

New York State 2012 Waiver Application

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As discussed in this one-year waiver application, New York State is staunchly committed to compliance with the MOVE Act and to providing military and overseas voters the opportunity to cast their votes and have them counted. To that end, the Legislature and the Governor continue negotiations to try to shift the date for the State's primary election and make other changes in the law to facilitate such compliance. In addition, the State has already taken numerous steps to increase its compliance in 2012 and beyond, as set forth in a comprehensive plan summarized here. Such steps include numerous measures already adopted that are the same as or similar to those contained in the proposed Uniform Military and Overseas Voting Act (UMOVA). Because 2012 presents unique challenges to the State's compliance, however, the State must nevertheless seek a one-year waiver solely for 2012. We respectfully request such a waiver and, in any event, look forward to working with FVAP and DOJ to ensure that military and overseas voters' rights are protected.

Necessity for Waiver Request:

New York State is unable to meet the 45-day pre-primary election and the 45-day pre-general election ballot delivery requirement in 2012 necessary for compliance with the Military and Overseas Voter Empowerment (MOVE) Act (Pub. L. No 11-84 Subtitle H), attributable to an undue hardship due to a late primary. Specifically, even if the State's primary date is shifted as the result of ongoing negotiations between the Legislature and the Governor's Office, New York State's redistricting process in 2012 and the short time frame leading up to any newly selected primary date will render it extremely difficult, if not virtually impossible, to administer the numerous elections in 2012 in an orderly fashion and in compliance with the MOVE Act.

Acknowledgement:

New York firmly and supportively recognizes the purpose and objective of the 'time to vote' provision in the MOVE Act. The 'time to vote' provision is laudable in that it ensures sufficient time for roundtrip ballot transmission for military and special federal voters and therefore allows the voted ballot to be received and counted. New York State is committed to this ideal, and has anticipated ways to meet this objective in 2012 through existing state law and the procedures explained in this waiver application. Although we believe that a waiver is required for 2012, the State will continue to work extremely hard to achieve compliance even in 2012 to the extent possible under existing law.

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Hardship:

For 2012 alone, New York State faces a perfect storm of challenges that will render its full compliance with the MOVE Act extremely difficult, if not virtually impossible. Even if the primary election date is moved to allow such compliance in future years, the State's constitutionally mandated redistricting in 2012 is very likely to render compliance in 2012 extraordinarily difficult.

To begin, existing New York statutes set the primary election date for September 11, 2012. That schedule combined with the post-primary statutory requirements tied to it including, among other steps, judicial nominating conventions that are not scheduled to occur until late September, necessarily prevent county boards of elections from certifying and printing general election absentee ballots in time to transmit military and special federal ballots 45 days before the November 6th General Election (September 22, 2012), and thus comply with the MOVE Act. Similarly, New York State law requires the State Board of Elections to certify the primary election offices/candidates not later than 36 days before a primary election (August 6, 2012) and the 62 county boards of elections to certify their respective primary election offices/candidates not later than 35 days before a primary election (August 5, 2012). The election law further provides that military and special federal ballots shall be transmitted to eligible voters not less than 32-days before the primary election (August 10, 2012) and not less than 32-days before the general election (October 5, 2012). Accordingly, New York's existing laws prevent county boards of elections from having ballots available 45 days before the Primary Election and before the General Election. See Appendix A.

Negotiations between the Legislature and the Governor to shift the State's primary election date earlier are ongoing and it is hoped that those negotiations will bear fruit shortly. Significantly, however, even if the primary election is rescheduled via statutory changes, the State will face enormous obstacles to compliance in 2012.

First, the large scale of election operations in New York State means that a significant change in the primary election date alone at this late date will impose an undue hardship that is likely to harm voters. With over 6,000 poll sites in the state and more than 100,000 election workers serving on election day, the administration of an election in New York is a logistical challenge in any year. To ensure that these 6,000 poll sites are available, they must be reserved more than a year in advance of the primary election. Many of the poll sites also serve other community and/or governmental functions. Rescheduling the Primary Election would require significant time and resources to confirm the availability of the more than 100,000 trained election workers to serve on an election day other than the traditional September date with

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which they are most familiar. If the Primary Election were rescheduled, it is anticipated that a significant number of new workers will need to be recruited and trained, causing further undue hardship on New York State's already limited resources, and compromising our ability to properly and accurately conduct elections in 2012. In short, the voters could face fewer poll workers and greater geographic hurdles in getting to the polls if the primary election is moved at this late date.

In addition, the complex structure of New York's election law mandates that each step in the responsible administration and conduct of an orderly primary election is contingent upon completion of a critical preceding step, and those steps each hinge on the date of the Primary Election. For example:

- the filing of party calls which tell the boards of elections what political party positions are on the primary ballot, and the political subdivisions and numbers of corresponding party positions which are required to be filled (NYS Election Law §2-120);
- filing designating petitions and ballot access issues related to acceptance, authorization and administrative and judicial review of any objections (NYS Election Law §§6-134, 6-158, 6-120 and 6-164);
- dates for filling Opportunity to Ballot petitions (NYS Election Law §§6-164 and 6-158);
- dates for holding state committee meetings to nominate candidates for statewide offices (NYS Election Law §§6-104, 6-108, 6-158, and 6-116);
- dates for the convening a town caucus at which candidates will be nominated (NYS Election Law §§6-108 and 6-158);
- date of the certification of the Primary ballot at the State and County level (NYS Election Law §4-110);
- dates for the pre-election qualification testing and candidate review of voting systems and ballots to be used in the Primary Election (NYS Election Law §§7-128 and 7-207)
- dates for holding judicial district conventions (NYS Election Law §6-158);
- deadlines to register and become eligible to vote in the Primary Election (NYS Election Law §§5-210 and 5-208);
- deadlines for the receipt of requests for absentee ballots (NYS Election Law §§8-400, 8-412, 10-106, and Article 11, Title II); and
- campaign finance issues related to:
 - contribution limits within an election cycle;
 - dates for filing periodic and pre-primary election and post-primary election statements of campaign finance activity.

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As a result, any change in the Primary Election date during an election year necessarily affects the administration of elections more than six months before the actual Primary Election. In 2012, moreover, New York State will experience a particularly busy election cycle with contests for President and Vice President of the United States¹, United States Senator, Representatives in Congress, all of the members of both houses of the State Legislature, State Supreme Court Justices in thirteen judicial districts, as well as numerous county-level and local jurisdiction elections.

