

# U.S. ELECTION ASSISTANCE COMMISSION



## *2010 Election Administration & Voting Survey*

**New York**

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (a) below this line.]

Occurs when a contest is marked with a greater number of choices for different candidates or ballot questions, than the number for which the voter is lawfully entitled to vote.

[End definition (a) above this line.]

**b. Under-vote**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (b) below this line.]

Occurs when a contest is marked with a lesser number of choices of candidates or ballot questions, than the number for which the voter is lawfully entitled to vote.

[End definition (b) above this line.]

**c. Blank ballot**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (c) below this line.]

See "UNDERVOTE"

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (d) below this line.]

In an Election Day context, occurs when a ballot is voided or spoiled by the voter in order to correct a problem, (in an OpScan system, to correct an overvote, for example).

In a cast ballot context, a ballot may be voided due to the appearance on the ballot of an ambiguous or extraneous mark, or the casting of votes for multiple candidates running for the same office.

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (e) below this line.]

Called an affidavit ballot in NY, it is cast when a voter's name does not appear in an election day poll book; when a voter has just moved into the election district (precinct) but has not previously advised the county board of that move; when a voter is required to provide ID but does not do so; in a primary election, when a voter's party enrollment does not match the enrollment noted in the poll book. See NYS Election Law § 8-302.3(e)(ii)

[End definition (e) above this line.]

**f. Absentee**

       No Change Since 2008        X   Changed Since 2008

**2008 Response:**

[Begin definition (f) below this line.]

Voters may cast an absentee ballot because they cannot be at their poll site due to their being out of their home county on election day, or if a resident of the City of New York, outside of such city, ill or disabled and thus unable to appear at the poll site; their being a patient or inmate at a VA facility; in jail or prison awaiting trial; or being an accompanying spouse, parent or child. These absentee qualifications have been expanded, to now include absentee voting for persons who are caregivers of those who are ill or disabled.

See NYS Election Law § 8-400

[End definition (f) above this line.]

**g. Early voting**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (g) below this line.]

Not permitted in NY

[End definition (g) above this line.]

**h. Active Voter**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (h) below this line.]

A registered voter who is neither inactive nor cancelled

[End definition (h) above this line.]

**i. Inactive Voter**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (i) below this line.]

A voter who has failed to respond to a confirmation notice, and has neither been restored to active status nor been cancelled

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

☒ **No Change Since 2008**    ☐ **Changed Since 2008**

**2008 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

     No Change Since 2008

  X   Changed Since 2008

**2008 Response:**

[Begin response to above question (A2) below this line.]

There have been a number of amendments to the NYS Election Law adopted in 2009 and 2010, the following may be of interest:

Chapter 5 of the Laws of 2010 (A1308) – authorizes the board of elections to employ election inspectors to work half-day shifts.

Chapter 38 of the Laws of 2010 (A3910A) – relates to victims of domestic violence to cast special ballots if they leave their residence because of such violence.

Chapter 62 of the Laws of 2010 (A4015A) – provides that an affidavit ballot shall also constitute an application to register to vote.

Chapter 63 of the Laws of 2010 (A5276B) – simplifies the absentee ballot process by removing requirement of certain information that is to be provided.

Chapter 73 of the Laws of 2010 (S5945A) – authorizes a court to order the confidentiality of election registration records of a victim of domestic violence.

Chapter 104 of the Laws of 2010 (A10681B) – enacts provisions relating to military ballots and special federal ballots.

Chapter 163 of the Laws of 2010 (A11352A) – relates to canvassing votes; repealer.

Chapter 164 of the Laws of 2010 (A11353A) – enacts provisions relating to the opening of the polls and duties of election inspectors.

Chapter 165 of the Laws of 2010 (A11354A) – enacts provisions relating to the form of election day paper ballots and absentee ballots.

Chapter 489 of the Laws of 2009 (A1002) – street finder guide required at poll sites.

Chapter 288 of the Laws of 2009 (A2481-a) – relates to the checks of registrants and information notice by mail and provides that between August 1<sup>st</sup> and August 15<sup>th</sup> of each year the boards of elections shall notify individuals of their polling place and other information. The purpose of the law is to ensure the timely delivery of such notices to voters before the September Primary.

Chapter 248 of the Laws of 2009 (A4962) – mandates the counting of affidavit ballots when the voter appears at the correct polling place but the wrong election district.

Chapter 244 of the Laws of 2009 (A1559) – Requires New York City to provide the same information in Russian as they do in English on their web sites and provide additional information in Russian to voters.

