State of New York

Executive Chamber

No. 62

EXECUTIVE ORDER

TEMPORARY SUSPENSION OF PROVISIONS RELATING TO THE ELECTION LAW

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, New York State is firmly committed to holding a fair and accessible general election and maximizing voter participation in this election; and

WHEREAS, Hurricane Sandy has struck a deadly blow, destroying lives, countless houses and businesses, displacing thousands of New Yorkers from their homes, disrupting transportation, the flow of commerce and daily life and complicating even the simplest and most routine acts of living; and

WHEREAS, New Yorkers who are victims of Hurricane Sandy should not lose their right to vote; and

WHEREAS, it is incumbent upon the State not to let this devastation undermine our democracy, and to actively facilitate the exercise of the fundamental, constitutional right to vote of registered voters who reside in the federally declared counties who have been impacted and displaced by Hurricane Sandy;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and otherwise alter or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend and otherwise alter or modify, for the period from the date of this Executive Order until further notice, the following:

Section 8-302 of the Election Law is temporarily suspended and otherwise altered and modified so that a voter seeking to vote by affidavit ballot need not affirm that such voter is duly registered in the election district in which such voter seeks to cast an affidavit ballot if such voter is registered to vote within one of the federally declared counties or New York City.

Section 9-209 of the Election Law is temporarily suspended and otherwise modified so that every board of elections in the State shall transmit the affidavit or provisional ballot of any voter who resides in one of the federally declared counties to the board of elections wherein such voter is registered to vote to be canvassed with other affidavit and absentee ballots for the election district wherein the voter resides.

Subparagraph (iii) of Paragraph (a) of Subdivision 2 of Section 9-209 of the Election Law is temporarily suspended and otherwise altered and modified so that the board of elections for the county in which such voter resides shall cast and canvass such ballot, if it determines that such voter was entitled to

vote regardless of the fact that the voter may have appeared in the incorrect polling place, provided that such vote shall not be cast and canvassed for such contests for which the person was not entitled to vote at such election.

FURTHER, the State Board of Elections shall promptly instruct county boards of elections on the proper implementation of this Executive Order including requiring such boards:

1. to instruct poll workers to provide affidavit ballots and guidance to voters; and

2. to provide notice and guidance to voters in accordance with this Executive Order: (a) that indicates that voters who reside in the counties of Nassau, Rockland, Suffolk, or Westchester, or in New York City may receive and complete an affidavit ballot at any polling place in New York State; and (b) that the voter's vote will count for the office of President and United States Senator and it will also count for any other candidate for office and district as well as any ballot initiative that appears on the official ballot in the voter's home district.

Notice of this Executive Order and its contents shall be provided by the State Board of Elections on its website and by boards of elections, at a minimum, at every poll site and on any website maintained by such boards.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor