STATE OF NEW YORK

1327

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to certain deadlines for voter registration

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

Section 1. Subdivision 3 of section 5-208 of the election law, as added by chapter 659 of the laws of 1994, is amended to read as follows:

3. If such a notice is received at least [~~twenty~~] **fifteen** days before a primary, special or general election, such change of address must be completed before such election.

§ 2. Section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, subdivision 3 as amended by a chapter of the laws of 2022 amending the election law relating to voter registration, as proposed in legislative bills numbers S. 2951-A and A. 8858-A, subdivision 4 as amended by chapter 490 of the laws of 2019, paragraph (g) of subdivision 5 as amended by chapter 2 of the laws of 2019, paragraphs (k) and (l) of subdivision 5 as amended by chapter 536 of the laws of 2019, paragraph (m) of subdivision 5 as added by chapter 62 of the laws of 2010, subdivision 9 as amended by chapter 44 of the laws of 2016 and subdivision 13 as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 5-210. Registration and enrollment and change of enrollment upon application. 1. In addition to local registration and veterans' absentee registration as provided in this chapter, any qualified person may apply personally for registration and enrollment, change of enrollment by mail or by appearing at the board of elections on any day, except a day of election, during the hours that such board of elections is open for business.

2. (a) Application forms for use pursuant to this section shall be furnished by a county board of elections to any person requesting such

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

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form. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Each county board of elections shall also cause such application forms to be as widely and freely distributed as possible.

(b) The board of elections shall mail an application for registration by mail and information on how the person may re-register to each person for whom it receives notice pursuant to the provisions of subdivision four of section 5-402 of this article that such person has moved into such city or county unless such person is already registered from the address listed in such notice.

3. Completed application forms, when received by any board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the fifteenth day before the next ensuing primary, general or special election, and received no later than the tenth day before such election, or delivered in person to such board of elections not later than the tenth day before such election, shall entitle the applicant to vote in such election **and to have the applicant's vote canvassed in accordance with this chapter**, if [~~he or she~~] **the applicant** is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until [~~his or her~~] **their** identity is verified. Any board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall [~~forthwith~~] **electronically** forward such application form to the proper board of elections **on the same day it is received**. Each board of elections shall make an entry on each such form of the date it is received by such board.

4. Any qualified person who has been honorably discharged from the military after the twenty-fifth day before a general election, or who has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who has become a naturalized citizen after the twenty-fifth day before a general election may personally register at the board of elections in the county of [~~his or her~~] **their** residence and vote in the general election held at least ten days after such registration.

5. Statewide application forms shall be designed by the state board of elections, which shall conform to the requirements for the national voter registration form in the rules and regulations promulgated by the federal election commission and the federal Help America Vote Act, and shall elicit the information required for the registration poll record. The form shall include such other information as the state board of elections may reasonably require to enable the board of elections to assess the eligibility of the applicant and to administer voter registration and other parts of the election process and shall also include the following information:

(a) Notice that those voters currently registered do not need to reregister unless they have moved outside of the city or county in which they were registered.

(b) Instructions on how to fill out and submit the form and that the form must be received by any county board of elections at least [~~twenty-five~~] ten days prior to the election at which the applicant may vote, and if mailed, must be postmarked at least fifteen days prior to the election at which the applicant may vote.

(c) Notice that registration and enrollment is not complete until the form is received by the appropriate county board of elections.

(d) Notice of a voter's right to register locally.

(e) A warning that it is a crime to procure a false registration or to furnish false information to the board of elections.

(f) Notice that political party enrollment is optional but that, in order to vote in a primary election of a political party, a voter must enroll in that political party, unless state party rules allow otherwise.

(g) Notice that the applicant must be a citizen of the United States, is at least sixteen years old when [~~he or she submits~~] they submit an application to register to vote which will be effective for elections occurring on or after the applicant turns eighteen years of age and a resident of the county or city to which application is made.