Chapter 464 of the Laws of 2009 (A8527) – provides that all ballots printed for use on a voting system approved by the state board of elections may be printed and arranged in a manner which would permit them to be counted by such machine, ensures ballots can be configured in a manner that will allow scanners to sufficiently and adequately discern votes cast by voters and eliminates outdated ballot layout provisions. Amends Election Law §7-121, repeals §8-310 and amends §8-312.

Chapter 426 of the Laws of 2009 (A3367-a) – provides for absentee balloting for primary care givers of persons who are suffering from a physical disability or illness. It amends Election Law §8-400(1) and (3)(c)(iii).

Chapter 165 of the Laws of 2009 (A8376) – The law expands the voting opportunities of military voters and special federal voters by allowing them to request an absentee ballot by letter and/or facsimile and/or electronic mail and enlarges the time within which those voters' absentee ballots must be received by the board of elections in order to be counted.

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B1) below this line.]

Bottom-up

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above clarification question to B1 below this line.]

Near-real time

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B2) below this line.]

Adding, changing, cancelling or removing voter registration records is conducted only by local boards of elections to voter records within their respective jurisdictions. This includes Active and Inactive status updates. Whenever a local board of elections receives a notice through the US Postal Service or through its NCOA system indicating a potential voter move to a residence address outside of such local board jurisdiction, or may have moved without leaving a forwarding address, the board of elections shall send such voter a Confirmation

Notice pursuant to Sections 5-213 and 5-712 of the NYS Election Law and places the record in Inactive status. The board of elections shall restore the registration record to Active status if the voter notifies such board that he or she still resides at the address from which he or she is registered, or the board finds that such voter has validly signed a designating or nominating petition, which states that they reside at the same address, or if the voter casts a ballot in an affidavit envelope which states that they reside at such address.

The statewide voter registration list (NYSVoter) also identifies possible duplicate voter registrations upon a match of an applicant's first three letters of the first name and the first five letters of the last name, date of birth, and if available, other identification information. If such information indicates that a voter may have moved, the county board with the earlier dated registration record shall update the respective voter record status as Inactive and send a Confirmation Notice.

Upon restoring a voter's registration record to active status, the board of elections sends to voter, by first class forwardable mail, a notice advising the voter of the restoration. This process is also used for UOCAVA voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B3) below this line.]

Whenever a county board has reason to believe that a registered voter may no longer be qualified to vote, it shall, before cancelling his or her registration, notify such voter by first class forwardable mail to the address from which he or she was last registered, providing the voter with a fourteen day time period to state in writing or in person, the reasons why their registration record should not be cancelled. If after such time, the board is not satisfied that the voter is qualified to remain registered, the board shall cancel the registration.

This process is also used for UOCAVA voters.

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked**

**with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B4) below this line.]

The system is linked with DMV, to verify driver's license ID number and the last 4 digits of an applicant's SSA number.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B5) below this line.]

Files are sent annually to a certified NCOA vendor, and processed records are returned to the SBOE. Records are then transmitted to county election officials who determine if NCOA info provided is sufficient to modify a voter record. Counties send out transfer and/or confirmation mailings, as appropriate.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B6) below this line.]

A voter's registration is cancelled when convicted of a felony and sentenced to a term of imprisonment. A voter may reapply for registration, as same is not automatically restored. A voter on parole may not reapply, however a voter on probation may reapply for registration.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (B7) below this line.]

Registration forms may be completed online, but they must be printed out, signed, and mailed to the voter's board of elections. Electronic transmission is not permitted in NY.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

       No Change Since 2008        X   Changed Since 2008

**2008 Response:**

[Begin response to above question (a) below this line.]

Emergency ballots are tabulated at the poll sites, while absentee ballots are counted centrally.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (b) below this line.]

YES - they are added to that specific precinct's canvass, as part of the recanvass process, which begins 7 days after election day.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (c) below this line.]

They appear separately on the county board's original canvass sheet, but for reporting and publication by the State Board, they are aggregated

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (d) below this line.]

In the same manner as other absentee ballots.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C2) below this line.]

YES – see ABSENTEE, in Section A, above

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C3) below this line.]

NO – early voting is not permitted in New York

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C4) below this line.]

NO

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C5) below this line.]

Called an affidavit ballot in NY, it is cast when a voter's name does not appear in an election day poll book; when a voter has just moved into the election district (precinct) but has not previously advised the county board of that move; when a voter is required to provide ID but does not do so; in a primary election, when a voter's party enrollment does not match the enrollment noted in the poll book. See NYS Election Law § 8-302.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C6) below this line.]

If research at the county board supports the claim the voter makes in their oath on the ballot envelope, the ballot will be counted. If research proves otherwise, the ballot is not counted. Provisional ballots cast by voters who were in the correct poll site but at the wrong voter sign-in table, will be counted, however only those contests and questions which the two different districts had in common will be counted.

