
New York

Voter Registration & Voter List Maintenance Guide

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State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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CONTENTS:

[Who can I contact with election related questions?](#)

[How do I register to vote?](#)

[How do I cancel my voter registration?](#)

[How is voter list maintenance handled?](#)

[List of Voter Registration Status and their definitions](#)

Who can I contact with election related questions?

[Link to Elections Official](#)

Chief Elections Office:	New York State Board of Elections <u>Elections Division</u>
Physical Address:	New York State Board of Elections 40 North Pearl Street, Suite 5 Albany, NY 12207-2729
Mailing Address:	New York State Board of Elections 40 North Pearl Street, Suite 5 Albany, NY 12207-2729
Phone Number:	518-474-6220
Fax Number:	518-486-4546
Online Contact:	<u>info@elections.ny.gov</u>

How do I register to vote?

[Link to Register](#)
[Link to Statutes](#)

ELECTION LAW, ARTICLE 5—REGISTRATION AND ENROLLMENT OF VOTERS

To qualify for voter registration in New York State, you must:

- be a United States Citizen;
- be 18 years old (you may pre-register at 16 or 17 but cannot vote until you are 18);
- be a resident of this state and the county, city or village for at least 30 days before the election;
- not be in prison for a felony conviction;
- not be adjudged mentally incompetent by a court;
- not claim the right to vote elsewhere

How do I cancel my voter registration?

[Link to Statutes](#)

§ 5-400. Cancellation of registration; generally

1. A voter's registration, including the registration of a voter in inactive status, shall be cancelled if, since the time of his last registration, he:

(g) Personally requested to have his name removed from the list of registered voters.

In order to have your name removed from the voting rolls, pursuant to N.Y. Election Law section 5-400, you must send a written letter to the [local board of elections](#) where you lived requesting to have your registration cancelled. You must send a written letter, you cannot accomplish this via email. Contact information for all local boards is available at the county board of elections page.

How is voter list maintenance handled?

[Link to Statutes](#)

§ 5–400. Cancellation of registration; generally

1. A voter's registration, including the registration of a voter in inactive status, shall be cancelled if, since the time of his last registration, he:
 - (a) Moved his or her residence outside the state.
 - (b) Was convicted of a felony disqualifying him from voting pursuant to the provisions of section 5–106 of this article.
 - (c) Has been adjudicated an incompetent.
 - (d) Refused to take a challenge oath.
 - (e) Has died.
 - (f) Did not vote in any election conducted by the board of elections during the period ending with the second general election at which candidates for federal office are on the ballot after his name was placed in inactive status and for whom the board of elections did not, during such period, in any other way, receive any information that such voter still resides in the same county or city.
 - (g) Personally requested to have his name removed from the list of registered voters.
 - (h) For any other reason, is no longer qualified to vote as provided in this chapter.
2. For the purposes of this section a personal request to be removed from the list of registered voters shall include the following:
 - (a) A statement signed by the registrant which makes such a request.
 - (b) A notice that the registrant has moved to an address outside the state which is signed by the registrant and sent to the board of elections.
 - (c) A notice signed by the registrant which states that such registrant has moved to an address outside the state and that such change of address is for voter registration purposes.
 - (d) A notice from a board of elections or other voter registration officer or agency that such person has registered to vote from an address outside the state.

§ 5–402. Cancellation of registration; generally, notice to voter

1. The board of elections shall cancel the registration of a voter when he is no longer qualified to vote or as required herein.
2. Whenever the board has reason to believe that a registered voter is no longer qualified to vote, it shall, before cancelling his registration, notify him, in a form approved by the state board of elections, by first class forwardable mail to the address from which he was last registered that he may appear before the board or answer in writing by mail, stating the reasons why his registration should not be cancelled. Such notice shall also state that if the voter does not appear or answer in writing within fourteen days after such notice is mailed, his registration will be cancelled. Such notice shall also advise the voter of his right to reregister pursuant to the provisions of this chapter and shall contain the phone number to call for the days and hours of local registration and the location of local registration places, the deadline for personal registration by mail for the next general election and the phone number to call to obtain additional applications for personal registration by mail. No such notice shall be required in order to cancel the registration of a voter who has made a personal request to be removed from the list of registered voters as defined by subdivision two of section 5–400 of this title or the registration of a voter whose name has been in inactive status for at least the period required by paragraph (f) of subdivision one of section 5–400 of this title or to cancel the registration of a voter who has died.

