



2010 NEW YORK VOTERS' Bill of Rights

The law **protects** your right to vote. This page lists your voting rights and the laws that safeguard them. If you think your rights have been violated: tell an election monitor, show this paper to a poll worker on Election Day, and call **866-NYDLC-01**.

VOTING 1-2-3-4

- 1. Register to Vote** by **August 20** or **October 8**
- 2. Verify** Your Registration **www.VoterSearch.org** or **voterlookup.elections.state.ny.us**
- 3. Find** your Polling Place **800-FOR-VOTE** or **www.elections.state.ny.us**
- 4. Vote Tuesday!** **Sept. 14 & Nov. 2**

IMPORTANT DEADLINES:

- Aug. 20** Voter Registration to Vote in Primary
- Sept. 7** Primary Absentee Ballot Application
- Sept. 14** Primary Election Day
- Oct. 8** Voter Registration to Vote in General
- Oct. 26** Absentee Ballot Application
- Nov. 2** General Election Day

WHEN DO I VOTE?

Tuesday, September 14, 2010 - Primary Election. Polls are open **6am to 9pm** in NYC, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, and **12 NOON to 9pm** everywhere else. *N.Y. Elec. Law § 8-100(2).*

Tuesday, November 2, 2010 - General Election. Polls are open **6am to 9pm**. *N.Y. Elec. Law § 8-100(2).*

If you are **in line by 9pm** on Election Day **even outside** the polling place, **you have the right to vote**. *N.Y. Elec. Law § 8-100(2).*

WHERE DO I VOTE?

You should receive a postcard from the Board of Elections with your polling place sent by **August 5, 2010**. If you do not receive your card please contact your Board of Elections and verify your registration on **VoterSearch.org**. You can also find your polling place at: **800-FOR-VOTE** or **www.elections.state.ny.us**. *N.Y. Elec. Law § 4-117(1).*

ABSENTEE BALLOTS

You must **apply** for an absentee ballot and will be eligible if on Election Day you will be unable to vote at your polling place due to absence, illness, disability or detention. Download at **NYDLC.org/absentee.pdf**. *N.Y. Elec. Law § 8-400.*

NAME NOT IN THE BOOK?

If your name **does not appear** in the book on Election Day make sure that you are at the right Poll Location or Election District within it. If you are in the right place and **you believe** you are registered, you **have the right to vote** using an **"Affidavit Ballot."** Sometimes, your name may not appear because of a data entry error or switching the order of your first and last name. You may call the Board of Election or us and request that we look you up by address and birthday. *N.Y. Elec. Law § 8-302(3)(e)(ii).*

NAME CHANGE OR MISPELLED IN THE BOOK?

If your name is **changed or misspelled** you **have the right to vote on a machine**. The worker should correct the spelling of your name and you should update your registration. *N.Y. Elec. Law § 8-302(3)(e).*

NO ID NEEDED ...

...EXCEPT SOME FIRST-TIME VOTERS

You do NOT need to show identification to vote – just sign your name in the Voter Registration Book. Identification is **only required for some first-time voters** who did not provide a valid driver's license or social security number. At the polls, a wide range of identification is accepted, including student IDs and cell phone bills. If you don't have any identification you can still ask to vote by paper **"Affidavit Ballot."** *N.Y. Elec. Law § 8-304(1); HAV/A § 303(b).*

TIME OFF FROM WORK TO VOTE

If the polls are **not open for four consecutive hours before or after work**, you can take up to two paid hours off from work to vote. You must **notify your employer between 2 and 10 days before Election Day**. *N.Y. Elec. Law § 3-110.*

DEALING WITH CHALLENGES TO RESIDENCY

On Election Day, your eligibility to vote can be challenged and you'll have to answer a couple of questions about your residency under oath and swear or affirm that you are qualified to vote. You will still **have the right to vote on a machine**. Please report the incident to NYDLC immediately by calling **866-NYDLC-01**. *N.Y. Elec. Law §§ 8-502, 8-504.*

MOVED WITHOUT UPDATING YOUR REGISTRATION?

