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

5928

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. KAVANAGH, P. RIVERA, STEVENSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to change of enrollment

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

Section 1. Subdivision 3 of section 5-304 of the election law, as amended by chapter 90 of the laws of 1991, is amended to read as follows:

3. A change of enrollment received by the board of elections, SHOWING A DATED CANCELLATION MARK OF THE UNITED STATES POSTAL SERVICE, OR CONTAINED IN AN ENVELOPE SHOWING SUCH A DATED CANCELLATION MARK WHICH IS DATED not later than the twenty-fifth day before the [general election shall be deposited in a sealed enrollment box, which shall not be opened until the first Tuesday following such general election. Such change of enrollment shall be then removed and entered as provided in this article] 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 HAVE SUCH CHANGE OF ENROLLMENT EFFECTIVE FOR SUCH ELECTION. ENROLLMENT CHANGES SHALL BE ENTERED AS PROVIDED IN THIS ARTICLE AND WILL BE DEEMED TO TAKE EFFECT ON THE TWENTY-FIFTH DAY AFTER SUCH CHANGE OF ENROLLMENT IS RECEIVED BY THE BOARD OF ELECTIONS OR IF THE CHANGE OF ENROLLMENT, OR THE ENVELOPE CONTAINING IT, BEARS A DATED CANCELLATION MARK OF THE UNITED STATES POSTAL SERVICE, SUCH CHANGE SHALL BE ENTERED AND WILL BE DEEMED TO TAKE EFFECT ON THE TWENTY-FIFTH DAY AFTER THE DATE OF SUCH MARK, WHICHEVER IS EARLIER; EXCEPT THAT NO CHANGE WILL TAKE EFFECT SOONER THAN THE TWENTIETH DAY AFTER THE RECEIPT OF SUCH CHANGE OF ENROLLMENT BY THE BOARD OF ELECTIONS EXCEPT WITH REGARD TO SPECIAL ELECTIONS AS PROVIDED IN THIS SUBDIVISION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD00095-01-1