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

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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:

Section 1. 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] FROM ONE PARTY TO ANOTHER, 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, EXCEPT THAT ALL FORMS SUBMITTED DURING THE NINETY DAYS PRIOR TO A PRIMARY ELECTION SHALL NOT BE PROCESSED UNTIL AFTER THAT ELECTION.

4. 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

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

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previous registration was cancelled pursuant to the provisions of this chapter [after the previous general election] DURING THE NINETY DAYS PRIOR TO A PRIMARY 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] NEXT primary election, unless such voter has enrolled with the same party as the enrollment on the registration which was so cancelled.

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 shall be placed in its regular place in the poll ledger or in a special section of such poll ledger for such special election 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 election.

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

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

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

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

4. Registered voters may apply for change of enrollment personally by mail to or by appearing before a county board of elections or by appearing before a board of inspectors. If the applicant has appeared in person and if the board finds that he or she is properly registered, it shall provide the applicant with an application form for voter registration by mail which shall be treated as an application for change of enrollment filed pursuant to this section. If the voter has applied personally by mail, the county board of elections shall mail him or her an application form for voter registration by mail as provided by this chapter. If a registered voter submits an application form for registration or enrollment as provided by this chapter, from the residence address from which he or she is then registered, and such form reflects a change of enrollment, the county board of elections shall treat such form as an application for change of enrollment filed pursuant to this section. If such application form also sets forth a new address within the same city or county, the board of elections shall also treat such form as an application for transfer of registration pursuant to section 5-208 of this article. If a voter has cast a ballot in an affidavit ballot envelope on which such voter claims a party enrollment different from the enrollment in the records of the board of elections, such affidavit shall be treated as an application for change of enrollment.

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

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

S 3. This act shall take effect immediately.