(h) Notice that a voter notification form will be mailed to each applicant whose completed form is received.

(i) The telephone number of the county board of elections and a toll free number at the state board of elections that can be called for answers to registration questions.

(j) A space for the applicant to indicate whether or not the voter is willing to serve on election day for a board of elections as an election inspector, poll clerk, interpreter or in other capacities.

(k) The form shall also include space for the following information, which must be contained on the inside of the form after it is folded for mailing:

(i) A space for the applicant to indicate whether or not [~~he or she has~~] they have ever voted or registered to vote before and, if so, the approximate year in which such applicant last voted or registered and [~~his or her~~] their name and address at the time.

(ii) The name and residence address of the applicant including the zip code and apartment number, if any.

(iii) A space for the furnishing of an e-mail address, the furnishing of which shall be optional, together with a notice stating that if an e-mail address is furnished, all notices and communications otherwise required to be sent by the state board of elections to the voter by postal mail shall be sent by e-mail in addition to postal mail. County boards of elections and the board of elections of the city of New York shall have the option of sending notices and communications otherwise required to be sent to the voter by postal mail by e-mail in addition to postal mail if the voter furnishes an email address.

(iv) The date of birth of the applicant.

(v) A space for the applicant to indicate [~~his or her~~] their driver's license or department of motor vehicles non-driver photo ID number or the last four digits of [~~his or her~~] their social security number or, if the applicant does not have either such number, a space for the applicant to indicate [~~he or she does~~] they do not have either.

(vi) A space for the applicant to indicate whether or not [~~he or she is~~] they are a citizen of the United States and the statement "If you checked "no" in response to this question, do not complete this form."

(vii) A space for the applicant to answer the question "Will you be 18 years of age on or before election day?" and the statement "If you

checked "no" in response to this question, do not complete this form unless you will be 18 by the end of the year."

(viii) A statement informing the applicant that if the form is submitted by mail and the applicant is registering for the first time, certain information or documents must be submitted with the mail-in registration form in order to avoid additional identification requirements upon voting for the first time. Such information and documents are:

(A) a driver's license or department of motor vehicles non-driver photo ID number; or

(B) the last four digits of the individual's social security number; or

(C) a copy of a current and valid photo identification; or

(D) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

(ix) The gender of the applicant (optional).

(x) A space for the applicant to indicate [~~his or her~~] **their** choice of party enrollment, with a clear alternative provided for the applicant to decline to affiliate with any party.

(xi) The telephone number of the applicant (optional).

(xii) A place for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following specific form of affirmation:

AFFIDAVIT: I swear or affirm that:

* I am a citizen of the United States.
* I will have lived in the county, city, or village for at least 30 days before the election.
* I meet all the requirements to register to vote in New York State.
* This is my signature or mark on the line below.
* All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to $5,000 and/or jailed for up to four years.

which form of affirmation shall be followed by a space for the date and the aforementioned line for the applicant's signature.

(xiii) A space for the applicant to register in the New York state donate life registry for organ and tissue donations established pursuant to section forty-three hundred ten of the public health law.

(l) The mail voter registration application form developed by the federal election commission pursuant to the provisions of section nine of the National Voter Registration Act of 1993 42 USC 1973gg-7 shall be deemed to meet the requirements of this section. Any application for registration received on such an application form shall be accepted if the applicant is otherwise eligible to register to vote pursuant to the provisions of this article. A voter whose registration is accepted pursuant to the provisions of this paragraph shall be permitted to furnish an e-mail address to the board of elections, which furnishing shall carry the same notice and have the same effect as provided by subparagraph (iii) of paragraph (k) of this subdivision.

(m) The form of affidavit prescribed by the state board of elections for requests for affidavit ballot pursuant to subdivision three of section 8-302 of this chapter shall be deemed to meet the requirements of this section. Any application for registration received on the form of affidavit shall be accepted if the applicant is otherwise eligible to register to vote pursuant to the provisions of this article, however the

failure to complete the voter registration application appearing on such affidavit envelope shall not otherwise invalidate the affidavit ballot.