Determination of Covered Areas for Voting Rights and Alternate Language Election Materials:

We are currently unaware of whether or not any additional jurisdictions in New York will be covered by Section 203 of the Voting Rights Act or if there will be an expansion of new language minority groups not previously required, and it will be some time until we are informed by the Census Bureau as to our status. The evaluations, as you may know, only happen once a decade, but New York is facing such a change for the 2012 elections.

Such expansion or modification will impact voting systems, poll sites, staffing, training and policies and procedures utilized to conduct elections in New York State. Additionally, at both the State and County levels, the addition of any new language(s) will require sufficient lead time to translate and produce all materials associated with ballot access, outreach and election day, including but not limited to voter registration forms, absentee ballots, poll site postings, and voter outreach and education materials. Additional time will also be necessary for a voting system certification of any needed software/firmware modifications to accommodate the addition, if any, of any new language(s). County boards of elections which will be affected by the addition of one or more new languages will also need time to procure and train interpreters for election day. These new interpreters will be delivering key instructions and services to affected language groups, ensuring that voters are fully comfortable with and have full access to all phases of the voting process.

Three voting jurisdictions within New York State: Bronx County, Kings County (Brooklyn), and New York County (Manhattan), are currently subject to the pre-clearance requirements of the Voting Rights Act and therefore are demanding of additional logistical coordination with the Department of Justice with respect to any expansion of new language minority groups.

¹ New York will conduct its Presidential Preference Primary Election scheduled to take place on April 24th (Chapter 147, Laws of 2011) with a MOVE Act compliant UOCAVA ballot transmission deadline 45 days prior to the presidential preference primary.

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In sum, a change in the Primary Election date even as early as in the next few months thus would threaten to undermine the State's capacity to run those 2012 elections properly, accurately, and in a manner that protects voters. Any proposed change to the election calendar must ensure careful and thoughtful efforts to positively impact and enhance gains in political participation by racial and language minorities while also providing sufficient time periods in which the due process rights of those voters, candidates and political parties who would be affected by those deadlines may properly proceed without negative impact. New York is committed to compliance with MOVE Act provisions. New York is equally committed to ensuring that ballots are accurate and reflect all administrative and judicial decisions which add or remove candidates or propositions from the ballot. For this reason alone, a waiver solely for 2012 is appropriate to ensure that next year's elections will not be unduly disrupted and voters harmed.

2012 Redistricting and its Impact on County Boards of Elections:

Based upon the 2010 census, each of New York's entire congressional and state legislative districts must be reconfigured for the 2012 elections to reflect the changes in population.

The creation of a 2012 political calendar that governs all ballot access activities cannot begin until redistricting is completed. Beyond the election itself, many other steps cannot be taken until those lines are set, including but not limited to:

- the reconfiguration of county voter registration files, to accommodate the changes in state-level legislative and/or congressional district lines;
- the reconfiguration of county voter registration files, to reflect any redistricting required in local districts resulting from the movement of state and congressional lines (county legislative lines, ward lines, election district lines, etc.);
- the reconfiguration of ballot scanner databases and templates, to reflect all changes related to redistricting;
- the modification of any pre-printed materials, including voter notifications, election day supplies and other items related to the orderly conduct of an election;
- the need to secure additional polling places, if necessary;
- the delivery of any advisory notices to election day workers and/or voters, announcing changes in any congressional, state and local districts.

Even if the new district lines were completed immediately, the State would likely have a difficult time addressing the many steps it must complete to ensure an orderly and accurate

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election. Yet there is every reason to believe that the district lines will not be completed until the middle of Spring at the earliest, and could be delayed substantially beyond that time.

Governor Andrew Cuomo has submitted legislation to establish an independent redistricting commission to permanently reform how congressional and state legislative district lines are decennially drawn in New York. In addition, Governor Cuomo has stated publicly that if reform of the redistricting process is not reached, he will veto the redistricting plans passed by the Legislature which have been developed under the existing process.

At the same time, the Legislature is proceeding under the existing New York State Legislative Task Force on Demographic Research and Reapportionment process and is currently conducting a series of public hearings throughout the state to receive public comment concerning the current census information and the redistricting process. This initial round of public hearings is scheduled to take place between July and October 2011. Subsequent to the development of a proposed district plan, a second series of statewide public hearings is proposed, but not yet scheduled, to receive further public input into the creation of new district lines. Also, an additional allowance must be made for the extra time required for DOJ pre-clearance of new district lines.

In other words, even if the customary statutory process for drawing district lines were followed, such lines would most likely not be considered by the Legislature until February 2012 at the earliest. That would render a newly scheduled June primary virtually impossible, despite the fact that June is under strong consideration as a possible new date for the State's primary elections to comply with the MOVE Act. Party calls, petitions, certifications, and many other steps that must precede the primary election itself simply could not occur in the time between February or March and June.

But given the looming uncertainties regarding the process of drawing the district lines itself, it is possible that litigation and additional line-drawing by a new commission or by the courts may be necessary. As a result, it is also likely that the district lines may not be settled until substantially later than in the past. Accordingly, if the primary election is moved earlier in 2012 and the redistricting process ends much later than usual, the State and its voters will face potentially severe disruptions and problems in administering its 2012 elections at all, much less in compliance with the MOVE Act.

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New York State Comprehensive Plan:

New York State is fully committed to increasing the enfranchisement of military voters and special federal voters as required by the MOVE Act and is continuing to work to ensure that adequate time is provided for these voters to cast their ballots and have them counted. Even if a waiver is granted for 2012, the State intends to take extraordinary and sustained steps immediately and throughout 2012 to increase its compliance with the MOVE Act. See Appendix B which highlights dates related to military and special federal absentee voting in 2012.

New York State was Successful in Implementing MOVE in 2010:

New York State has not waited until now to improve its performance in this regard. In 2010, New York State requested and was granted a waiver for compliance with the MOVE Act. Despite its failures to achieve full compliance, the 2010 New York State Comprehensive Plan was successful in marshalling the State's efforts to expand the inclusion of military voters and special federal voters in the electoral process, despite being faced with a number of obstacles that were expeditiously and efficiently addressed. Working with our partners at FVAP, ScytI, the Overseas Vote Foundation (OVF) and the county boards of elections, New York State improved ballot return rates from military voters and special federal voters that surpassed the numbers seen in the gubernatorial election in 2006.

