S T A T E O F N E W Y O R K

4748

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. ESPAILLAT, V. LOPEZ, WRIGHT -- Multi-Sponsored by -- M. of A. DIAZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the deadline for enrollment and change of enrollment for a primary election and the qualifications to vote in a primary election

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 9 of section 1-104 of the election law is amended to read as follows:

9. The terms "primary" or "primary election" mean only the mandated election at which enrolled members of a party AND SUCH OTHER VOTERS AS THE RULES OF SUCH PARTY MAY PERMIT may vote for the purpose of nominating party candidates and electing party officers.

S 2. Subdivisions 2 and 4 of section 5-302 of the election law, subdivision 2 as amended by chapter 164 of the laws of 1985 and subdivision 4 as amended by chapter 91 of the laws of 1992, are amended to read as follows:

2. If the application form is for a voter who has changed his enrollment or a voter who has previously registered and not enrolled, then the board of elections shall compare the information and the signature appearing on each application form received with that on the registration poll record of the applicant and if found to correspond in all particulars shall, not earlier than the Tuesday following the next general election and not later than the thirtieth day preceding the last day for publishing enrollment lists, proceed in the manner specified in subdivision one [hereof] OF THIS SECTION to enter such enrollment on such voter's registration poll card. PROVIDED HOWEVER, THAT IF A RULE OF THE STATE COMMITTEE OF A PARTY, FILED WITH THE STATE BOARD OF ELECTIONS AT LEAST NINETY DAYS BEFORE A PRIMARY ELECTION TO WHICH IT APPLIES, PROVIDES THAT VOTERS WHO WERE NOT PREVIOUSLY ENROLLED IN SUCH PARTY,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD08374-01-9

MAY VOTE IN THE PRIMARY ELECTIONS OF SUCH PARTY WHICH ARE SPECIFIED IN SUCH RULE IF THEY ENROLL IN SUCH PARTY BY A DATE, SPECIFIED IN SUCH RULE, WHICH MAY NOT BE LATER THAN THIRTY DAYS BEFORE SUCH PRIMARY ELECTION, THE ENROLLMENT OF A VOTER FROM WHOM AN APPLICATION WITH AN ENROLLMENT IN SUCH PARTY IS RECEIVED ON OR BEFORE SUCH LATER DATE BEFORE SUCH A PRIMARY ELECTION SHALL BE ENTERED FORTHWITH.

4. A. Registration poll records of voters whose registrations are not rejected by the board of elections shall forthwith be placed in the poll ledger or such voters' names shall forthwith be entered in the computer files from which the computer generated registration lists are prepared, except that the registration poll record of an otherwise qualified voter who registers after the twenty-fifth day before a primary election shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after such primary and except further that the registration poll record of a voter whose previous registration was cancelled pursuant to the provisions of this chapter after the previous general election and who registers pursuant to the provisions of this chapter after such cancellation shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after the fall primary election, unless such voter has enrolled with the same party as the enrollment on the registration which was so cancelled. PROVIDED HOWEVER, THAT IF ANY SUCH VOTER ENROLLS IN A PARTY WHICH, PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, PERMITS VOTERS WHO ENROLL IN SUCH PARTY BY A DATE SPECIFIED IN A RULE ADOPTED PURSUANT TO SUCH SUBDIVISION TWO, TO VOTE IN SOME, OR ALL, OF THE PRIMARY ELECTIONS OF SUCH PARTY, THE REGISTRATION POLL RECORD OF SUCH A VOTER WHO REGISTERS BY SUCH LATER DATE BEFORE SUCH A PRIMARY ELECTION SHALL BE PLACED IN THE POLL LEDGER FORTHWITH.

B. The registration poll record of a voter [who is not eligible to vote in a primary election but] who is eligible to vote in a special election [held before such primary election], OR IN A PRIMARY ELECTION, BUT WHO IS NOT ELIGIBLE TO VOTE IN A PRIMARY ELECTION HELD AFTER SUCH SPECIAL ELECTION OR SUCH FIRST PRIMARY ELECTION, shall be placed in its regular place in the poll ledger or in a special section of such poll ledger for [such] THE special OR PRIMARY election IN WHICH SUCH VOTER IS ELIGIBLE TO VOTE, as the board of elections, in its discretion, shall provide, or such name shall appear in its regular place on the computer generated registration list prepared for use in such special election. Such poll record shall be removed from such poll ledger or computer generated registration list immediately after such special OR PRIMARY election.

S 3. Subdivision 4 of section 8-302 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

4. At a primary election, a voter whose registration poll record is in the ledger shall be permitted to vote only in the primary of the party in which such record shows him to be enrolled unless he shall present a court order pursuant to the provisions of subparagraph (i) of paragraph (e) of subdivision three of this section requiring that he be permitted to vote in the primary of another party, or unless he shall present a certificate of enrollment issued by the board of elections, not earlier than one month before such primary election, pursuant to the provisions of this chapter which certifies that he is enrolled in a party other than the one in which such record shows him to be enrolled, or unless he shall subscribe an affidavit pursuant to the provisions of subparagraph (ii) of paragraph (e) of subdivision three of this section, OR UNLESS HE

SEEKS TO VOTE IN THE PRIMARY OF A PARTY, A STATE COMMITTEE RULE OF WHICH, FILED WITH THE STATE BOARD OF ELECTIONS AT LEAST NINETY DAYS BEFORE SUCH PRIMARY ELECTION, PROVIDES THAT VOTERS WHO ARE NOT ENROLLED IN SUCH PARTY, MAY VOTE IN THE PRIMARY OF SUCH PARTY AT SUCH PRIMARY ELECTION.

S 4. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.