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

8090

2011-2012 Regular Sessions

I N A S S E M B L Y

June 1, 2011

Introduced by M. of A. BROOK-KRASNY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to acceptable delivery service for absentee ballots

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 ARTICLE 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 ARTICLE 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 ARTICLE 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 ARTICLE 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 ARTICLE. IF THE STATE BOARD OF ELECTIONS FINDS THAT ANY EQUIVALENT OF REGISTERED OR CERTIFIED MAIL DESIGNATED BY SUCH SECRETARY 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. This act shall take effect immediately.