§ 5–402. Cont.

Together with such notice of cancellation, the board shall mail to such voter a postage paid return card in a form approved by the state board of elections. Such card shall provide a place for the voter to set forth the reasons for his continued eligibility to vote in such county or city and to indicate his current address in the county or city and a statement that failure to return the card will result in cancellation of registration. The card shall also inform the voter of how to reregister if the voter has moved out of the county or city. If such registered voter shall fail to appear or answer in writing within such time or if, after he so appears or writes, the board is not satisfied that he is qualified to remain registered, the board shall cancel his registration.

3. The board of elections shall notify immediately every person whose registration is cancelled after such person has responded, in person or by mail, to a notice sent pursuant to subdivision two of this section, of the action taken and the reason therefor, by written notice to the address from which he was last registered. Such notice shall advise such persons either of their right to reregister or their right to apply to a court of law for reinstatement, whichever is appropriate.

4. Each board of elections shall, at least once a month, transmit to the appropriate board of elections, a list of the names, old addresses and new addresses of every voter whose registration was cancelled pursuant to the provisions of paragraph (a) of subdivision one of section 5–400 of this title because the voter moved to an address in the jurisdiction of the board to which the list is sent, unless the board of elections sending the list has received notice that the voter has already registered to vote from the new address.

§ 5–403. Rejection of ballot of unqualified voter; notice of action by board

If the ballot of any person, voted in an affidavit envelope in the manner prescribed by this chapter, is rejected under the provisions of this chapter on the grounds that such person is not a qualified voter of the election district wherein he or she sought to vote, or is not duly enrolled in the party in whose primary he or she sought to vote and if such person has completed the application for registration and enrollment or change of enrollment on such affidavit envelope, the board of elections shall process such an application in the same manner as other applications for registration and enrollment or change of enrollment. The board of elections shall immediately notify such person by first class mail directed to the address given in his or her affidavit, of the rejection of his or her ballot, together with the reason therefor and, if such person has not completed the application for registration by mail, the appropriate information on the times and places where he or she may register, re-register, enroll, or change or correct his or her enrollment. Where appropriate, a form of application for personal registration by mail shall be included with such notice.

§ 5–404. Cancellation of registration; cancellation of record

1. The board of elections shall cancel a registration by marking the word “Cancelled” on the face of each of the voter’s registration poll records, without obliterating any of the entries thereon, and shall enter the reasons for such cancellation on the face of such registration record or, if the board uses computer generated registration lists, entering such reasons in the computer records. If requested by any member of the board, the cancellation of registration of any voter, or group of voters, must be approved by two such board members or two employees of the board representing different political parties. Such members or employees shall place their initials or other identifying information on the registration poll record of such voter, or on a computer generated list of such cancellations. Such lists shall be preserved in the same manner, and for the same time, as such registration poll records.

2. The board shall supply a list of registration cancellations and reinstatements to the county chairman of any political party requesting same.

Section 6217.10. Voter registration list changes and list maintenance

(b) Notices of cancellation.

(1) Where a county board determines that a voter's registration shall be cancelled, the record shall be flagged with a status of purged and the appropriate purged reason code and a cancellation notice as provided for in Election Law, section 5-402, shall be sent to the voter, except that no cancellation notice shall be sent to a person whose voter registration record has been flagged as deceased or who has made a personal request for such cancellation.

(c) Address, name and enrollment changes within a county.

(1) When a review and query of a voter registration application indicates that the voter is already registered to vote within the county, and is initiating a change to their record, such change shall be processed, and the record updated and the appropriate notice shall be sent to the voter: (i) For an address change—a transfer notice as provided for in Election Law, section 5-208(1)(5). (ii) For a name change, or the addition or deletion of a post office box—an approval notice as provided for in Election Law, section 5-210(9). (iii) For a change of enrollment—a letter from the county board confirming receipt of the same and stating the effective date of the enrollment change.

(2) Before an update or change can be applied to an existing voter registration record, a county board shall perform a search of existing voters to ensure that the application is not a new registration and is an update or change to an existing record within the county.

(d) Notifications of a death, felony conviction or adjudication of mental incompetence.

