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Due to the dissemination of incorrect information to voters, the Board of Elections in the City of New York would like to clarify why a voter would be deemed inactive and/or canceled.

Section 5-400 of the New York State Election Law requires that "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 residence outside the city or county in which he is registered.
- (b) Was convicted of a felony
- (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 (for the reasons [detailed below](#)) 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.

Subsection (f) seems to be causing the most confusion. Note that the voter's registration must be in "inactive status" **before** this provision applies.

The term "**inactive status**" is defined in the Election Law as "a category of registered voters who have failed to respond to a residence confirmation notice provided for by section 5-712.

A voter will receive a residence confirmation notice when the Board receives notice (from the voter, the United States Postal Service, the Department of Motor Vehicles, etc.) that the voter changed address. Only after a **failure to respond** to the residence confirmation notice will the voter's registration be changed to "inactive status." Even then, the registration may be changed to "active status" if the voter votes on Election Day (by casting a valid affidavit ballot at their poll site) or provides the Board with a new registration form.

On July 20th, 2012 the Board of Elections in the City of New York issued "Notices of Intent to Cancel" notices to voters who appeared on the Statewide Dup List. This list is generated by the State Board of Elections and informs the Board there is a possibility that an individual with the same name and/or date of birth is registered in another county. The voter is sent this letter with a response form and asked to respond back to their respective Borough Board of Election Office within 14 days confirming that the accuracy of the information.

If a voter has any questions they should call the Board's Phone Bank at [866 VOTE NYC](tel:866VOTE-NYC) or www.vote.nyc.ny.us, visit at Facebook or Twitter (NYC BOE)