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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, HUNT-
LEY, KRUEGER, MONTGOMERY, OPPENHEIMER, SAMPSON, STAVISKY -- 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 registration and
enrollment

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

1 Section 1. Section 5-211 of the election law is amended by adding a
2 new subdivision 18 to read as follows:
3 18. ALL COLLEGES, UNIVERSITIES AND PUBLIC HIGH SCHOOLS LOCATED IN THIS
4 STATE SHALL MAKE VOTER REGISTRATION FORMS AVAILABLE TO ANY ELIGIBLE
5 STUDENTS IN THE SAME MANNER AND SUBJECT TO THE SAME PROVISIONS AND RULES
6 AND REGULATIONS AS ALL OTHER DESIGNATED AGENCIES; EXCEPT THAT A COLLEGE,
7 UNIVERSITY OR PUBLIC HIGH SCHOOL SHALL NOT BE REQUIRED TO COLLECT OR
8 MAINTAIN FORMS CONTAINING AN INDIVIDUAL'S DECLINATION TO REGISTER TO
9 VOTE AS REQUIRED BY SUBDIVISION TEN OF THIS SECTION, OR TO CONDUCT A
10 STUDY AND REPORT THEREON AS REQUIRED BY SUBDIVISION SEVENTEEN OF THIS
11 SECTION.
12 EACH COLLEGE, UNIVERSITY AND PUBLIC HIGH SCHOOL SHALL PROVIDE EACH
13 ELIGIBLE STUDENT WITH A REGISTRATION FORM WITHIN THE FIRST THREE WEEKS
14 OF SUCH STUDENT'S ENTRY TO SCHOOL OR ARRIVAL ON CAMPUS PURSUANT TO
15 SUBDIVISIONS TWO, THREE, FOUR, FIVE, SEVEN, NINE, ELEVEN, TWELVE AND
16 FIFTEEN OF THIS SECTION. EVERY COLLEGE, UNIVERSITY AND PUBLIC HIGH
17 SCHOOL SHALL DESIGNATE AT LEAST ONE CONVENIENTLY LOCATED OFFICE WHERE
18 STUDENTS MAY RECEIVE VOTER REGISTRATION FORMS AND PERSONAL ASSISTANCE IN
19 THE COMPLETION OF SUCH FORMS. EACH SUCH OFFICE SHALL PUBLICIZE ITS VOTER
20 REGISTRATION SERVICES PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, AND
21 SHALL OFFER TO COLLECT AND TRANSMIT COMPLETED VOTER REGISTRATION FORMS

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

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FROM STUDENTS TO THE LOCAL BOARD OF ELECTIONS PURSUANT TO SUBDIVISIONS TWO, THREE, FIVE, NINE, ELEVEN, TWELVE AND FIFTEEN OF THIS SECTION.

ANY COLLEGE, UNIVERSITY OR SCHOOL DISTRICT MAY ELECT TO SOLICIT ONE OR MORE RECOGNIZED NON-PARTISAN CAMPUS BASED ORGANIZATIONS OR STUDENT GROUPS TO ASSIST IN ITS EFFORTS TO OFFER PERSONAL ASSISTANCE, COLLECTION AND TRANSMITTAL OF VOTER REGISTRATION FORMS.

IN ADDITION TO THE REQUIREMENTS OF SUBDIVISIONS TWO, FIVE AND EIGHT OF THIS SECTION, ALL COLLEGES AND UNIVERSITIES OFFERING VOTER REGISTRATION SERVICES SHALL INFORM STUDENTS OF THEIR RIGHT TO COMPLETE A VOTER REGISTRATION FORM FROM THEIR COLLEGE OR PREVIOUS ADDRESS; INFORM STUDENTS THAT THEIR DECISION TO REGISTER OR DECLINE TO REGISTER TO VOTE SHALL HAVE NO BEARING ON THEIR COLLEGE OR UNIVERSITY RECORD; AND NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION NINE OF THIS SECTION, SHALL NOT INQUIRE OR KEEP RECORDS PERTAINING TO ANY STUDENT'S ELIGIBILITY TO VOTE.

IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION SEVEN OF THIS SECTION, ALL COLLEGES, UNIVERSITIES AND SCHOOL DISTRICTS SHALL PLACE A PROMINENT LINK ON THEIR INTERNET HOMEPAGE TO THE APPROPRIATE PAGE OF THE INTERNET WEBSITE OF THE STATE BOARD OF ELECTIONS FOR INDIVIDUALS TO LEARN ABOUT THE QUALIFICATIONS TO VOTE, AND TO DOWNLOAD A VOTER REGISTRATION FORM, EXCEPT THAT FOR COLLEGES AND UNIVERSITIES IN THE CITY OF NEW YORK AND FOR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SUCH LINK SHALL BE TO THE APPROPRIATE PAGE OF THE INTERNET WEBSITE OF THE NEW YORK CITY BOARD OF ELECTIONS.

