



NYS SECOND HOMEOWNERS: VOTE WHERE IT COUNTS

Unconventional shale gas extraction (fracking) poses enormous risks to our health, our environment and our property values.

New York State law is clear - citizens with second homes have the right to choose where they want to vote. Residents do not have to vote where they maintain their primary residence.

In 1983 the New York State Court of Appeals affirmed a woman's right to vote in Huntington, Long Island even though she lived elsewhere five days a week.

(Ferguson v. McNab, 60 N.Y.2d 598 N.Y 1983)

In 2007 the State Supreme Court ordered the Delaware County Board of Elections to reinstate eight weekend homeowners who had been stricken from the voting rolls. In his decision Judge Kevin M. Dowd said "The bottom line is... election officials are to establish that the prospective voters address is a real one and not a sham, and then to look at the expressed wishes of the voter."

(Wilkie et al v. the Delaware County Board of Elections, No. 504004 NYS Sup. Crt App. 3d, Oct. 23, 2008)

Second homeowners have a major stake in the rural communities where they maintain a home, but most have no say in how their tax dollars are being spent or in the decisions that will affect the future of this region for years to come.

Voter registration forms are available at most post offices. And can be mailed into the Board of Elections.

HOW TO FILL IN THE VOTER REGISTRATION CARD:

- ***Enter your second home address on line 4 and your preferred mailing address on line 5.***
- *If you want to receive an absentee ballot, make sure you check the box at the top of the form.*
- *If you have ever occupied your second home for a total 30 days, you are legally entitled to **sign the Affidavit (12).** (The days do not have to have been consecutive.)*

NYS SECOND HOME VOTING: FREQUENTLY ASKED QUESTIONS

1. If I register to vote from my second home, can I also vote where I maintain my primary residence?

No. You can choose where you want to vote, but you can only vote in one location.

2. If I register to vote from my second home, do I have to contact my old election board?

No. Just mail in your new registration form and the Board of Elections will do the rest.

3. If I register to vote from my second home, can my landlord use that as evidence that my country home is actually my primary residence?

Because New York State permits voters to register at their second homes, voter registration is not proof of primary residence. That said, tenants in rent-controlled or rent-stabilized apartments or lofts need to consider their particular circumstances when deciding where to register.

4. If I register to vote from my second home, where will I be called for jury duty?

New York State relies on information from five state agencies to generate lists of potential jurors: the DMV, the Department of Labor, the Department of Social Services, the Board of Elections and the NYS Department of Taxation and Finance. That means New Yorkers with two homes could conceivably be called for jury duty in either location based on information provided by different state agencies. That does not mean second homeowners are liable to serve more often, than others because jury duty in one jurisdiction is credited as service by other jurisdictions.

(Citizens called for jury duty in Sullivan County may call in the day before they are scheduled to appear to see if they are needed. After five days of "telephone service" potential jurors who are not seated are excused and do not have to serve for another six years.)

QUESTIONS? COMMENTS? PROBLEMS REGISTERING?

WE'D LIKE TO HEAR FROM YOU!

votewhereitcounts@gmail.com

Vote Where It Counts P.O. Box 138 Callicoon Center, NY 12724