§ 16-108. Proceedings as to registration and voting. 1. The supreme court, by a justice thereof within the judicial district, or the county court, by a county judge within his county, in a proceeding instituted by any voter to whom registration has been unlawfully refused, shall compel, by order, the registration of such voter, and, in a proceeding instituted by any voter duly qualified to vote in this state, or by the state board of elections, shall, by order, direct the cancellation of the registration of any person who shall unlawfully be registered, and shall order the board of elections or other official charged with the conduct of registration to carry out such order.

2. In any such proceeding the board of elections or other official charged with the conduct of the election, in which it is claimed the registration of the voter unlawfully was refused or unlawfully registered, shall be a necessary party and the person whose name is sought to be stricken from the register shall likewise be a necessary party, and the board and such person shall receive such notice as the court, justice or judge shall direct.

3. Such court, in a proceeding instituted by any voter unlawfully denied the right to vote by the inspectors, shall, by order, direct that he be allowed to vote at his polling place and within the hours established by law. Such order shall, where necessary, direct the board of elections to complete the voter's registration and enrollment records.

4. Such court, justice or judge, in a proceeding instituted by any voter unlawfully denied an early mail or absentee ballot or the application therefor, shall compel, by order, the delivery to such voter of a ballot or application.

5. An affidavit by any officer or employee of the board of elections, or by any police officer, sheriff or deputy sheriff, or by any special investigator appointed by the state board of elections, that he or she visited the premises claimed by the applicant as his or her residence and that he interrogated an incarcerated individual, housedweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as

to the applicant's residence therein or thereat, and that he or she was informed by one or more of such persons, naming them, that they knew the persons residing upon such premises and that the applicant did not reside upon such premises thirty days before the election, shall be presumptive evidence against the right of the voter to register from such premises.

6. For each primary, special and general election, the presiding justice of the appellate division of the first and second judicial department shall, and the presiding justice of the appellate division of the third and fourth judicial departments may assign one or more justices of the supreme court to sit at such offices of the board of elections and such other locations as may be designated to hear and determine all cases arising under this chapter relating to eligibility for voting of such election.