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

4408

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to filing of papers by delivery services other than the US postal service

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

Section 1. Section 1-106 of the election law is amended by adding a new subdivision 3 to read as follows:

3. (A) ANY REFERENCE IN THIS CHAPTER TO THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DELIVERY SERVICE DESIGNATED BY THE SECRETARY OF THE TREASURY OF THE UNITED STATES PURSUANT TO SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE AND ANY REFERENCE IN THIS CHAPTER TO A POSTMARK OR A POSTMARK BY THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DATE RECORDED OR MARKED IN THE MANNER DESCRIBED IN SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE BY A DESIGNATED DELIVERY SERVICE. IF THE STATE BOARD OF ELECTIONS FINDS THAT ANY DELIVERY SERVICE DESIGNATED BY SUCH SECRETARY IS INADEQUATE FOR THE NEEDS OF THE STATE, THE STATE BOARD OF ELECTIONS MAY WITHDRAW SUCH DESIGNATION FOR PURPOSES OF THIS ARTICLE. THE STATE BOARD OF ELECTIONS MAY ALSO DESIGNATE ADDITIONAL DELIVERY SERVICES MEETING THE CRITERIA OF SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE FOR PURPOSES OF THIS ARTICLE, OR MAY WITHDRAW ANY SUCH DESIGNATION IF THE STATE BOARD OF ELECTIONS FINDS THAT A DELIVERY SERVICE SO DESIGNATED IS INADEQUATE FOR THE NEEDS OF THE STATE. ANY REFERENCE IN THIS CHAPTER TO THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DELIVERY SERVICE DESIGNATED BY THE STATE BOARD OF ELECTIONS AND ANY REFERENCE IN THIS CHAPTER TO A POSTMARK BY THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DATE RECORDED OR MARKED IN THE MANNER DESCRIBED IN SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE BY A DELIVERY SERVICE DESIGNATED BY THE STATE BOARD OF ELECTIONS.

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

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(B) ANY EQUIVALENT OF REGISTERED OR CERTIFIED MAIL DESIGNATED BY THE UNITED STATES SECRETARY OF THE TREASURY, OR AS MAY BE DESIGNATED BY THE STATE BOARD OF ELECTIONS PURSUANT TO THE SAME CRITERIA USED BY SUCH SECRETARY FOR SUCH DESIGNATIONS PURSUANT TO SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE, SHALL BE INCLUDED WITHIN THE MEANING OF REGISTERED OR CERTIFIED MAIL AS USED IN THIS CHAPTER. IF THE STATE BOARD OF ELECTIONS FINDS THAT ANY EQUIVALENT OF REGISTERED OR CERTIFIED MAIL DESIGNATED BY THE UNITED STATES SECRETARY OF THE TREASURY OR THE STATE BOARD OF ELECTIONS IS INADEQUATE FOR THE NEEDS OF THE STATE, THE STATE BOARD OF ELECTIONS MAY WITHDRAW SUCH DESIGNATION FOR PURPOSES OF THIS ARTICLE.

S 2. Subdivision 3 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

3. Completed application forms, when received by any [county] board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the twenty-fifth day before the next ensuing primary, general or special election, and received no later than the twentieth day before such election, or delivered in person to such [county] board of elections not later than the tenth day before a special election, shall entitle the applicant to vote in such election, if he or she is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until his or her identity is verified. Any [county] board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall forthwith forward such application form to the proper [county] board of elections. Each board of elections shall make an entry on each such form of the date it is received by such board.

S 3. This act shall take effect immediately.