

5519--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 INCLUDING A REFERENCE TO ANY DELIVERY SERVICE DESIGNATED
5 BY THE SECRETARY OF THE TREASURY OF THE UNITED STATES PURSUANT TO
6 SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE AND ANY
7 REFERENCE IN THIS CHAPTER TO A POSTMARK OR A POSTMARK BY THE UNITED
8 STATES MAIL SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DATE
9 RECORDED OR MARKED IN THE MANNER DESCRIBED IN SECTION SEVENTY-FIVE
10 HUNDRED TWO OF THE INTERNAL REVENUE CODE BY A DESIGNATED DELIVERY
11 SERVICE. IF THE STATE BOARD OF ELECTIONS FINDS THAT ANY DELIVERY SERVICE
12 DESIGNATED BY SUCH SECRETARY IS INADEQUATE FOR THE NEEDS OF THE STATE,
13 THE STATE BOARD OF ELECTIONS MAY WITHDRAW SUCH DESIGNATION FOR PURPOSES
14 OF THIS ARTICLE. THE STATE BOARD OF ELECTIONS MAY ALSO DESIGNATE ADDI-
15 TIONAL DELIVERY SERVICES MEETING THE CRITERIA OF SECTION SEVENTY-FIVE
16 HUNDRED TWO OF THE INTERNAL REVENUE CODE FOR PURPOSES OF THIS ARTICLE,
17 OR MAY WITHDRAW ANY SUCH DESIGNATION IF THE STATE BOARD OF ELECTIONS
18 FINDS THAT A DELIVERY SERVICE SO DESIGNATED IS INADEQUATE FOR THE NEEDS
19 OF THE STATE. ANY REFERENCE IN THIS CHAPTER TO THE UNITED STATES MAIL
20 SHALL BE TREATED AS INCLUDING A REFERENCE TO ANY DELIVERY SERVICE DESIG-
21 NATED BY THE STATE BOARD OF ELECTIONS AND ANY REFERENCE IN THIS CHAPTER
22 TO A POSTMARK BY THE UNITED STATES MAIL SHALL BE TREATED AS INCLUDING A
23 REFERENCE TO ANY DATE RECORDED OR MARKED IN THE MANNER DESCRIBED IN

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

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1 SECTION SEVENTY-FIVE HUNDRED TWO OF THE INTERNAL REVENUE CODE BY A
2 DELIVERY SERVICE DESIGNATED BY THE STATE BOARD OF ELECTIONS.

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

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

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

33 S 3. This act shall take effect immediately.