

5892

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. KAVANAGH, COOK, GALEF, P. RIVERA, STEVENSON --
Multi-Sponsored by -- M. of A. HOOPER, MAGEE, PERRY -- read once and
referred to the Committee on Election Law

AN ACT to amend the election law, in relation to voter enrollment

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

1 Section 1. Subdivisions 2 and 4 of section 5-302 of the election law,
2 subdivision 2 as amended by chapter 164 of the laws of 1985 and subdivi-
3 sion 4 as amended by chapter 91 of the laws of 1992, are amended to read
4 as follows:

5 2. If the application form is for a voter who has changed his enroll-
6 ment [or a voter who has previously registered and not enrolled] FROM
7 ONE PARTY TO ANOTHER, then the board of elections shall compare the
8 information and the signature appearing on each application form
9 received with that on the registration poll record of the applicant and
10 if found to correspond in all particulars shall[, not earlier than the
11 Tuesday following the next general election and not later than the thir-
12 tieth day preceding the last day for publishing enrollment lists,]
13 proceed in the manner specified in subdivision one [hereof] OF THIS
14 SECTION to enter such enrollment on such voter's registration poll card,
15 EXCEPT THAT ALL FORMS SUBMITTED DURING THE NINETY DAYS PRIOR TO A PRIMA-
16 RY ELECTION SHALL NOT BE PROCESSED UNTIL AFTER THAT ELECTION.

17 4. Registration poll records of voters whose registrations are not
18 rejected by the board of elections shall forthwith be placed in the poll
19 ledger or such voters' names shall forthwith be entered in the computer
20 files from which the computer generated registration lists are prepared,
21 except that the registration poll record of an otherwise qualified voter
22 who registers after the twenty-fifth day before a primary election shall
23 not be placed in such poll ledger or such voters' names shall not appear
24 on such a computer generated registration list until after such primary
25 and except further that the registration poll record of a voter whose

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

LBD00949-01-1

1 previous registration was cancelled pursuant to the provisions of this
2 chapter [after the previous general election] DURING THE NINETY DAYS
3 PRIOR TO A PRIMARY ELECTION and who registers pursuant to the provisions
4 of this chapter after such cancellation shall not be placed in such poll
5 ledger or such voters' names shall not appear on such a computer gener-
6 ated registration list until after the [fall] NEXT primary election,
7 unless such voter has enrolled with the same party as the enrollment on
8 the registration which was so cancelled.

9 The registration poll record of a voter who is not eligible to vote in
10 a primary election but who is eligible to vote in a special election
11 held before such primary election shall be placed in its regular place
12 in the poll ledger or in a special section of such poll ledger for such
13 special election as the board of elections, in its discretion, shall
14 provide, or such name shall appear in its regular place on the computer
15 generated registration list prepared for use in such special election.
16 Such poll record shall be removed from such poll ledger or computer
17 generated registration list immediately after such special election.

18 S 2. Section 5-304 of the election law, subdivision 1 as amended by
19 chapter 147 of the laws of 1982, subdivision 3 as amended by chapter 90
20 of the laws of 1991 and subdivision 4 as amended by chapter 62 of the
21 laws of 2010, is amended to read as follows:

22 S 5-304. Enrollment; change of enrollment or new enrollment by previ-
23 ously registered voters. 1. A registered voter may change his enrollment
24 in the manner prescribed by this section.

25 2. The term "change of enrollment" shall apply to applications by a
26 registered voter already enrolled in one party to enroll in a different
27 party[, or to delete his enrollment in any party, or an application by a
28 registered voter not enrolled in any party to enroll in a particular
29 party].

30 3. A change of enrollment received by the board of elections [not
31 later than the twenty-fifth day] LESS THAN NINETY DAYS before [the
32 general] ANY PRIMARY election shall be deposited in a sealed enrollment
33 box, which shall not be opened until the first Tuesday following such
34 [general] PRIMARY election. Such change of enrollment shall be then
35 removed and entered as provided in this article.

36 4. Registered voters may apply for change of enrollment personally by
37 mail to or by appearing before a county board of elections or by appear-
38 ing before a board of inspectors. If the applicant has appeared in
39 person and if the board finds that he or she is properly registered, it
40 shall provide the applicant with an application form for voter registra-
41 tion by mail which shall be treated as an application for change of
42 enrollment filed pursuant to this section. If the voter has applied
43 personally by mail, the county board of elections shall mail him or her
44 an application form for voter registration by mail as provided by this
45 chapter. If a registered voter submits an application form for registra-
46 tion or enrollment as provided by this chapter, from the residence
47 address from which he or she is then registered, and such form reflects
48 a change of enrollment, the county board of elections shall treat such
49 form as an application for change of enrollment filed pursuant to this
50 section. If such application form also sets forth a new address within
51 the same city or county, the board of elections shall also treat such
52 form as an application for transfer of registration pursuant to section
53 5-208 of this article. If a voter has cast a ballot in an affidavit
54 ballot envelope on which such voter claims a party enrollment different
55 from the enrollment in the records of the board of elections, such affi-
56 davit shall be treated as an application for change of enrollment.

1 5. AN APPLICATION FOR ENROLLMENT BY AN ALREADY REGISTERED VOTER WHO IS
2 NOT ENROLLED IN ANY PARTY SHALL BE TREATED IN THE SAME MANNER AS AN
3 APPLICATION FOR REGISTRATION UNDER SECTION 5-210 OF THIS ARTICLE, EXCEPT
4 AS DESCRIBED IN SUBDIVISION SIX OF THIS SECTION.

5 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A VOTER
6 ENROLLED WITH A POLITICAL PARTY ON THE NINETIETH DAY BEFORE ANY PRIMARY
7 ELECTION MAY NOT ENROLL WITH A DIFFERENT POLITICAL PARTY PRIOR TO THAT
8 PRIMARY ELECTION.

9 S 3. This act shall take effect immediately.