From our 2010 final report to FVAP covering the 2010 General Election, 54,495 UOCAVA ballots were sent out from New York's 62 county boards of elections, of which 28.2% were military voters and 71.8% were special federal voters. Of that number, 22,303 were returned (41%) for counting, of which 16,475 were actually counted (73.9%). New York will use the elements detailed herein to work to ensure improved return-rate statistics for both military voters and special federal voters.

In 2011, Governor Cuomo proclaimed a special election conducted this past May for the 26th Congressional District, encompassing all or parts of seven counties. In that election, 642 UOCAVA ballots were sent out, of which 40.7% were military ballots and 59.3% were intended for US citizens living abroad. Of that number, 351 were returned (55%) for counting, of which 308 were actually counted (87.75%).

We recognize that a small minority of New York jurisdictions did not meet the 2010 ballot transmission deadlines and we believe that this subsequent waiver application can focus on what the state is doing to ensure those non-complying jurisdictions meet the requirements

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with this application. We commit to working with FVAP to focus on these jurisdictions to ensure that a granted waiver request meets the spirit of the MOVE Act.

The State Board of Elections has aggressively pursued or is pursuing the following steps to provide sufficient time for military voters and special federal voters to vote in the 2012 elections:

New York's Plan for 2012:

A. Voter registration applications, absentee ballot applications and blank ballots must be available electronically (Sections 577 and 578):

As a result of Sections 577 and 578 within the MOVE Act, working in partnership with FVAP, Scytl and the Overseas Vote Foundation (OVF), New York State participated in the FVAP Electronic Voting Support Wizard (EVSZ) pilot program, introducing a new tool for use by voters and county boards of elections to expand access to voter registration applications, absentee ballot applications and blank ballots. Since additional steps were necessary for New York State to fully comply with the MOVE Act, the State then sought and procured additional assistance through Scytl and OVF to provide improved outreach to our military and special federal voters. For the first time, UOCAVA voters were given access to ballot request and contact information, along with a ballot tracking tool, Scytl SecureBallot, through a hosted web site that was integrated with the State Board's web site.

- During the 2010 General Election, 8,376 voters used the hosted website to access registration, ballot request and contact information;
- All UOCAVA voters, including those that had requested a ballot by mail or facsimile were able to log into the SecureBallot system, enabling redundant access to blank ballots if the mail transmission proved unreliable;
- For the 2010 General Election, 913 blank ballots were downloaded electronically; the highest number of any of the states participating in the 2010 FVAP pilot program.

During 2010, the MOVE Act Wizard greatly expanded the tools available for use by local election administrators to transmit registration applications, absentee applications and blank ballot materials, while also helping to provide timely information to eligible voters of the delivery/receipt status of ballot materials. However, when the HAVA mandated statewide voter registration list (NYSVoter) was created, it was not designed to track information relative to absentee voting as that was not federal mandated.

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New York State is working to integrate the 2010 MOVE Act Wizard business practices with the voter registration management systems to achieve administrative efficiencies and reduce the amount of staff members and time required to manually complete the numerous ballot tasks associated with MOVE Act compliance for the 2012 elections, including:

- keep a record of all UOCAVA applicants with their preferred method of communication;
- record the necessary email address or fax number;
- record the status of ballot transmission/receipt;
- automatically assign the appropriate ballot style to each UOCAVA voters based on the address at which their registration is based;
- flag email errors so that local boards can follow up with the voter directly to verify correct email address or to mail them a ballot;
- automatically send out email and fax notifications upon upload of initial ballot or subsequently amended ballot;
- allow for increased communication between UOCAVA voters and their local boards of elections;

The improvements to all systems involved in serving UOCAVA voters stand to greatly increase the enfranchisement of those voters, in addition to New York State's overall compliance with the MOVE Act. It will allow for the seamless, and almost instantaneous, exchange of data between local boards of election, the State Board and the updated SecureBallot site. In addition, many of the tasks can be automatically triggered and fulfilled based upon the actions of a UOCAVA voter or a local board of elections.

The new integrated system, once in place, will also allow for robust reporting based on the data being exchanged between the currently separate systems. This reporting will allow New York to ensure that UOCAVA voters are being given every opportunity they deserve to participate in the voting process. It will also allow election officials to review and track the ballot tasks being performed across the state to identify any anomalies or potential obstacles, which can then be quickly assessed and resolved to ensure more efficient and successful election activities by and for UOCAVA voters.

B. Ballot Tracking Mechanism (Section 580h):

Working in tandem with the new blank ballot delivery tool highlighted in Section A above, in 2010, New York State also introduced a new ballot tracking tool as part of the MOVE Act compliance tool that all military voters and special federal voters can access to confirm their ballots have been received.

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During the 2010 Primary and General Election, the Scyt! SecureBallot system managed 35,694 distinct ballot styles corresponding to specific election district/precinct associations. Also, 14,943 ballots were 'tracked' by county boards of elections, providing UOCAVA voters with up-to-date information of the delivery/receipt status of their ballot materials by the respective county board of elections.

The proposed improvements to the various technological systems discussed in the previous section will also impact the tracking functionality for both UOCAVA voters and local boards of elections. Whereas previously, local boards had to login to the SecureBallot site to manually update the status of a voter's ballot in addition to tracking it in their local voter registration system, the new integrated system eliminates the need for the former action, allowing the local voter registration system to automatically send the status update to the SecureBallot site without the need for the additional manual interaction by election officials.

Despite the fact that there are multiple local voter registration management systems (VRMS) in use throughout New York, the proposed improvements to local VRMS, NYSVoter and the SecureBallot system will standardize the data being collected on UOCAVA voters and related activities by election officials. This will allow for more uniform reporting of UOCAVA statistics by the State Board, adding to the numerous efficiencies already expected to be realized by the implementation of this new integrated system. This will also provide the ability to review data statewide on ballot transmission, a step that is not required in the MOVE Act, and a provision that goes beyond the minimum requirements that other states provide.

