

423

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. KRUEGER -- 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 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.

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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.