

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 Assem-
bly, do enact as follows:

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

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

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

17 2. Whenever the board has reason to believe that a registered voter is
18 no longer qualified to vote, it shall, before cancelling his or her
19 registration, notify him or her, in a uniform, statewide form approved
20 by the state board of elections, [~~by first class forwardable mail to the~~
21 ~~address from which he was last registered~~] using all of the notification
22 methods prescribed by subdivision five of this section, which shall
23 state the reason why the voter's registration is being cancelled and
24 that he or she may appear before the board or answer in writing by mail,
25 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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1 Such notice shall also state that if the voter does not appear or answer
2 in writing within fourteen days after such notice is mailed, his or her
3 registration ~~[will]~~ shall be cancelled. Such notice shall also advise
4 the voter of his or her right to reregister pursuant to the provisions
5 of this chapter and shall contain the phone number to call for the days
6 and hours of local registration and the location of local registration
7 places, the deadline for personal registration by mail for the next
8 general election and the phone number to call to obtain additional
9 applications for personal registration by mail. No such notice shall be
10 required in order to cancel the registration of a voter who has made a
11 personal request to be removed from the list of registered voters as
12 defined by subdivision two of section 5-400 of this title or the regis-
13 tration of a voter whose name has been in inactive status for at least
14 the period required by paragraph (f) of subdivision one of section 5-400
15 of this title or to cancel the registration of a voter who has died.
16 Together with such notice of cancellation, the board shall mail to such
17 voter a postage paid return card in a form approved by the state board
18 of elections. Such card shall provide a place for the voter to set forth
19 the reasons for his or her continued eligibility to vote in such county
20 or city and to indicate his or her current address in the county or city
21 and a statement that failure to return the card ~~[will]~~ shall result in
22 cancellation of registration. The card shall also inform the voter of
23 how to reregister if the voter has moved out of the county or city. If
24 such registered voter shall fail to appear or answer in writing within
25 such time or if, after he or she so appears or writes, the board is not
26 satisfied that he or she is qualified to remain registered, the board
27 shall cancel his or her registration.

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

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

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

50 2. (a) The board of elections shall also send a confirmation notice to
51 every registered voter for whom it receives a notice of change of
52 address to an address not in such city or county which is not signed by
53 the voter by first class forwardable mail, and to any email addresses
54 and telephone numbers that are in the board of elections' registration
55 records for the voter. Such change of address notices shall include, but
56 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.