C. Designated Means for Electronic Communication (Section 577):

In addition to traditional ballot delivery by regular mail, New York State has designated email and facsimile (at the voter's request) as means for electronic communication with voters for the request and receipt of registration materials and for providing election and voting information. New York MOVE voters will not have to re-register for each election next year, which we believe protects the UOCAVA voters' interests.

D. Single Application for Multiple Elections (Section 585):

Section 585 of the MOVE Act removed the requirement that a single registration or absentee ballot application form could serve as a request to receive ballots for the time period that encompassed two general federal elections. New York State determined to continue the more inclusive approach and continues to consider the Federal Post Card Application (FPCA) as

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an application to register to vote and entitles each applicant to receive all ballots that the voter is eligible to receive for the period of time that encompasses two general federal elections.

Routine Notice to Voters: New York State statute requires list maintenance procedures to ensure that voter contact information remains as current as possible. County boards of elections accomplish one such step annually by providing notice to each military voter, sent 75-90 days before each general election to the last known mailing address and include an opportunity for the applicant to update voter registration and absentee voting information in time for the election. The time period for the special federal voters' notice transmission is within 45-60 days before each election in which they may be eligible to vote.

List Maintenance: With the decision to treat a FPCA for the period of time that encompasses two general federal elections, New York State provides continued access to the ballot without additional filing requirements, thus enabling more eligible voters to receive a ballot and vote, it became apparent that more ballots are returned as undeliverable. State statutes provide for routine list maintenance requirements that each county board of elections must follow upon the return of undeliverable military ballots or special federal ballots.

Uniform Statistical Reports: New York State is committed to operational efficiency achieved by integrating the statewide voter registration list (NYSVoter), the respective county boards of elections voter registration management systems; and the Scytl SecureBallot system to track ballots when returned as undeliverable. By making that information available as soon as possible, military voters or special federal voters may still have enough time working with the respective county boards of elections to update their contact information and receive a blank ballot in time for their votes to be counted.

E. Expansion of use of the Federal Write-in Absentee Ballot (FWAB) (Section 581(a) and 582):

New York State Election Law provides for the use of the FWAB to provide:

- For the board of elections to 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.
- A FWAB validly cast by a special federal voter may be counted for selections made for federal public office(s).
- 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

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write-in absentee ballot. Upon the certification of the ballot, all such military or special federal voters will be sent such certified ballot via the voter's preferred method of transmission, notwithstanding the prior transmission of the federal write-in absentee ballot.

- Expedited mail transmission if the military voter or special federal voter has not expressed a preference to receive same by facsimile transmission or electronic mail, and his or her request for a 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 by an otherwise eligible military or special federal voter, postmarked before election day and received by the county board of elections not later than 13 days after a general or special election or 7 days after a primary election, in order for such ballot to be counted in the same manner as other ballots retained by the county board of elections.

F. Voter Registration Deadline extended for Military Voters:

In New York, the 25-day pre-election deadline for the county board of elections to receive a voter registration application is reduced to 10 days prior to a general election as provided in:

- NYS Election Law §10-106(5) for military voters;
- a qualified voter inducted into or who shall have enlisted in the military service and who shall not have taken his or her oath prior to 30 days before a general election, or a family member residing in the same election district as, and accompanying such voter, may register in person before the board of elections of his or her county of residence, if on or before the day of such election, actually be in the military service (NYS Election Law §10-106(10)). Such voter shall then receive a military ballot;
- any qualified person who has been honorably discharged from the military after the 25th day before a general election, may personally register at the board of elections in the county of his or her residence and vote in the general election held at least 10 days after such registration (NYS Election Law §5-210(4)).

G. Military Ballot Application, by a Family Member, or in a Letter by Mail, Fax or Email:

In New York, a family member can apply for an absentee ballot on behalf of a military voter (NYS Election Law §10-106(11)). This is particularly useful for members of the armed services on active duty whose family members still reside locally. A military voter that is already registered to vote may also request a blank ballot by submitting a letter to the county board of elections as provided for in NYS Election Law §10-106(3). Such written letter may be sent by regular mail, fax or email.

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Upon receipt of an application by a relative of a military voter, or a letter received from the military voter, the board of elections transmits a blank ballot together with an application for a military ballot to such voter with instructions that the application must be completed and returned with the envelope containing the military ballot.

A special federal voter that is already registered to vote may also request a blank ballot by submitting a letter to the county board of elections as provided for in NYS Election Law §11-202. Such written letter may be sent by regular mail, fax or email. Upon receipt of an application by a relative of a special federal voter, the board of elections transmits a blank ballot together with an application for a special federal ballot to such voter with instructions that the application must be completed and returned with the envelope containing the special federal ballot.

H. Late Counting of Ballots from UOCAVA Voters:

Under New York State law, military voters and special federal voters have an extra 7 days after a primary election or 13 days after a general or special election for their marked ballots to be received by the county board of elections, and be eligible to be counted if postmarked before election day. This will ensure that UOCAVA voters who return their absentee ballots before election day have almost two weeks for those ballots to arrive at local county boards of elections and be counted. Again, post-acceptance of absentee ballots for these voters was seen as an acceptable solution during the MOVE hearings and legislative history, since the end result – a counted UOCAVA ballot – would be the same.

I. Outreach Efforts:

- Communicate information aggressively and in multiple media platforms to reach as many UOCAVA voters as possible, to ensure such voters have the information needed to get their ballots as early as possible and return them as early as possible. Media outlets will be contacted in New York State, Washington DC and overseas including Stars & Stripes, the International Herald Tribune and Military Times, which covers all branches of the armed services.
 - The State Board will develop a communication plan which will be finalized at the beginning of the 2012 calendar year and a copy provided to FVAP and the Department of Justice by March 1, 2012.
- Provide timely updates to the NYSBOE website with links dedicated to military and overseas voters.
 - Prominently direct UOCAVA voters to the Secure Ballot areas of the website.

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- Coordinate efforts with the county boards of elections to integrate into their websites.
- Coordinated communication plan with stakeholder groups including the New York State Office of the Adjutant General and the New York State Division of Military and Naval Affairs.
- Provide cost-free expedited method for UOCAVA voters to return voted ballot: New York State anticipates that FVAP will continue to coordinate expedited return mail services for military voters utilizing military mail services. Further, the State Board will include instructions to overseas voters and provide links to overseas expedited mail delivery services which give voters access to reduced-cost postage solutions.
- Provide information on a collection point within NYS for returned ballots: NYS's procedure for complying with the MOVE Act is to provide each voter with an information package when they download a blank ballot or receive a ballot by facsimile containing instructions with a sample outside return envelope containing the voter-specific county board of elections return mailing address, to ensure a timely and direct path of travel for voted ballots.
- New York State will designate certain, skilled State Board staff members to serve as liaisons with FVAP to facilitate issue resolution and to provide FVAP with requested updates of activity and progress related to MOVE implementation. The State Board will provide outreach and assistance to county boards of elections on UOCAVA voting matters to help them comply with federal and state MOVE Act requirements. The State Board staff will also meet and provide extensive outreach to staff at New York military bases and special federal voter outreach associations.
- In addition to the above-mentioned liaison work, the State Board will aggressively promote public information campaigns through traditional and new media to reach out to New York military and special federal voters to ensure they have the information needed to get their ballots as early as possible and return them as early as possible. Further, the State Board will work with the Department of Defense to help New York military and special federal voters have accurate and timely information about the election and the contests for which they are eligible to vote. The earlier the voter returns the ballot, the more likely it will be received in time to be counted.

J. Ensuring Jurisdictional Compliance:

During the 2010 Election certain jurisdictions in New York did not meet the ballot transmission deadlines in accordance with the FVAP approved waiver. Many local boards of elections were unfamiliar with this new process due to the short timeframe between the MOVE Act's adoption and its first implementation at the 2010 General Election, which led to some

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procedural breakdowns that impacted transmittal of ballots. Since then, the State Board has continued to make education of local boards of elections regarding MOVE Act compliance and best practices a priority, and subsequent MOVE-applicable elections have shown marked improvement in compliance. To ensure universal compliance with all jurisdictions, we recommend a heightened level of interaction and checks between the State Board and each jurisdiction to monitor ballot transmission compliance. Also, we will work with the Court to modify existing agreements to ensure that New York complies with any waiver request.

By way of the previously discussed improvements to local VRMS, NYSVoter and the SecureBallot system, standardized data will be collected on UOCAVA voters from all county boards of elections providing a means for the State Board staff to monitor ballot transmission status.

We will also institute a reporting plan wherein each of the jurisdictions which did not comply with the transmission dates in 2010 will have to report all actions and activities related to an established timeline that will result in ballot transmission prior to the agreed-to waiver deadline. Jurisdictions will submit to the State Board of Elections, written bi-weekly reports starting eight weeks prior to the date of ballot transmission for the primary and general election.

The Board will review each jurisdiction's bi-weekly plan and monitor ballot transmission for all other jurisdictions as described above. If at any time there is a clear indication that the jurisdiction is not on track to transmit ballots by the waiver deadline, the State Board will contact the jurisdiction, discuss outstanding issues and work together with the jurisdictions staff to resolve those issues. If the State Board staff determines that the jurisdiction does not appear able to meet the deadline, the State Board shall immediately inform FVAP of the prospective delay.

K Judicial Order:

The conclusion of the ballot access administrative complaint process is merely the first step in the determination of which candidates will appear on ballots in any election. Election Law §§16-102 and 16-104 provide for judicial review of the boards of elections' administrative determinations.

The time within which proceedings as to candidate designations or nominations occur is essentially 14 days after the last day to file such petition or certificate of nomination for those opposing the same and within three days of a determination by the board of elections which

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has removed a candidate from the ballot. Election Law §16-104(2). That statute also requires that a final order in any proceeding involving the names of candidates on ballots or voting machines shall be made, if possible, at least five weeks before the day of the election. Election Law §16-102(4). Clearly this time frame was appropriate prior to the adoption of the MOVE Act which now requires that ballots be sent to covered voters 45 days prior to an election. There is a similar statutory suggested time frame as to proceedings concerning the form and content of the ballot. Election Law §16-104(4). These suggested time frames were established in the context of the statutory requirement that the primary ballots be certified by the State Board of Elections 36 days prior to the primary and general election. Election Law §§4-110 and 4-112. Recognizing that the makeup of the county ballot is in some respects dependent upon the State Board certification, the statute requires that county boards certify their ballot 35 days prior to the primary or general elections. Election Law §4-114. This time frame allowed the county boards to get their ballots out 32 days prior to the election as required by Election Law §10-108 for military voters and §11-104 for special federal voters.

Of course the military and federal voters are entitled to a correct ballot and consideration must be given to judicial rulings changing the ballots as originally certified. In order to maximize the amount of time prior to an election that the county boards will have to react to a court ruling, the judicial process must be addressed. The State Board intends to request a meeting with the Office of Court Administration in the hopes of convincing the State's Chief Administrative Judge to issue a strict scheduling order for the resolution of election cases. Last year, when the majority of the state senate was in the balance, the Governor requested, and the Chief Judge issued a tight scheduling order with respect to the determination of election challenges (in that case the issue concerned the canvassing of ballots but is equally applicable to the formation of the ballot). Attached is last year's Scheduling Order (see Appendix C), which set a very tight schedule which could be replicated in the context of challenges to the makeup of the ballot in a pre-election context. The co-operation of the state judiciary will allow the county boards sufficient time to react to judicially mandated ballot changes. The time frame of any resolution must however accommodate the 45 day round trip proposed herein. The timely resolution of such judicial proceedings will eliminate the eleventh hour activity which precluded certain county boards from providing the timely transmission of ballots to voters not later than 32 days before the primary election or the general election. The involvement of the judiciary in the plan for compliance with the state's proposed plan of action in 2012 will help bring New York closer to full compliance with the proffered plan.

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L. Uniform Military and Overseas Voters Act (UMOVA):

New York State continues to work to provide military and overseas voters the opportunity to cast their votes and have them counted. To that end, in May, 2011, the State Board attended an educational program conducted by the Uniform Law Commission in Albany, New York. The group espouses uniformity in absentee balloting laws among the states to better assist military and special federal voters who are relocated frequently, and find variations in statutes confusing. At its 2010 Annual Meeting, the Uniform Law Commission promulgated the Uniform Military and Overseas Voters Act (UMOVA) and recommended that states adopt UMOVA to simplify the process of absentee voting for UOCAVA covered civilians by making the process more uniform among the states.