If you have *moved within the same election district*, you have the right to vote on a machine in that election district. If you have *moved within your county* (or within New York City) you have the right to vote at the polling place for your *new* address by **"Affidavit Ballot."** *N.Y. Elec. Law § 8-302(3)(b).*

CAN I VOTE FROM A DORM ADDRESS?

Yes, but you **must be registered at your school address**. Students have the choice of registering at your home address or at your school address if you intend to remain there "for the time at least." You can still only vote in one place in a given election. *N.Y. Elec. Law § 5-104(1).*

CAN I VOTE IF MY HOME IS IN FORECLOSURE?

Yes, if you still live in that home, vote in that district. If you are staying temporarily somewhere else, you can still vote at your old polling place, with your old address. If you are challenged see "Dealing with Challenges to Residency" above.

CAN I VOTE IF I AM ARRESTED?

Yes, you are innocent until proven guilty and may **vote by absentee ballot** if you are in jail awaiting trial. *N.Y. Elec. Law § 8-400(d).*

CAN I VOTE IF I AM A CONVICTED FELON?

Yes, if you are **no longer incarcerated and no longer on parole** you may register and vote. *N.Y. Elec. Law § 5-106.*

DO IMMIGRANTS HAVE THE RIGHT TO VOTE?

Yes, if you are a **naturalized citizen**. You **CANNOT** be deported or penalized in any way for voting. *N.Y. Elec. Law § 5-210(4).*

New York Democratic Lawyers Council (NYDLC)

www.nydlc.org

The NYDLC is a project of the New York State Democratic Party and a chapter of the National Democratic Lawyers Council. We are a coalition of lawyers and others dedicated to fostering universal participation and trust in the electoral process by ensuring that:

- All eligible persons can easily register to vote,
- All registered voters are able to vote simply, fairly, and without intimidation, and
- All votes are counted and all voting systems are open and reliable.

NEW VOTING MACHINE CHECK LIST

This year you will be voting on a paper ballot that you will insert into an optical scanner that works like a lotto ticket.

- Fill'er up!** Make sure to fill in the **WHOLE** circle or square, an **"X"** won't **"mark the spot."**
- 3 Strikes and you're out!** You are only entitled to **2** replacement ballots. *N.Y. Elec. Law § 8-312(1), 8-316.*
- Stay in-between the lines!** Don't make any stray marks as it can result in over vote or a voided ballot.
- No under vote notification!** Make sure to vote for everything, you won't get notified if you miss a race.
- Check Both Sides of the Ballot!**

AM I ENTITLED TO VOTE IN MY OWN LANGUAGE?

Yes, ballots, instructions and other materials must be made available in **Spanish, Chinese, and Korean** in certain Counties. *28 C.F.R. § 55.3-55.4(2)(b); Voting Rights Act § 4(f)(4), 203(c).*

IF I AM DISABLED AM I ENTITLED TO ASSISTANCE?

Yes, you may be assisted by a person of your choice, other than your employer or union representative. You may also be assisted by two (2) election officials of different political parties. *N.Y. Elec. Law § 8-306(1)-(5); Voting Rights Act § 208.*

IF I AM DISABLED CAN I VOTE PRIVATELY?

Yes, you have the right to vote on a **ballot marking device** available to every voter at every polling place. *HAVA § 301(a)(3)*

WEARING CAMPAIGN GEAR WHEN YOU VOTE:

DO NOT wear campaign t-shirts, hats, buttons or other gear to the polls when you vote. If you do wear such gear, please listen if a poll worker asks you to **remove it or cover it**, and **vote**. As long as you comply, you do **not** lose your right to vote and can **not** be asked to leave without voting. You **CANNOT** be arrested, penalized or lose your right if you mistakenly bring campaign items to the polls.

CAN I VOTE IF I OWE MONEY?

Yes, you can vote even if you owe money (such as child support, parking tickets, rent, utilities, or anything else) and you **CANNOT** be arrested or prosecuted if you owe money and vote. *N.Y. Elec. Law § 5-106.*

CAN I BRING MY CHILDREN TO VOTE?

Yes, **children under 16** may join you in each step of the voting process. *N.Y. Elec. Law § 8-106(3), 8-300(2).*

PROBLEMS? CONTACT US!

before Election Day at info@nydlc.org
on Election Day at **866-NYDLC-01**