6. A person who willfully makes a material false statement in any application for registration and enrollment and/or transfer of registration and enrollment or special enrollment by mail, or who knowingly makes a false affirmation, or who offers or attempts to offer any application for registration and enrollment or transfer of registration and enrollment or special enrollment knowing that the applicant is not qualified to register or enroll, or transfer [~~his or her~~] **their** registration and enrollment or to specially enroll, shall be guilty of a class E felony.

7. Each county board of elections shall deliver a sufficient number of such uniform statewide application forms to each local post office within its county and keep such post office so supplied, with the request that the postmaster thereof make them available to the public for its use in participating in the electoral process.

8. Upon its receipt by the county board of elections, each application form shall be reviewed and examined by such board. If the application shall contain substantially all the required information indicating that the applicant is legally qualified to register and/or enroll as stated in [~~his or her~~] **their** application, the county board of elections shall transfer all information on such application to the appropriate registration records. If requested by any member of the board, the application form of any voter, or group of voters, must be reviewed and examined by two such board members or two employees of the board representing different political parties. Such members or employees shall place their initials or other identifying information on the registration poll record of such voter or on a computer generated list of such registrations. Such lists shall be preserved in the same manner, and for the same time, as such registration poll records. If the application indicates that the voter does not have a driver's license or department of motor vehicles non-driver photo ID number or a social security number, the state board of elections shall, upon the transmission of voter information to the statewide voter registration list as required by section 5-614 of this article, assign such voter a unique identifier.

9. The county board of elections shall, [~~promptly~~] **as soon as practicable** and in any event, not later than [~~twenty-one~~] **seven** 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~~] **seven** 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~~] **their** registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which [~~he~~] **such registrant** will be eligible to vote, of the location of the polling place of the election district in which [~~he~~] **such registrant** is or will be a qualified voter, whether such polling place is 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.

10. If the board of elections has been unable to verify the identity of the applicant within forty-five days of the application, the board shall mail a second request for more information to the applicant. This notice 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 the board of elections remains unable to verify the identity of the voter it shall so indicate with a notation next to the voter's name in the registration list. Such a voter may provide information to assist the county board to verify [~~his or her~~] **their** identity at any time and such notation shall be removed by the board of elections upon such verification.

11. If the county board of elections suspects or believes that for any reason the applicant is not entitled to registration and enrollment, it shall make inquiry in reference thereto. If the board of elections shall find that the applicant is not qualified to register and enroll, the application shall be rejected and the applicant notified of such rejection and the reason therefor, no later than [~~ten~~] **seven** days before the day of the first primary or general election occurring at least [~~twenty-five~~] **ten** days after the filing of the application.

12. Whenever the county board of elections is not satisfied from an examination of an application for registration and enrollment, or after its initial inquiry, that the applicant is entitled to such registration or enrollment, it may order an investigation through any officer or employee of the state or county board of elections, police officer, sheriff or deputy sheriff.

13. An affidavit or a signed statement by any officer or employee of the state or county board of elections or any police officer, sheriff or deputy sheriff, that such person visited the premises claimed by the applicant as [~~his or her~~] **their** residence and interrogated an incarcerated individual, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to such applicant's residence therein or thereat, and that [~~he or she was~~] **they were** informed by one or more such persons, naming them, that they knew the persons residing upon such premises and that the applicant did not reside upon such premises as set forth in [~~his or her~~] **their** application, shall be sufficient authority for a determination by the board that the applicant is not entitled to registration or enrollment; but this provision shall not preclude the board from making such other determination, as the result of other inquiry, as it may deem appropriate.

