



## 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. <sup>1</sup>*
- *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. 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."<sup>2</sup>*

***Second homeowners have a major stake in the Catskills, 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.***

### **JUST COMPLETE THE REGISTRATION FORM AND DROP IT IN THE MAIL.**

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

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

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

## **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 chose 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. If you change your registration, your new 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. (Sometimes one member of a couple will register from a second home while the other will stay registered at the primary residence.

**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. If your second home is in another county, check with your county Commissioner of Jurors.)

**QUESTIONS? COMMENTS? PROBLEMS REGISTERING?**

**NEED MORE FORMS? WE'D LIKE TO HEAR FROM YOU!**

**[votewhereitcounts@gmail.com](mailto:votewhereitcounts@gmail.com)**

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