STATE OF NEW YORK

792

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CARROLL, COLTON, EPSTEIN, FAHY, RICHARDSON, SEAWRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to registering to vote and enrolling in a party within 10 days of a primary, general or special election; and to repeal subdivision 3 of section 5-304 of the election law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 3 and 4 of section 5-210 of the election law, subdivision 3 as amended by chapter 255 of the laws of 2015 and subdivision 4 as amended by chapter 490 of the laws of 2019, are amended to read as follows:

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

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

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[~~4. Any qualified person who has been honorably discharged from the military after the twenty-fifth day before a general election, or who has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from the military after the twenty-fifth day before a general election, or who has become a naturalized citizen after the twenty-fifth day before a general election may personally register at the board of elections in the county of his or her residence and vote in the general election held at least ten days after such registration.~~]

§ 2. Subdivisions 11 and 12 of section 5-211 of the election law, subdivision 11 as amended by chapter 200 of the laws of 1996 and subdivision 12 as added by chapter 659 of the laws of 1994, are amended to read as follows:

11. The participating agency shall transmit the completed applications for registration and change of address forms to the appropriate board of elections not later than ten days after receipt except that all such completed applications and forms received by the agency between the thirtieth and [~~twenty-fifth~~] **tenth** day before an election shall be transmitted in such manner and at such time as to assure their receipt by such board of elections not later than the [~~twentieth~~] **fifth** day before such election.

12. Completed application forms, when received by a participating agency not later than the [~~twenty-fifth~~] **tenth** day before the next ensuing primary, general or special election and transmitted by such agency to the appropriate board of elections so that they are received by such board not later than the [~~twentieth~~] **fifth** day before such election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

§ 3. Subdivisions 6 and 7 of section 5-212 of the election law, subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivision 7 as added by chapter 659 of the laws of 1994, are amended to read as follows:

6. The department of motor vehicles shall transmit that portion of the form which constitutes the completed application for registration or change of address form to the appropriate board of elections not later than ten days after receipt except that all such completed applications and forms received by the department between the thirtieth and [~~twenty-fifth~~] **tenth** day before an election shall be transmitted in such manner and at such time as to assure their receipt by such board of elections not later than the [~~twentieth~~] **fifth** day before such election. All transmittals shall include original signatures.

7. Completed application forms received by the department of motor vehicles not later than the [~~twenty-fifth~~] **tenth** day before the next ensuing primary, general or special election and transmitted by such department to the appropriate board of elections so that they are received not later than the [~~twentieth~~] **fifth** day before such election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

§ 4. Subdivisions 2, 4 and 5 of section 5-302 of the election law, subdivisions 2 and 5 as amended by chapter 164 of the laws of 1985 and subdivision 4 as amended by chapter 91 of the laws of 1992, are amended to read as follows:

2. If the application form is for a voter who has changed his **or her** enrollment or a voter who has previously registered and not enrolled, then the board of elections shall compare the information and the signature appearing on each application form received with that on the registration poll record of the applicant and if found to correspond in all particulars shall[~~, not earlier than the Tuesday following the next general election and not later than the thirtieth day preceding the last day for publishing enrollment lists, proceed in the manner specified in subdivision one hereof to enter such enrollment on such voter's registration poll card~~] **enroll such voter in the designated party and if the change of enrollment is no later than the tenth day before the next ensuing primary election for the selected party, such voter shall be eligible to vote in the next primary election of the selected party**.

4. Registration poll records of voters whose registrations are not rejected by the board of elections shall forthwith be placed in the poll ledger or such voters' names shall forthwith be entered in the computer files from which the computer generated registration lists are prepared, except that the registration poll record of an otherwise qualified voter who registers after the [~~twenty-fifth~~] **tenth** day before a primary election shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after such primary and except further that the registration poll record of a voter whose previous registration was cancelled pursuant to the provisions of this chapter after the previous general election and who registers pursuant to the provisions of this chapter after such cancellation shall not be placed in such poll ledger or such voters' names shall not appear on such a computer generated registration list until after the fall primary election, unless such voter has enrolled with the same party as the enrollment on the registration which was so cancelled.

5. During the period preceding the ensuing primary election, the board of elections shall maintain as a public record a list of all enrollments entered, transferred or corrected, and not contained in the last published enrollment list. Such supplemental enrollment list shall contain the same information and shall be distributed in the same manner as the original enrollment list not later than the [~~fifteenth~~] **fifth** day before the primary election.

§ 5. Subdivision 3 of section 5-304 of the election law is REPEALED.

§ 6. Subdivision 5 of section 10-106 of the election law, as amended by chapter 290 of the laws of 1991, is amended to read as follows:

5. The state board of elections shall forward to the appropriate board of elections all applications for military ballots received by it. An application from a military voter not previously registered must be received by the appropriate board of elections not later than ten days before a general or special election or [~~twenty-five~~] **ten** days before a primary election in order to entitle the applicant to vote at such election. An application from a military voter who is already registered must be received at least seven days before an election in order to entitle the applicant to vote at such election; except that an application from such a military voter who delivers his **or her** application to the board of elections in person, must be received not later than the day before the election.

§ 7. Subdivision 2 of section 11-200 of the election law, as amended by chapter 473 of the laws of 1992, is amended to read as follows:

2. Every person registered pursuant to this title shall continue to be eligible to vote in all elections in which special federal voters are eligible to vote except that in order to vote at a primary election of a

party, a voter registered pursuant to this title must have been so registered and enrolled in such party [~~before the previous general election; or, if such voter was not registered in New York state for the previous general election, such voter must so register and enroll in such party~~] not later than [~~twenty-five~~] **ten** days before such primary[~~; or, if such voter was registered in New York state for the last general election, such voter must have had the same party enrollment with such registration as such voter sets forth on his application for registration and enrollment as a special federal voter~~].

§ 8. Paragraph a of subdivision 1 of section 11-202 of the election law, as amended by chapter 262 of the laws of 2003, is amended to read as follows:

a. A person, who, pursuant to this title, is qualified to vote as a special federal voter may, by application received by the state board of elections or any local board of elections on or before the [~~twenty-fifth~~] **tenth** day next preceding any election in which such person would be entitled to vote or the last day of local registration for such election, whichever is later, apply to the board of elections of the county in which he resided in person or by personal application by mail for registration and enrollment as a special federal voter. An application for registration and enrollment pursuant to this article shall be treated as an application for a special federal ballot for every election in which the applicant would be eligible to vote which is held through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur.

§ 9. This act shall take effect immediately.