A subsequent comparison prepared by the State Board between the UMOVA provisions with New York State statutes identifies numerous provisions where New York currently provides the same, similar or expanded coverage for military and special federal voters. See Appendix D for a UMOVA/NYS statute comparison chart. We will continue to review the few outstanding issues to determine if the State Board would propose further legislative changes to facilitate compliance.

Sufficiency of the NYS Comprehensive Plan:

Military ballots and special federal ballots are required to be transmitted not later than 32 days (October 5) before the November 6, 2012 General Election and may be returned in person to the county board of elections prior to the close of polls on election day or, if postmarked before election day, received not later than 13 days after the election (November 19, 2012). In a general election cycle, New York provides a 45-day time period for ballot transmission and return. Further, primary election military ballots and special federal ballots are required to be transmitted not later than 32 days (August 10) before the September 11, 2012 Primary Election and may be returned in person to the county board of elections prior to the close of polls on primary day or, if postmarked before election day – received not later than seven days after the primary (September 18, 2012). In a primary election cycle, New York provides for a 39-day time period for ballot transmission and return.

New York's arrangement of allowing voters to return the ballot *after* the date of the election affords military voters and special federal voters as much return time as is possible and is similar to time permitted for election day voters to learn about candidates and study issues. UOCAVA voters are not forced to return their ballots weeks before other voters simply because they are located far away.

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Testimony at the May 13, 2009 Senate Rules Committee hearing on the topic of military voting clearly reflected that if other precautions are taken, an appropriate 'window' of post-election acceptance of UOCAVA ballots should be an acceptable way to ensure such voters have enough 'time to vote'. As referenced in that hearing, post-election acceptance of UOCAVA ballots is considered by many to be an appropriate 'safety valve' to provide time to have those ballots counted. The Congressional Research Service notes that 63% of election officials contacted in their survey indicated that UOCAVA ballots were not counted because they were received too late². We believe the efforts described above as well as the time allowed for roundtrip delivery/receipt of ballots will provide strong protections for military and special federal voters.

Conclusion:

Based on the forgoing comprehensive plan which includes the transmission of blank ballots by regular mail, electronic transmission or fax transmission, and the total transmission time for postmarked ballots which include seven days after a primary election and 13 days after a general election, all military and special federal voters who are registered to vote and have applied for an absentee ballot more than 45 days before the day of the election will have sufficient time to receive, vote and return their absentee ballot in time for it to be counted.

² http://rules.senate.gov/public/?a=Files.Serve&File_id=fcb96f23-960d-4e3a-bcd4-84afe4e3b3f5 Page 2, line 62.

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Appendix A

Why NYS is Unable to Transmit Ballots 45 days before Election Day?

New York State is unable to meet the MOVE Act transmission deadline for the September 2012 Primary Election due to federally required redistricting: we do not have new district lines to run on in time to move the primary election any earlier than it currently is. Further New York cannot transmit military ballots and special federal ballots 45 days before the 2012 General Election because there is insufficient time between the Primary Election (September 11) and the 45 day pre-general ballot transmission deadline (September 22) required by the MOVE Act to complete the post-primary election ballot certification requirements, provide time necessary for party committees to complete required nominations of candidates for Justice of the Supreme Court at Judicial District Conventions, and prepare and transmit 55,000 to 65,000 ballots to UOCAVA voters. Furthermore, state statutes require that military ballots and special federal ballots be transmitted as soon as possible, but not later than 32 days before a primary election or a general election.

The 2012 Primary Election dates are:

Saturday, July 28	MOVE Act 45-day pre-primary election deadline for sending ballots
Monday, August 6	NYSBOE certification of primary candidates/offices/positions
Tuesday, August 7	County BOE certification of primary candidates/offices/positions
Friday, August 10	NYS statutory deadline to transmit military and special federal ballots

The 2012 General Election dates are:

Saturday, Sept 22	MOVE Act 45-day pre-primary election deadline for sending ballots
Monday, Oct 1	NYSBOE certification of primary candidates/offices/positions
Tuesday, Oct 2	County BOE certification of primary candidates/offices/positions
Friday, Oct 5	NYS statutory deadline to transmit military and special federal ballots

Election Law provides for the transmission of military ballots and special federal ballots 32-days prior to the date of each primary or general election. Voted ballots may be returned in person and be eligible to be counted if received by the board of elections up until the close of polls on election, or if sent by mail, postmarked the day before election day and received not later than 7 days after a primary election or 13 days after a general election.

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Appendix B

The following chart highlights 2012 milestone dates related to military and special federal absentee ballot voting:

EVENT	Deadline
ELECTION DATES	
Primary Election	
Primary Election (Fall)	Sept. 11, 2012
Certification of Primary Election	
Certification of Primary ballot by NYS BOE of designations filed in its office.	Aug 6
Certification of Primary ballot by County BOE of designations filed locally.	Aug 7
General Election	
General Election	Nov 6, 2012
Certification of General Election	
Certification of General Election ballot by NYS BOE of nominations filed in its office.	Oct 1
Certification of General Election ballot by County BOE of designations filed locally.	Oct 2
VOTING BY ABSENTEE BALLOT	
Military/Special Federal Voters for Primary	
MIL/FED: Last day for a BOE to receive application for ballot if NOT previously registered.	Aug 17
MIL/FED: Last day for a BOE to receive application if previously registered.	Sept 4
MILITARY VOTER: Last day to apply personally if previously registered.	Sept 10
MIL/FED: Deadline to Transmit Military and Special Federal Absentee ballots before the Primary Election	Aug 10
MILITARY VOTERS: Last day to postmark ballot and date it must be received by the board of elections.	Sept 10 – Sept 18
SPECIAL FEDERAL VOTERS: Last day to postmark ballot and date it must be received by the board of elections.	Sept 10 – Sept 18
MIL/FED: Last day to deliver ballot in person to the board of elections	Sept 11
Military/Special Federal Voters for General	
MILITARY VOTERS: Last day for a BOE to receive application for ballot if not previously registered.	Oct 26
SPECIAL FEDERAL VOTERS: Last day for a BOE to receive application for ballot if NOT previously registered.	Oct 12
MIL/FED: Last day for a BOE to receive application if previously registered.	Oct 30
MILITARY VOTERS: Last day to apply personally if previously registered.	Nov 5
MIL/FED: Deadline to Transmit Military and Special Federal Absentee ballots before the General Election	Oct 5
MILITARY VOTERS: Last day to postmark ballot and date it must be received by the board of elections.	Nov 5 - Nov 19
SPECIAL FEDERAL VOTERS: Last day to postmark ballot and date it must be received by the board of elections.	Nov 5 - Nov 19
MIL/FED Last day to deliver ballot in person to the board of elections	Nov 6

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Appendix C

Chief Judge of the State of New York



Jonathan Lippman

November 18, 2010

Hon. Andrew M. Cuomo
Attorney General and
Governor-Elect of the State of New York
120 Broadway
New York, NY 10271

Dear Governor-Elect Cuomo:

Thank you for your letter of yesterday concerning the status of pending litigation arising from the three undecided State Senate elections.