14. Notwithstanding the entry by the county board of elections on the registration poll record of the information contained on an application form prescribed by this section, such entry shall not preclude the county board of elections from subsequently rejecting the application if it is not satisfied that the applicant is entitled to register and enroll as provided by this section, provided that the applicant is notified of such rejection and reasons therefor no later than [~~ten~~] **seven** days before the day of the first primary or general election occurring at least [~~twenty-five~~] **ten** days after the filing of such application form.

15. a. The county board of elections shall keep a record of applications for registration as they are received and at least once each month, shall, upon request of the chairman of a political party in the county, give such chairman a complete list of the persons whose applications were approved together with their addresses and telephone numbers, and their election and assembly districts or wards, if any.

b. Not more than four times a year, on dates determined by the state board of elections, the county board of elections shall send to the chairman of each political party in the county a complete list of the persons whose applications were approved together with their addresses, their election and assembly districts or wards, if any, their party enrollments and an indication of whether such persons are eligible to vote in the primary elections to be held in that calendar year. Not more than twice a year, in even numbered years, on dates determined by the state board of elections, the county board of elections shall send a copy of such list to the state board of elections. In counties of over one hundred thousand population, each such list shall be, and in other counties each such list may be, cumulative and include the names of all such persons whose names do not appear in the annual enrollment lists

last published by such board of elections, together with an indication of which such names did not appear on the previous list. Such lists may also include the names of those persons whose names do appear in the annual enrollment lists. Such lists shall be arranged in the same manner as the annual enrollment lists. Additional copies of such lists shall be available to the public at a charge not exceeding the cost of publication or reproduction.

§ 3. Subdivisions 11 and 12 of section 5-211 of the election law, subdivision 11 as amended by chapter 200 of the laws of 1996 and subdivision 12 as added by chapter 659 of the laws of 1994, are amended to read as follows:

11. The participating agency shall transmit the completed applications for registration and change of address forms to the appropriate board of elections not later than ten days after receipt except that all such completed applications and forms received by the agency [~~between~~] **after** the [~~thirtieth~~] **twentieth day prior to an election** and [~~twenty-fifth~~] **by the twelfth** day before [~~an~~] **such** election shall be transmitted in such manner and at such time as to assure their receipt by such board of elections **as soon as practicable and** not later than the [~~twentieth~~] **tenth** day before such election.

12. Completed application forms, when received by a participating agency not later than the [~~twenty-fifth~~] **twelfth** day before the next ensuing primary, general or special election and transmitted by such agency to the appropriate board of elections so that they are received by such board not later than the [~~twentieth~~] **tenth** day before such election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

§ 4. Subdivisions 6 and 7 of section 5-212 of the election law, subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivision 7 as added by chapter 659 of the laws of 1994, are amended to read as follows:

6. The department of motor vehicles shall transmit that portion of the form which constitutes the completed application for registration or change of address form to the appropriate board of elections not later than ten days after receipt except that all such completed applications and forms received by the department [~~between~~] **after** the [~~thirtieth~~] **twentieth day prior to an election** and [~~twenty-fifth~~] **by the twelfth** day before [~~an~~] **such** election shall be transmitted in such manner and at such time as to assure their receipt by such board of elections **as soon as practicable and** not later than the [~~twentieth~~] **tenth** day before such election. All transmittals shall include original signatures.

7. Completed application forms received by the department of motor vehicles not later than the [~~twenty-fifth~~] **twelfth** day before the next ensuing primary, general or special election and transmitted by such department to the appropriate board of elections so that they are received not later than the [~~twentieth~~] **tenth** day before such election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

§ 5. Subdivision 3 of section 5-213 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

3. The board of elections shall restore the registration of any such voter to active status if such voter notifies the board of elections that [~~he resides~~] **they reside** at the address from which [~~he is~~] **they are** registered, or the board finds that such voter has validly signed a designating or nominating petition which states that [~~he resides~~] **they reside** at such address, or if such voter casts a ballot in an affidavit

envelope which states that [~~he resides~~] **they reside** at such address, or if the board receives notice that such voter has voted in an election conducted with registration lists prepared pursuant to the provisions of section 5-612 of this article. If any such notification or information is received [~~twenty~~] **ten** days or more before a primary, special or general election, the voter's name must be restored to active status for such election.