See Election Law, Sections 5-403, 9-209

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C7) below this line.]

New York requires a complete recanvass of machine and paper ballots cast at each election – one of the few states to do so. In addition to this complete recanvass process, New York has provided for a post-election audit which requires that 3% of the voter-verifiable audit records of voting machines or systems within the jurisdiction of the board, be manually counted.

See Election Law 9-211

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   **No Change Since 2008**             **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C8) below this line.]

The State provides to county boards and poll workers, a statewide curriculum, and web-based training programs. Poll workers serve one-year terms, must be trained annually, and must pass an exam prior to their certification as a poll worker.

See Election Law 3-412

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (D1) below this line.]

County boards of elections canvass and report votes to the State Board. At present, they are aggregated when reported to the State, however as we migrate to new voting systems, we are changing the reporting format such that blanks, voids, and other votes can be reported separately.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (a) below this line.]

Driver's license or non-driver ID number, or last 4 of SSN, however if an applicant has neither, several forms of ID can be provided/presented: valid photo ID, current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (b) below this line.]

Signature comparison in poll book, however if such record is flagged as "ID REQUIRED" the above list applies

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (c) below this line.]

NONE

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (d) below this line.]

NONE

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (e) below this line.]

NO

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (D3) below this line.]

Poll watchers are permitted in a poll site, provided they are qualified voters in the county in which they are serving and have a signed certificate from a party official or candidate who appears on the ballot.

ELECTION LAW 8-500

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2008             Changed Since 2008

### 2008 Response:

[Begin response to above question (E1) below this line.]

Subsequent to the passage of HAVA in 2002, the NY statutory mandate relative to a HAVA complaint procedure was codified in Election Law 3-105, effective May 3, 2005. Board Regulation Part 6216 is the framework for the HAVA administrative complaint procedure, adopted in 2006, pursuant to the federal and state statutory mandates. There has been no statutory amendment of 3-105, nor any revision of the Regulation.

[End response to above question (E1) above this line.]

**E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.**

**Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:**

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

**Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).**

**This question was not asked in 2008. Please provide your answer below.**

[Begin response to above question (E2) below this line.]

New York has been and remains committed to ensuring that military and special federal voters can cast an absentee ballot that will arrive timely and be counted. For several years, New York extended the effective date of a law that sought to address this issue. In 2008, anticipating this very issue, New York Election Law was amended to allow, for the first time,

military and special federal voters to request a ballot by facsimile or email. It also permanently expanded the deadline for receipt of such ballots to 13 days after a general or special election. Finally, it made permanent the provision that allows a military voter to have a witness sign and date his or her ballot transmittal envelope instead of obtaining a postmark (Chapter 165 of the Laws of 2009; New York State Election Law § 9-209[1] [a]). As a result, under current New York law, military and special federal ballots would have 45 days to make the “round-trip” from the board of elections to the voter and back to the board of elections because boards of elections are required to send out military and special federal ballots 32 days before the General Election.

The proposed New York State legislation (Chapter 104 of the Laws of 2010 A10681/S7466) expands the use of FWAB to provide:

- Voting Materials Transmission: New York State is concerned that all UOCAVA receive their ballots in a timely manner that allows them to be returned in time to be counted. In order to accomplish this, counties have added services for sending blank ballots to voters by (a) postal mail, (b) fax; or (c) Email.
- For the board of elections to cast and canvass any federal write-in absentee ballots validly cast by a military voter for all proposals, public offices and party positions for which such voter is entitled to vote if the voter had received a certified ballot, and which would now include state and local contests.
- That within 3 days of the scheduling of a special election or upon a court restraining the issuance of ballots, all military voters and special federal voters will be sent a federal write-in absentee ballot. Upon the certification of the ballot, all special federal voters will be sent such certified ballot via the preferred method of transmission, notwithstanding the prior transmission of the federal write-in absentee ballot.
  - Expedited mail transmission if the military voter has not expressed a preference to receive same by facsimile transmission or electronic mail, and his or her request for a military ballot was made at least thirty-two days before the election, and the certified ballot is transmitted after a FWAB has been issued.
- That a FWAB may be returned 13 days after a general or special election.

[End response to above question (E2) above this line.]

**E3. Please add any additional comments or information about your state’s election administration processes that would help to inform the EAC’s interpretation of your data.**

       No Change Since 2008                        X   Changed Since 2008

**2008 Response:**

[Begin response to above question (E3) below this line.]

2010 will see the New York's statewide transition to op-scan voting systems, thereby implementing a number of the changes previously made to statutes and operating procedures. In 2009, we conducted a major pilot project, to validate new policies and procedures, with post-election review of same. After the 2010 elections, we will again review statutes, policies and procedures, for any appropriate changes.

[End response to above question (E3) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.