

STATE OF NEW YORK

842

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the election law, in relation to 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:

1 Section 1. Subdivisions 2, 4 and 5 of section 5-302 of the election
2 law, subdivisions 2 and 5 as amended by chapter 164 of the laws of 1985
3 and subdivision 4 as amended by chapter 91 of the laws of 1992, are
4 amended to read as follows:

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

18 4. Registration poll records of voters whose registrations are not
19 rejected by the board of elections shall forthwith be placed in the poll
20 ledger or such voters' names shall forthwith be entered in the computer
21 files from which the computer generated registration lists are prepared,
22 except that the registration poll record of an otherwise qualified voter

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

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1 who registers after the [~~twenty-fifth~~] tenth day before a primary
2 election shall not be placed in such poll ledger or such voters' names
3 shall not appear on such a computer generated registration list until
4 after such primary and except further that the registration poll record
5 of a voter whose previous registration was cancelled pursuant to the
6 provisions of this chapter after the previous general election and who
7 registers pursuant to the provisions of this chapter after such cancel-
8 lation shall not be placed in such poll ledger or such voters' names
9 shall not appear on such a computer generated registration list until
10 after the fall primary election, unless such voter has enrolled with the
11 same party as the enrollment on the registration which was so cancelled.

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

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

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

22 2. Every person registered pursuant to this title shall continue to be
23 eligible to vote in all elections in which special federal voters are
24 eligible to vote except that in order to vote at a primary election of a
25 party, a voter registered pursuant to this title must have been so
26 registered [~~and enrolled~~] in such party before the previous general
27 election; or, if such voter was not registered in New York state for the
28 previous general election, such voter must so register [~~and enroll in~~
29 ~~such party~~] not later than twenty-five days before such primary; [~~or, if~~
30 ~~such voter was registered in New York state for the last general~~
31 ~~election, such voter must have had the same party enrollment with such~~
32 ~~registration as such voter sets forth on his application for registra-~~
33 ~~tion and enrollment as a special federal voter] and/or enroll in such
34 party not later than ten days before such primary.~~

35 § 4. This act shall take effect immediately.