voter is registered; and (c) any email addresses and telephone numbers that are in the board of elections' registration records for the voter. Such notices shall explain the reason why the voter has been placed in inactive status. The state board of elections shall establish uniform, statewide forms of notice for this purpose.

§ 2. Subdivisions 2 and 3 of section 5-402 of the election law, subdivision 2 as amended by chapter 94 of the laws of 1997 and subdivision 3 as amended by chapter 373 of the laws of 1978, are amended and a new subdivision 5 is added to read as follows:

2. Whenever the board has reason to believe that a registered voter is no longer qualified to vote, it shall, before cancelling his **or her** registration, notify him **or her**, in a **uniform, statewide** form approved by the state board of elections, [~~**by first class forwardable mail to the address from which he was last registered**~~] **using all of the notification methods prescribed by subdivision five of this section, which shall state the reason why the voter's registration is being cancelled and** that he **or she** may appear before the board or answer in writing by mail, stating the reasons why his **or her** registration should not be cancelled.

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

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Such notice shall also state that if the voter does not appear or answer in writing within fourteen days after such notice is mailed, his **or her** registration [~~will~~] **shall** be cancelled. Such notice shall also advise the voter of his **or her** right to reregister pursuant to the provisions of this chapter and shall contain the phone number to call for the days and hours of local registration and the location of local registration places, the deadline for personal registration by mail for the next general election and the phone number to call to obtain additional applications for personal registration by mail. No such notice shall be required in order to cancel the registration of a voter who has made a personal request to be removed from the list of registered voters as defined by subdivision two of section 5-400 of this title or the registration of a voter whose name has been in inactive status for at least the period required by paragraph (f) of subdivision one of section 5-400 of this title or to cancel the registration of a voter who has died. Together with such notice of cancellation, the board shall mail to such voter a postage paid return card in a form approved by the state board of elections. Such card shall provide a place for the voter to set forth the reasons for his **or her** continued eligibility to vote in such county or city and to indicate his **or her** current address in the county or city and a statement that failure to return the card [~~will~~] **shall** result in cancellation of registration. The card shall also inform the voter of how to reregister if the voter has moved out of the county or city. If such registered voter shall fail to appear or answer in writing within such time or if, after he **or she** so appears or writes, the board is not satisfied that he **or she** is qualified to remain registered, the board shall cancel his **or her** registration.

3. The board of elections shall notify immediately every person whose registration is cancelled [~~after such person has responded, in person or by mail, to a notice sent pursuant to subdivision two of this section,~~] of the action taken and the reason therefor, [~~by written notice to the address from which he was last registered~~] **using all of the methods of notice prescribed by subdivision five of this section**. Such notice shall advise such persons either of their right to reregister or their right to apply to a court of law for reinstatement, whichever is appropriate.

5. When a board of elections gives a voter notice of cancellation or notice of the board's intent to cancel a voter's registration, the board of elections shall immediately notify the voter using: (a) first class forwardable mail addressed to the address where the board believes the voter now resides; (b) first class forwardable mail addressed to the address where the voter is registered; and (c) any email addresses and telephone numbers that are in the board of elections' registration records for the voter. The state board of elections shall establish uniform, statewide forms of notice for this purpose.

§ 3. Subdivisions 2, 3 and 5 of section 5-712 of the election law, subdivisions 2 and 3 as amended by chapter 200 of the laws of 1996 and subdivision 5 as added by chapter 659 of the laws of 1994, are amended to read as follows:

2. (a) The board of elections shall also send a confirmation notice to every registered voter for whom it receives a notice of change of address to an address not in such city or county which is not signed by the voter **by first class forwardable mail, and to any email addresses and telephone numbers that are in the board of elections' registration records for the voter**. Such change of address notices shall include, but not be limited to, notices of change of address received pursuant to

subdivision eleven of section 5-211 and subdivision six of section 5-212 of this article, notice of change of address from the United States Postal Service through the National Change of Address System or from any other agency of the federal government or any agency of any state or local government and notice of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service. Such confirmation notices shall be sent to such new address **by first class forwardable mail, and the board shall notify the voter using any email addresses and telephone numbers that are in the board of elections' registration records for the voter**.

(b) If a notice sent pursuant to paragraph (a) of this subdivision to the voter at the new address is returned as undeliverable, the board of elections shall send another **second** such notice **by first class forwardable mail, and to any email addresses and telephone numbers that are in the board of elections' registration records for the voter** to the address at which the voter was originally registered.

3. Such notices **required by subdivisions one and two of this section** shall be [~~**in a form**~~] **sent using uniform, statewide forms** prescribed by the state board of elections and **the mailed notices** shall include a postage-paid return card on which the voter may confirm the fact that he **or she** still resides at the address to which the notice was sent, or notify the board of any change of address. Such notices shall request all voters who receive the notice to reply with their current addresses. Such notices shall request all voters who receive the notice to reply with their current addresses and shall state that voters who have not moved or who have moved within the county or city and who do not respond may be required to vote by affidavit ballot and that if they do not vote in any election up to and including the second federal election after such notice, their registrations may be cancelled. Such notices sent to addresses in New York state shall also include a mail registration form and information on how voters who have moved to a different city or county may reregister.

5. All voters or applicants to whom a confirmation notice is sent, pursuant to the provisions of this section, shall forthwith be placed in inactive status. **When a voter is placed in inactive status, the board of elections shall notify the voter that they are now in inactive status using all of the methods set forth in subdivision five of section 5-402 of this article that must be used to notify a voter that their registration has been cancelled and the notices shall state the reason that the voter has been placed in inactive status. Boards of elections shall use a uniform, statewide notice approved by the state board of elections for this purpose.**

§ 4. This act shall take effect immediately.