I am in full agreement with you that swift judicial resolution of the legal issues presented in these matters is of critical importance. The New York State Unified Court System is therefore taking immediate steps to insure that all three pending election cases are fully and finally resolved before the end of the calendar year.

To this end, I have directed Chief Administrative Judge Ann Pfau to issue the enclosed Administrative Order setting forth an expedited schedule for the timely hearing and disposition of the currently pending matters pertaining to the election of members of the State Senate in the 7th, 37th, and 60th Districts.

I greatly appreciate your recognition of the courts' essential role in the fair and expeditious resolution of these and other disputes affecting the well being of our State. I look forward to continuing to work with you on behalf of the public we all serve.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Lippman".

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ADMINISTRATIVE ORDER OF THE CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, at the direction of the Chief Judge of the State of New York after his consultation with the Judges of the New York State Court of Appeals and the Presiding Justices of the Appellate Divisions of the New York State Supreme Court, Second and Fourth Departments, with due regard to the importance of the timely hearing and resolution of all currently pending matters pertaining to the election of members of the New York State Senate in the Seventh, Thirty-Seventh, and Sixtieth Senate Districts arising from the general election held on November 2, 2010 ("State Senate Election Matters"), I hereby establish the following schedule for the determination of the State Senate Election Matters:

1. On or before December 6, 2010 (absent extraordinary and unavoidable circumstances): completion of hearing and issuance of determinations by Supreme Court of State Senate Election Matters pending before said courts in Nassau, Westchester, Erie, and Niagara Counties.
2. Within 24 hours of issuance of the order or judgment by Supreme Court determining any State Senate Election Matter: telephonic notification to the Clerk's Office of the appropriate Appellate Division (Second or Fourth Department), for the purpose of establishing a briefing schedule for any motions or appeals to the Appellate Division; such schedule shall provide that the matters be briefed and ready to be heard by December 8, 2010.
3. December 8, 2010, but in any event no later than December 15, 2010: hearing and determination of all State Senate Election Matters pending before the Appellate Division (Second and Fourth Departments).
4. Within 24 hours of issuance by the Appellate Division of any determination of a State Senate Election Matter: telephonic notification to the Clerk's Office of the Court of Appeals, for the purpose of establishing a briefing schedule for any motions or appeals to the Court of Appeals; such schedule shall provide that the matters be briefed and ready to be heard by December 20, 2010.
5. December 20, 2010: hearing of all State Senate Election Matters pending before the Court of Appeals.

At the direction of the Chief Judge of New York, the Chief Administrative Judge will monitor and facilitate compliance with this timetable.



Chief Administrative Judge of the Courts

Dated: November 18, 2010

AO/565/10

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Appendix D

Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
Section 2 - Definition of Covered Voters				
A Uniformed service voter who is registered to vote in the state, or has voting residence in the state	Yes	N/A		
UOCAVA definition of uniformed service voter is expanded to include National Guard (Section 2, Subsection 9c)	Yes	N/A	When in service of the US pursuant to a call	10-102(1)
The spouse or dependent of a uniformed service voter	Expanded	N/A	Spouse, parent, child or dependent of such voter accompanying or being with him or her, if a qualified voter and a resident of the same election district	10-102(2)
An overseas voter who				
before leaving the US was eligible to vote in the state;	N/A	Yes		11-200(1)
before leaving the US would have been eligible except for voting age; or	N/A	Yes		11-200(1)
was born outside the US, if a parent was, or would have been, eligible to vote in the state	N/A	Yes		11-200(1a)
Section 3 - Elections Covered				
The Act applies to all:				
general, special, presidential preference, primary, and runoff elections for federal office	Yes	Yes		10-104 11-200
general, special, recall, primary, and runoff elections for statewide or state legislative office, or statewide ballot measure	Yes	No		10-104
general, special, recall, primary, runoff, elections for local government office, or ballot measure conducted under relevant state law	Yes	No		10-104
Section 4 - Role of (state election official/office)				
The State Board of Elections is the office responsible for implementing the Act	Yes	Yes		3-102

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
The SBOE may delegate the responsibilities to the designated state office under UOCAVA	SBOE	SBOE		
The SBOE must do the following:				
make voting information available to covered voters	Yes	Yes	Link to SBOE website, SecureBallot or OVF links. CBOEs also make information available to covered voters, especially by mail.	
establish an electronic transmission system for voters to request and receive materials under the Act	Yes	Yes		
develop standardized absentee voting materials, in coordination with other states, to be used with ballots from all local jurisdictions	Yes	Yes		
prescribe a declaration for the voter to affirm identity, eligibility, covered status, and timely completion of the ballot	Yes	Yes		7-123 7-124
Section 5 - Overseas Voter's Registration Address				
An overseas voter who registers to vote must be assigned to the voting jurisdiction of the address at the voter's last place of residence (or the parent's last place of residence, if applicable)	Yes	Yes		10-106 11-200
If a voter's previous address is no longer recognized, the voter must be assigned an address for voting	Yes	Yes		10-106 11-200
Section 6 - Methods of Registering to Vote				
In addition to any other methods, a covered voter may use the FPCA to register to vote	Yes	Yes		10-106 11-204
A covered voter may use the FWAB declaration to apply for simultaneous voter registration with the FWAB submission (note: in brackets, the Act specifies that if a declaration is received after any deadline included in the Act, it must be treated as an application to register to vote for subsequent elections)	Yes	Yes		10-106 11-204

