

STATE OF NEW YORK

3288

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CARROLL, GALEF, COLTON, BENEDETTO, MOSLEY,
D'URSO, BLAKE, NIOU, BICHOTTE, RICHARDSON, PHEFFER AMATO, JONES --
Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HYNDMAN -- read once and
referred to the Committee on Election Law

AN ACT to amend the election law, in relation to automatic voter registration upon graduation from high school or completion of an application for a driver's license or identification card

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

1 Section 1. The election law is amended by adding a new section 5-200
2 to read as follows:

3 § 5-200. Automatic voter registration. 1. Notwithstanding any other
4 manner of registration required by this article, each person in the
5 state qualified to vote pursuant to section 5-102 of this article, shall
6 be automatically registered to vote as provided in this section,
7 provided that the person does not elect to decline registration to vote
8 at the point of service.

9 2. The state board of elections or county board of elections shall
10 register to vote or update the registration record of any person in the
11 state qualified to vote pursuant to section 5-102 of this article who
12 does not elect to decline registration to vote or update the registra-
13 tion record at the point of service and does any of the following:

14 (a) completes an application for a new or renewed driver's license,
15 non-driver identification card, pre-licensing course certificate,
16 learner's permit or certification of supervised driving with the depart-
17 ment of motor vehicles, or notifies such department in writing of a
18 change of his or her name or address; or

19 (b) graduates from a New York state high school.

20 3. The state board of elections shall enter into agreements with the
21 department of education and the department of motor vehicles to ensure
22 that for each person described in subdivision two of this section, the

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

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1 department of education and the department of motor vehicles electron-
2 ically transmits to the state or local boards of elections the following
3 information in a format that can be read by the computerized statewide
4 voter registration list:

5 (a) given name or names and surname or surnames;

6 (b) mailing address and residential address;

7 (c) date of birth;

8 (d) citizenship;

9 (e) driver's license or non-driver identification card number, last
10 four digits of the person's social security number, or a space for the
11 person to indicate that he or she does not have any such number;

12 (f) political party enrollment, if any;

13 (g) an indication that the person intends to apply for an absentee
14 ballot, if any; and

15 (h) an image of the person's signature.

16 In the event that any transmission of data pursuant to this section
17 fails to include an image of an individual's signature, the absence of a
18 signature shall not preclude the registration of an eligible citizen.
19 The board of elections shall develop procedures to enable an eligible
20 citizen, whose information is transmitted pursuant to this section and
21 whose information lacks an electronic signature, to provide a signature
22 at the polling place or with an application for an absentee ballot
23 before voting. The board may require an elector who has not provided a
24 signature before arriving at the polling place or submitting an absentee
25 ballot to present a current and valid photo identification or a copy of
26 a current utility bill, bank statement, government check, paycheck, or
27 other government document that shows the name and address of the voter.

28 4. If the department of education or the department of motor vehicles
29 does not obtain information concerning the citizenship status of persons
30 described in subdivision two of this section, it shall obtain informa-
31 tion sufficient to transmit to the board of elections indications of
32 United States citizenship for each person described in subdivision two
33 of this section, but shall not retain, use, or share any such informa-
34 tion relating to an individual's citizenship for any other purpose.

35 5. Each high school and the department of motor vehicles shall include
36 for each person described in subdivision two of this section a statement
37 that he or she shall be registered to vote, if he or she is not already
38 so registered, provided, however, that each high school and the depart-
39 ment of motor vehicles shall provide each person described in subdivi-
40 sion two of this section the opportunity to elect to decline registra-
41 tion to vote at the point of service, and upon such election, he or she
42 shall not be registered to vote pursuant to the procedures in this
43 section at that time.

44 6. The state board of elections shall prepare and distribute to the
45 department of motor vehicles written instructions as to the implementa-
46 tion of the program and shall be responsible for establishing training
47 programs for employees. Training shall include requirements that employ-
48 ees of the department of motor vehicles communicate to each individual
49 identified in subdivision two of this section that the department of
50 motor vehicles maintains strict neutrality with respect to a person's
51 party enrollment and all persons seeking voter registration forms and
52 information shall be advised that government services are not condi-
53 tioned on being registered to vote, or eligibility to register to vote.
54 No statement shall be made nor any action taken to discourage the appli-
55 cant from registering to vote.

1 7. The state board of elections and department of education shall
2 prepare and distribute to each high school within the state written
3 instructions as to the implementation of the program and shall be
4 responsible for establishing training programs for employees. Training
5 shall include requirements that employees of the high school communicate
6 to each student that the high school maintains strict neutrality with
7 respect to a person's party enrollment and all students seeking voter
8 registration forms and information shall be advised that they shall not
9 be disciplined based on being registered to vote, party enrollment, or
10 eligibility to register to vote. No statement shall be made nor any
11 action taken to discourage a student from registering to vote.

12 8. The agreements between the state board of elections and the depart-
13 ment of education and the department of motor vehicles shall include the
14 format in which information will be transmitted, whether and how each
15 entity will collect, in addition to the mandatory information listed in
16 subdivision three of this section, additional information on a voluntary
17 basis from persons for the purpose of facilitating voter registration,
18 the frequency of data transmissions, the procedures, and other measures
19 that will be used to ensure the security and privacy of the information
20 transmitted, and any other matter necessary or helpful to implement the
21 requirements of this section.

22 9. The department of education and the department of motor vehicles
23 shall cooperate with the state board of elections and county board of
24 elections to facilitate the voter registration of each person described
25 in subdivision two of this section, and to electronically transmit the
26 information needed to register each such person to vote or to update
27 each such person's voter registration record.

28 10. The department of education and the department of motor vehicles
29 shall enter into an agreement with the state board of elections finaliz-
30 ing the format and content of electronic transmissions required by this
31 section no later than September first, two thousand twenty; provided,
32 that the department of education and the department of motor vehicles
33 shall be able to comply fully with all requirements of this section,
34 including the collection and transmission of all data required to regis-
35 ter individuals to vote, by January first, two thousand twenty-one.

36 § 2. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law.