

5519

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. AVELLA -- 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 filing of papers

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

1 Section 1. Section 1-106 of the election law is amended by adding a
2 new subdivision 3 to read as follows:
3 3. (A) ANY REFERENCE IN THIS CHAPTER TO THE UNITED STATES MAIL SHALL
4 BE TREATED AS ALSO INCLUDING FEDERAL EXPRESS PRIORITY OVERNIGHT, FEDERAL
5 EXPRESS STANDARD OVERNIGHT, FEDERAL EXPRESS SECOND DAY, FEDERAL EXPRESS
6 INTERNATIONAL PRIORITY, FEDERAL EXPRESS INTERNATIONAL FIRST, UNITED
7 PARCEL SERVICE NEXT DAY AIR, UNITED PARCEL SERVICE NEXT DAY AIR SAVER,
8 UNITED PARCEL SERVICE SECOND DAY AIR, UNITED PARCEL SERVICE SECOND DAY
9 AIR A.M., UNITED PARCEL SERVICE WORLDWIDE PLUS AND UNITED PARCEL SERVICE
10 WORLDWIDE EXPRESS AND ANY OTHER DELIVERY SERVICE DESIGNATED BY THE
11 SECRETARY OF THE TREASURY OF THE UNITED STATES PURSUANT TO SECTION
12 SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE, AND ANY REFERENCE
13 IN THIS CHAPTER TO A POSTMARK OR A POSTMARK BY THE UNITED STATES MAIL
14 SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DATE RECORDED OR MARKED
15 IN THE MANNER DESCRIBED IN SECTION SEVENTY-FIVE HUNDRED TWO OF THE
16 INTERNAL REVENUE CODE BY A DESIGNATED DELIVERY SERVICE. IF THE STATE
17 BOARD OF ELECTIONS FINDS THAT ANY DELIVERY SERVICE DESIGNATED BY SUCH
18 SECRETARY IS INADEQUATE FOR THE NEEDS OF THE STATE, THE STATE BOARD OF
19 ELECTIONS MAY WITHDRAW SUCH DESIGNATION FOR PURPOSES OF THIS ARTICLE.
20 THE STATE BOARD OF ELECTIONS MAY ALSO DESIGNATE ADDITIONAL DELIVERY
21 SERVICES MEETING THE CRITERIA OF SECTION SEVENTY-FIVE HUNDRED TWO OF THE
22 INTERNAL REVENUE CODE FOR PURPOSES OF THIS ARTICLE, OR MAY WITHDRAW ANY
23 SUCH DESIGNATION IF THE STATE BOARD OF ELECTIONS FINDS THAT A DELIVERY
24 SERVICE SO DESIGNATED IS INADEQUATE FOR THE NEEDS OF THE STATE. ANY
25 REFERENCE IN THIS TITLE TO THE UNITED STATES MAIL SHALL BE TREATED AS
26 INCLUDING A REFERENCE TO ANY DELIVERY SERVICE DESIGNATED BY THE STATE

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

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1 BOARD OF ELECTIONS AND ANY REFERENCE IN THIS CHAPTER TO A POSTMARK BY
2 THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY
3 DATE RECORDED OR MARKED IN THE MANNER DESCRIBED IN SECTION SEVENTY-FIVE
4 HUNDRED TWO OF THE INTERNAL REVENUE CODE BY A DELIVERY SERVICE DESIG-
5 NATED BY THE STATE BOARD OF ELECTIONS.

6 (B) ANY EQUIVALENT OF REGISTERED OR CERTIFIED MAIL DESIGNATED BY THE
7 UNITED STATES SECRETARY OF THE TREASURY, OR AS MAY BE DESIGNATED BY THE
8 STATE BOARD OF ELECTIONS PURSUANT TO THE SAME CRITERIA USED BY SUCH
9 SECRETARY FOR SUCH DESIGNATIONS PURSUANT TO SECTION SEVENTY-FIVE HUNDRED
10 TWO OF THE INTERNAL REVENUE CODE, SHALL BE INCLUDED WITHIN THE MEANING
11 OF REGISTERED OR CERTIFIED MAIL AS USED IN THIS CHAPTER. IF THE STATE
12 BOARD OF ELECTIONS FINDS THAT ANY EQUIVALENT OF REGISTERED OR CERTIFIED
13 MAIL DESIGNATED BY SUCH SECRETARY OR THE STATE BOARD OF ELECTIONS IS
14 INADEQUATE FOR THE NEEDS OF THE STATE, THE STATE BOARD OF ELECTIONS MAY
15 WITHDRAW SUCH DESIGNATION FOR PURPOSES OF THIS ARTICLE.

16 S 2. Subdivision 3 of section 5-210 of the election law, as amended by
17 chapter 179 of the laws of 2005, is amended to read as follows:

18 3. Completed application forms, when received by any [county] board of
19 elections and, with respect to application forms promulgated by the
20 federal election commission, when received by the state board of
21 elections, or showing a dated cancellation mark of the United States
22 Postal Service or contained in an envelope showing such a dated cancel-
23 lation mark which is not later than the twenty-fifth day before the next
24 ensuing primary, general or special election, and received no later than
25 the twentieth day before such election, or delivered in person to such
26 county board of elections not later than the tenth day before a special
27 election, shall entitle the applicant to vote in such election, if he or
28 she is otherwise qualified, provided, however, such applicant shall not
29 vote on a voting machine until his or her identity is verified. Any
30 county board of elections receiving an application form from a person
31 who does not reside in its jurisdiction but who does reside elsewhere in
32 the state of New York, shall forthwith forward such application form to
33 the proper county board of elections. Each board of elections shall make
34 an entry on each such form of the date it is received by such board.

35 S 3. This act shall take effect immediately.