(1) NYSVoter shall receive death notifications including the voter's first name, middle name, last name, gender, date of death, date of birth, street address, city, and ZIP code, from New York State Department of Health and New York City Department of Health and Mental Health. NYSVoter may be matched against the United States Social Security Administration's Master Death Index. Notification shall be sent to the appropriate county for follow-up and determination.

(2) NYSVoter shall receive notices of felons sentenced to a term of imprisonment and of persons adjudicated mentally incompetent including the voter's last name, first name, middle name, gender, date of birth, street address, city, state, ZIP code, county, and a code indicating whether the person is a convicted felon sentenced to a term of imprisonment or a person adjudicated mentally incompetent from the New York State Office of Court Administration or any court having jurisdiction over such matters. Notifications shall be sent to the appropriate county for follow-up and determination.

Section 6217.10. Voter registration list changes and list maintenance, Cont.

(3) Each local board of elections shall, within 25 days after receiving such list of decedents or list of persons subject to forfeiture of the right to vote pursuant to section 5-106 of the Election Law, use such lists to identify and remove decedents and persons subject to forfeiture of the right to vote pursuant to section 5-106 of this article from the list of eligible voters.

(e) National change of address. National change of address processing shall be conducted with a United States Postal Service approved vendor at least annually. The processing shall at a minimum identify voter address change information, whether permanent or temporary; provide data which can be used to standardize addresses and provide enhanced ZIP code extensions, to assist in more accurate delivery of voter mail; and notification of deceased status. Notifications shall be sent to the appropriate county for follow-up and determination.

Section 6217.12. Reports and information queries

(a) NYSVoter shall provide to county board operators the ability to:

(1) query all records in the database, regardless of county;

(2) conduct user-defined searches of voter records;

(3) generate pre-defined and ad hoc queries and reports in formats as needed;

(4) filter reports based on key data fields contained in the output (e.g., date, county);

(5) provide a third party reporting tool (e.g., query by example) for ad hoc reporting requests; and

(6) sort voter registration data by county, election district, jurisdiction, birth date, and other information (e.g., last name, first name, voter registration number, unique identification number, address order).

[The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

List of voter registration statuses and their definitions

[Link to Statutes](#)

Registration Statuses—Section 6217.9

Active - The voter is properly registered and is eligible to vote in elections.

Inactive - The term “inactive status” means a category of registered voters who have failed to respond to a residence confirmation notice provided for by section 5–712 of this chapter and whose registrations have neither been restored to the active registration rolls nor been cancelled pursuant to the provisions of this chapter. [§ 1–104](#)
The voter is still eligible to vote in elections, but is not included in the poll book.
(reasons for inactive status include: mail check, NCOA, returned mail)

Purged. The voter is no longer eligible to vote in an election, and will not appear in the list of registered voters. This list is to be utilized to prevent deceased voters from overwhelming valid voters when doing voter searches and to allow for voters who later re-register to vote to resurrect and utilize their unique identifier.
(reasons for purged status include: death, voter request, felon, ADF (adjudicated) incompetent, NVRA, moved out of country)

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Any person who believes that there is a violation of any provision of Title III of HAVA, which has occurred, is occurring, or is about to occur, may file a Formal Complaint with the State Board of Elections. HAVA Formal Complaints may only be filed with the State Board of Elections.

How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

If someone wants to file a complaint about a potential NYS Election Law violation with the New York State Board of Elections Division of Election Law Enforcement (DELE), they may submit their complaint by mail, email, or fax. The DELE has an [online](#) and fillable pdf [Complaint Form](#) available to use to ensure all of the necessary information is captured in the complaint. Please note, the DELE will not accept complaints by phone.

Who can I contact regarding an election related complaint?

New York State Board of Elections- Division of Election Law Enforcement

Physical Address: 40 North Pearl Street, Suite 10-D
Albany, NY 12207

Mailing Address: Division of Election Law Enforcement
NYS Board of Elections
40 N. Pearl St., Suite 10-D
Albany, NY 12207-2729

Fax Number: 518-457-5247

Email Address: enforcement.info@elections.ny.gov

Website: <https://electionenforcement.ny.gov/>

New York State Board of Elections—Office of Counsel

Physical Address: 40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Mailing Address: The New York State Board of Elections
Office of Counsel
40 North Pearl Street, suite 5
Albany, NY 12207

Phone Number: 800-458-3453

Fax Number: 518-486-6627