§ 6. Subdivisions 4 and 5 of section 5-302 of the election law, subdivision 4 as amended by chapter 91 of the laws of 1992 and subdivision 5 as amended by chapter 164 of the laws of 1985, are amended to read as follows:

4. Registration poll records of voters whose registrations are not rejected by the board of elections shall forthwith be placed in the poll ledger or such voters' names shall forthwith be entered in the computer files from which the computer generated registration lists are prepared, except that the registration poll record of an otherwise qualified voter who registers after the [~~twenty-fifth~~] **tenth** day before a primary election shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after such primary and except further that the registration poll record of a voter whose previous registration was cancelled pursuant to the provisions of this chapter after the previous general election and who registers pursuant to the provisions of this chapter after such cancellation shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after the fall primary election, unless such voter has enrolled with the same party as the enrollment on the registration which was so cancelled.

The registration poll record of a voter who is not eligible to vote in a primary election but who is eligible to vote in a special election held before such primary election shall be placed in its regular place in the poll ledger or in a special section of such poll ledger for such special election as the board of elections, in its discretion, shall provide, or such name shall appear in its regular place on the computer generated registration list prepared for use in such special election. Such poll record shall be removed from such poll ledger or computer generated registration list immediately after such special election.

5. During the period preceding the ensuing primary election, the board of elections shall maintain as a public record a list of all enrollments entered, transferred or corrected, and not contained in the last published enrollment list. Such supplemental enrollment list shall contain the same information and shall be distributed in the same manner as the original enrollment list not later than the [~~fifteenth~~] **tenth** day before the primary election.

§ 7. Subdivision 3 of section 5-306 of the election law, as amended by chapter 90 of the laws of 1991, is amended to read as follows:

3. A voter may correct [~~his~~] **their** enrollment pursuant hereto on any of the days the board is open for registration. A correction made during the [~~twenty-five-day~~] **nine-day** period preceding a primary election shall not be effective for such election.

§ 8. Subdivision 4 of section 5-308 of the election law, as amended by chapter 37 of the laws of 2021, is amended to read as follows:

4. If a voter appears at a primary election and votes by affidavit ballot indicating the intent to enroll in such party, such affidavit ballot shall be cast and counted if the board of elections determines that the voter registered (or pre-registered) to vote at least [~~twenty-~~

[~~five~~] ten days before that primary pursuant to title nine of this article and such voter is otherwise qualified to vote in such election.

§ 9. Subdivision 1 of section 5-602 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

1. After the last day of local registration and before the [~~sixth~~] fifth day before the next ensuing general election in each year, the board of elections shall cause to be published a complete list of names and residence addresses of the registered voters for each election district over which the board has jurisdiction. The names for each election district may be arranged according to street and number or alphabetically. Each list shall be prepared in such a manner as to indicate the registrants whose names did not appear on the list of registered voters last published pursuant to the provisions of this section and the registrants who are in inactive status. The board of elections, in its discretion, may publish the names of the registrants in inactive status as a separate list. In lieu of publishing such a registration list, such board of elections may publish a complete list of the names and residence addresses of all registered voters whose names do not appear in the annual enrollment lists published in such year by such board, in the same form as such enrollment lists, and a list of the registered voters whose names appear in such annual enrollment lists but who have been placed in inactive status or whose registrations have been cancelled since the publication of such annual enrollment lists. Lists for all election districts in a ward or assembly district may be bound together in one volume.