THE STATE BOARD OF ELECTIONS AND, IN THE CITY OF NEW YORK, THE NEW YORK CITY BOARD OF ELECTIONS SHALL OFFER COLLEGES, UNIVERSITIES AND SCHOOL DISTRICTS THE OPPORTUNITY TO USE CODED VOTER REGISTRATION APPLICATIONS THAT IDENTIFY EACH SUCH APPLICATION AS ORIGINATING FROM EITHER A COLLEGE, UNIVERSITY OR PUBLIC HIGH SCHOOL. IF A COLLEGE, UNIVERSITY OR SCHOOL DISTRICT ELECTS TO USE CODED VOTER REGISTRATION APPLICATIONS, IT SHALL BE EXEMPT FROM ALL REPORTING REQUIREMENTS OF THIS SECTION. THE STATE BOARD OF ELECTIONS SHALL MAKE AVAILABLE AND PROVIDE FOR THE DELIVERY OF SUCH CODED APPLICATIONS TO ANY COLLEGE, UNIVERSITY OR SCHOOL DISTRICT WITHIN THE STATE WHICH SUBMITS A REQUEST THEREFOR.

EVERY BOARD OF ELECTIONS SCANNING VOTER REGISTRATION FORMS SHALL CAPTURE ANY DESIGNATED AGENCY CODES THEREON AND REPORT THEM ON A MONTHLY BASIS TO THE STATE BOARD OF ELECTIONS.

S 2. The opening paragraph of section 5-211 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section, AND COLLEGE, UNIVERSITY AND SCHOOL DISTRICT, shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the department of [social services] FAMILY ASSISTANCE and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office [of mental retardation and] FOR PEOPLE WITH developmental disabilities,

1 commission for the blind and visually handicapped, office of alcoholism
2 and substance abuse services, the office of the advocate for the disa-
3 bled and all offices which administer programs established or funded by
4 such agencies. Additional state agencies designated as voter registra-
5 tion offices are the department of state and the division of workers'
6 compensation. Such agencies shall be required to offer voter registra-
7 tion forms to persons upon initial application for services, renewal or
8 recertification for services and change of address relating to such
9 services. Such agencies shall also be responsible for providing assist-
10 ance to applicants in completing voter registration forms, receiving and
11 transmitting the completed application form from all applicants who wish
12 to have such form transmitted to the appropriate board of elections. The
13 state board of elections shall, together with representatives of the
14 department of defense, develop and implement procedures for including
15 recruitment offices of the armed forces of the United States as voter
16 registration offices when such offices are so designated by federal law.
17 The state board shall also make request of the United States Immigration
18 and Naturalization Service to include applications for registration by
19 mail with any materials which are given to new citizens. [All insti-
20 tutions of the state university of New York and the city university of
21 New York, shall, at the beginning of the school year, and again in Janu-
22 ary of a year in which the president of the United States is to be
23 elected, provide an application for registration to each student in each
24 such institution.] The state board of elections may, by regulation,
25 grant a waiver from any or all of the requirements of this section to
26 any office or program of an agency, COLLEGE, UNIVERSITY OR SCHOOL
27 DISTRICT, if it determines that it is not feasible for such office or
28 program to administer such requirement.

29 S 3. The opening paragraph of subdivision 8 of section 5-211 of the
30 election law, as amended by chapter 659 of the laws of 1994, is amended
31 to read as follows:

32 Each participating agency, department, division or office that makes
33 available voter registration forms pursuant to this section shall offer
34 with each application for the services or assistance of such agency,
35 department, division or office and with each recertification, renewal or
36 change of address form relating to such service or assistance, a regis-
37 tration form together with instructions relating to eligibility to
38 register and for completing the form, except that COLLEGES, UNIVERSITIES
39 AND SCHOOL DISTRICTS SHALL DISTRIBUTE VOTER REGISTRATION FORMS IN
40 ACCORDANCE WITH SUBDIVISION EIGHTEEN OF THIS SECTION, AND forms used by
41 the department of [social services] FAMILY ASSISTANCE for the initial
42 application for services, renewal or recertification for services and
43 change of address relating to such services shall physically incorporate
44 a voter registration application in a fashion that permits the voter
45 registration portion of the agency form to be detached therefrom. Such
46 voter registration application shall be designed so as to ensure the
47 confidentiality of the source of the application. Included on each
48 participating agency's application for services or assistance or on a
49 separate form shall be:

50 S 4. Paragraph (g) of subdivision 5 of section 5-210 of the election
51 law, as amended by chapter 179 of the laws of 2005, is amended to read
52 as follows:

53 (g) Notice that the applicant must be a citizen of the United States,
54 is [or will be at least eighteen years old not later than December thir-
55 ty-first of the calendar year in which he or she registers] AT LEAST

1 SEVENTEEN YEARS OLD WHEN HE OR SHE SUBMITS AN APPLICATION TO REGISTER TO
2 VOTE and a resident of the county or city to which application is made.
3 S 5. This act shall take effect July 1, 2011; provided, however, that
4 the provisions of this act shall only apply to school districts on and
5 after July 1, 2012.