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
The voter must be allowed to electronically submit the FPCA, and any other approved registration application	Similar	Similar	An application received electronically would be considered a letter, requiring the CBOE to send both an application and a blank ballot to such voter. Statute requires the timely return by mail of both the application and the voted ballot in order for the ballot to be counted.	8-400 10-106 11-202
Section 7 - Method of Applying for Military/Overseas Ballot				
A covered voter who is registered may use the FPCA, a state application form, or the electronic equivalent, to request a ballot	Yes	Yes		10-106(7a) 11-204(3)
A covered voter who is not registered may use the FPCA, or its electronic equivalent, to simultaneously register and request a ballot	Yes	Yes		10-106(7a) 11-204(3)
The voter must be allowed to electronically submit the FPCA, and any other approved ballot application	Similar	Similar	An application received electronically would be considered a letter, requiring the CBOE to send both an application and a blank ballot to such voter. Statute requires the timely return by mail of both the application and the voted ballot in order for the ballot to be counted.	
The voter may use the FWAB declaration as a ballot application simultaneous with the FWAB submission, if the application is received by the date specified under the Act	Yes	Yes		

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
To receive the benefits of the Act, the voter must inform the election official that the voter is covered by means which include: use of an FPCA or FWAB; use of an overseas address a registration or ballot application; or information on the application sufficient to indicate the voter is covered	Yes	Yes		10-106 11-202
Section 8 - Timeliness and Scope				
A ballot application is timely if received by the date specified in the Act (note: in brackets, the act refers to the later of the fifth day before the election, or the last day otherwise provide by law)	Similar	Similar	Applying by mail for ballot to be sent by mail, application postmarked by seventh day before election. Military voter can apply in person for ballot to be picked up at the CBOE up through day before election	10-106
An application for a primary election ballot, whether timely or not, is effective as an application for the general election	Yes	Yes	Date application received determines eligibility.	10-106
Section 9 - Transmitting Blank Ballots				
For all elections covered by this Act (unless the states receives a waiver under MOVE), election officials must transmit the ballot no later than 45 days before the election to all covered voters who have submitted a request	Similar	Similar		10-108
A covered voter may choose to receive the ballot by fax or email delivery, or internet delivery, if available.	Yes	Yes	Email notification of available internet delivery	10-107 11-203
If a ballot application arrives after the jurisdiction begins transmitting ballots, the ballot must be sent within two business days of the request	Similar	Similar	as soon as practicable	10-108 11-204
Section 10 - Timely Casting of the Ballot				

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
A ballot must be received by the election official no later than the close of polls, or the voter must submit the ballot by mail or other authorized means no later than 12:01am, where the voter is located, on the date of the election	Similar	Similar	If mail, must be sent before election day.	10-114 11-212
Section 11 - Federal Write In Absentee Ballot				
A covered voter may use the FWAB for all offices and ballot measures in a covered election	Yes	Yes	As defined by covered voter and covered election as to those offices/ballot measures that the voter is eligible to vote for.	10-108 11-216
Section 12 - Receipt of Voted Ballot				
A ballot must be counted if it is delivered at the correct address by the end of business on the day before the date specified under this Act (note: in brackets, the Act refers to the deadline for completing the county canvass or other local tabulation)	No	No	13 days after a general, special or presidential primary; and 7 days after a primary election	10-114 11-212
If the voter affirms under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected due to a late, unreadable, or non-existent postmark	Similar	No	Witness as provided in NYS Elec. Law Sec. 10-114(1).	
Section 13 - Declaration				
Each ballot must include a signed declaration under penalty of perjury	Yes	Yes		7-123 7-124
Section 14 - Confirmation of Application and Ballot Receipt				
The SBOE must implement an electronic free access system that allows covered voters to determine by telephone, email, or internet, whether the FPCA or other registration application was received and accepted, and whether the ballot was received, along with its current status	Yes	Yes		
Section 15 - Use of Electronic Mail Address				

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
Local election officials must request an email address from each covered voter. The election official may not use the email address for any purpose other than that specified in the Act.	Similar	Similar	In NYS Email address is NOT exempt from FOIL (10-106(3c) & 11-202(1f). FPCA that includes the email address may be data-entered by CBOE.	
A covered voter who provides an email address may request that the ballot application be considered a standing request for electronic delivery of ballots for all elections held through Dec 31 st of the following calendar year	Expanded	Expanded	NYS continues application coverage to include the time period after application to encompass two general elections for federal office.	10-108 11-202
Section 16 - Publication of Election Notice				
No later than 100 days before a regular election, election officials must prepare an election notice to be used with the FWAB. The notice must contain a list of ballot measures and offices expected to be on the ballot, along with instructions for completing the FWAB	No	No		
The election official must send the election notice by fax, email, or regular mail, to any covered voter who requests a copy	No	No		
When ballots are available, election officials must update the election notice with the certified candidates for each office and ballot measure, and make the notice available publicly	No	No	Ballot is available or a sample ballot is available, but there is no requirement for a 'notice'.	
A local election jurisdiction that has a website must provide updated versions of the election notice on that website	No	No		
Section 17 - Prohibition of Nonsubstantive Requirements				
If a voter's mistake or omission in completing a document does not prevent the official from determining that the voter is covered, the mistake or omission must not invalidate the document.	Similar	Similar	As it relates to standards for determining valid votes, see regulations Parts 6210.13 and 6210.15.	

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Uniform Military and Overseas Voting Act - Coverage	NYS Coverage for Military Voters	NYS Coverage for Federal Voters	Comments:	NYS Election Law
Failure to satisfy nonessential requirements, such as paper weight or size, does not invalidate a document	Yes	Yes		10-125 11-219
Notarization is not required for execution of a document under the Act	Yes	Yes		10-125 11-219
An authentication, other than for the declaration with the ballot, FPCA, or FWAB, is not required for execution of a document	Yes	Yes	A signature of witness to a mark made by a voter is provided for when the voter is unable to sign his or her own name	7-123 7-124
For any write-in ballot authorized under the Act (FWAB), if the voter's intention can be discerned under state law, an abbreviation, misspelling, or other minor variation in the candidate name or political party must be accepted as a valid vote (note: in brackets, the Act expands this provision to any vote for a write-in candidate on a regular ballot)	Yes	Yes		6210.13
Section 18 - Issuance of Injunction				
A court may issue an injunction or grant other equitable relief to ensure substantial compliance with, or enforce, the Act, upon application by a covered voter alleging a grievance under the Act, or an election official in the state	No	No		