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

(ii) [~~He or she~~] They may swear to and subscribe an affidavit stating that [~~he or she has~~] they have duly registered to vote, the address in such election district from which [~~he or she~~] they registered, that [~~he or she remains~~] they remain a duly qualified voter in such election district, that [~~his or her~~] their registration poll record appears to be lost or misplaced or that [~~his or her~~] their name and/or [~~his or her~~] their signature was omitted from the computer generated registration list or such record indicates the voter already voted when [~~he or she~~] they did not do so or that [~~he or she has~~] they have moved within New York state since [~~he or she~~] they last registered, the address from which [~~he or she was~~] they were previously registered and the address at which [~~he or she~~] they currently [~~resides~~] reside, and at a primary election, the party in which [~~he or she is~~] they are enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. Such form prescribed by the state board of elections shall request information required to register such voter should the county board determine that such voter is not yet registered and shall constitute an application to register to vote. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided in the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears in such registration list, the board of

elections may provide a place to make such entry next to [~~his or her~~] their name in such list. The voter shall then, without further inquiry, be permitted to vote an affidavit ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing [~~his or her~~] their affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

§ 11. Paragraph (h) of subdivision 7 of section 9-209 of the election law, as added by chapter 763 of the laws of 2021, is amended to read as follows:

(h) If the central board of canvassers finds that the voter registered or pre-registered to vote for the first time pursuant to title nine of article five of this chapter at least [~~twenty-five~~] ten days before a primary, appeared at such primary election, and indicated on the affidavit ballot envelope the intent to enroll in such party, the affidavit ballot shall be cast and canvassed if the voter is otherwise qualified to vote in such election.

§ 12. Subdivision 5 of section 10-106 of the election law, as amended by chapter 290 of the laws of 1991, is amended to read as follows:

5. The state board of elections shall forward to the appropriate board of elections all applications for military ballots received by it. An application from a military voter not previously registered must be received by the appropriate board of elections not later than ten days before a general, primary, or special election [~~or twenty-five days before a primary election~~] in order to entitle the applicant to vote at such election. An application from a military voter who is already registered must be received at least seven days before an election in order to entitle the applicant to vote at such election; except that an application from such a military voter who delivers [~~his~~] their application to the board of elections in person, must be received not later than the day before the election.

§ 13. Subdivision 2 of section 11-200 of the election law, as amended by chapter 473 of the laws of 1992, is amended to read as follows:

2. Every person registered pursuant to this title shall continue to be eligible to vote in all elections in which special federal voters are eligible to vote except that in order to vote at a primary election of a party, a voter registered pursuant to this title must have been so registered and enrolled in such party before the previous general election; or, if such voter was not registered in New York state for the previous general election, such voter must so register and enroll in such party not later than [~~twenty-five~~] ten days before such primary; or, if such voter was registered in New York state for the last general election, such voter must have had the same party enrollment with such registration as such voter sets forth on [~~his~~] their application for registration and enrollment as a special federal voter.

§ 14. Paragraph a of subdivision 1 of section 11-202 of the election law, as amended by chapter 262 of the laws of 2003, is amended to read as follows:

a. A person, who, pursuant to this title, is qualified to vote as a special federal voter may, by application received by the state board of elections or any local board of elections on or before the [~~twenty-fifth~~] tenth day next preceding any election in which such person would be entitled to vote or the last day of local registration for such election, whichever is later, apply to the board of elections of the county in which [~~he resided~~] they resided in person or by personal application by mail for registration and enrollment as a special federal

voter. An application for registration and enrollment pursuant to this article shall be treated as an application for a special federal ballot for every election in which the applicant would be eligible to vote which is held through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur.

§ 15. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the election law relating to voter registration, as proposed in legislative bills numbers S. 2951-A and A. 8858-A, takes effect; provided, however, that:

(a) section eight of this act shall take effect on the same date and in the same manner as section 2 of chapter 37 of the laws of 2021, takes effect; and

(b) section eleven of this act shall take effect on the same date and in the same manner as section 1 of chapter 763 of the laws of 2021, takes effect.