

S T A T E O F N E W Y O R K

2960

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BARCLAY, SCOZZAFAVA, OAKS, HAYES, KOLB, HAWLEY --
Multi-Sponsored by -- M. of A. BACALLES, BURLING, CALHOUN, FINCH,
GIGLIO, MOLINARO, QUINN, TOWNSEND, WALKER -- read once and referred to
the Committee on Election Law

AN ACT to amend the election law, in relation to the registration and
enrollment of voters

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

1 Section 1. The election law is amended by adding a new section 5-217
2 to read as follows:
3 S 5-217. ADDITIONAL REGISTRATION. 1. IN ADDITION TO ANY OTHER METHOD
4 OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, ANY QUALIFIED PERSON
5 MAY APPLY FOR REGISTRATION AND ENROLLMENT BY APPLICATION MADE SIMULTANE-
6 OUSLY AND INTEGRATED WITH AN APPLICATION FOR ANY TYPE OF HUNTING
7 LICENSE, A FISHING LICENSE, AND ANY COMBINATION OF BOTH.
8 2. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WITH THE APPROVAL OF
9 THE STATE BOARD OF ELECTIONS, SHALL DESIGN A FORM OR FORMS WHICH SHALL,
10 IN ADDITION TO ELICITING SUCH INFORMATION AS MAY BE REQUIRED BY THE
11 DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A HUNTING LICENSE AND/OR
12 FISHING LICENSE, SERVE AS AN APPLICATION FOR REGISTRATION AND ENROLL-
13 MENT, OR A REGISTRATION NECESSITATED BY A CHANGE OF RESIDENCE. THE COST
14 OF SUCH FORMS SHALL BE BORNE BY THE DEPARTMENT OF ENVIRONMENTAL CONSER-
15 VATION.
16 3. THE VOTER REGISTRATION PORTION OF SUCH FORMS SHALL:
17 (A) NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE INFORMATION
18 REQUIRED ON THE APPLICATION FOR THE LICENSE PORTION AND SHALL REQUIRE
19 ONLY SUCH ADDITIONAL INFORMATION, INCLUDING THE APPLICANT'S SIGNATURE,
20 AS WILL ENABLE ELECTION OFFICIALS TO ASSESS THE APPLICANT'S ELIGIBILITY
21 TO REGISTER TO VOTE, PREVENT DUPLICATE REGISTRATION AND TO ADMINISTER
22 VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS;

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

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1 (B) INCLUDE A STATEMENT OF THE ELIGIBILITY REQUIREMENTS FOR VOTER
2 REGISTRATION AND SHALL REQUIRE THE APPLICANT TO ATTEST BY HIS OR HER
3 SIGNATURE THAT HE OR SHE MEETS SUCH REQUIREMENTS UNDER PENALTY OF PERJU-
4 RY; AND
5 (C) INFORM THE APPLICANT, IN PRINT IDENTICAL TO THAT USED IN THE
6 ATTESTATION SECTION OF THE FOLLOWING:
7 (I) VOTER ELIGIBILITY REQUIREMENTS;
8 (II) PENALTIES FOR SUBMISSION OF FALSE REGISTRATION APPLICATION;
9 (III) THAT THE OFFICE WHERE THE APPLICANT REGISTERS SHALL REMAIN
10 CONFIDENTIAL AND THE INFORMATION SHALL BE USED ONLY FOR VOTER REGISTRA-
11 TION PURPOSES;
12 (IV) IF THE APPLICANT DECLINES TO REGISTER, HIS OR HER DECLINATION
13 SHALL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION
14 PURPOSES.
15 4. INCLUDED ON THE FORM OR ON A SEPARATE FORM SHALL BE:
16 (A) THE QUESTION, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE
17 NOW, WOULD YOU LIKE TO APPLY TO REGISTER HERE TODAY";
18 (B) BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT
19 WOULD LIKE TO REGISTER OR DECLINE TO REGISTER TO VOTE;
20 (C) THE STATEMENT IN PROMINENT TYPE, "IF YOU DO NOT CHECK EITHER BOX,
21 YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS
22 TIME.";
23 (D) THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER
24 REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO
25 SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN
26 PRIVATE.";
27 (E) THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH
28 YOUR RIGHT TO REGISTER OR DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO
29 PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO
30 VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLI-
31 TICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE STATE BOARD OF
32 ELECTIONS (ADDRESS AND TOLL FREE TELEPHONE NUMBER)."; AND
33 (F) A TOLL FREE NUMBER AT THE STATE BOARD OF ELECTIONS THAT CAN BE
34 CALLED FOR ANSWERS TO REGISTRATION QUESTIONS.
35 5. THE FORM CONTAINING THE DECLINATION TO REGISTER TO VOTE SHALL BE
36 RETAINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE SAME
37 PERIOD OF TIME AS SUCH DEPARTMENT RETAINS THE ACCOMPANYING APPLICATION
38 FOR SERVICES OR FOR SUCH SHORTER PERIOD OF TIME AS MAY BE APPROVED BY
39 THE STATE BOARD OF ELECTIONS.
40 6. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL TRANSMIT THAT
41 PORTION OF THE FORM WHICH CONSTITUTES THE COMPLETED APPLICATION FOR
42 REGISTRATION OR CHANGE OF ADDRESS FORM TO THE APPROPRIATE BOARD OF
43 ELECTIONS NOT LATER THAN TEN DAYS AFTER RECEIPT EXCEPT THAT ALL SUCH
44 COMPLETED APPLICATIONS AND FORMS RECEIVED BY THE DEPARTMENT OF ENVIRON-
45 MENTAL CONSERVATION BETWEEN THE THIRTIETH AND TWENTY-FIFTH DAY BEFORE AN
46 ELECTION SHALL BE TRANSMITTED IN SUCH MANNER AND AT SUCH TIME AS TO
47 ASSURE THEIR RECEIPT BY SUCH BOARD OF ELECTIONS NOT LATER THAN THE TWEN-
48 TIETH DAY BEFORE SUCH ELECTION. ALL TRANSMITTALS SHALL INCLUDE ORIGINAL
49 SIGNATURES.
50 7. COMPLETED APPLICATION FORMS RECEIVED BY THE DEPARTMENT OF ENVIRON-
51 MENTAL CONSERVATION NOT LATER THAN THE TWENTY-FIFTH DAY BEFORE THE NEXT
52 ENSUING PRIMARY, GENERAL OR SPECIAL ELECTION AND TRANSMITTED BY SUCH
53 DEPARTMENT TO THE APPROPRIATE BOARD OF ELECTIONS SO THAT THEY ARE
54 RECEIVED NOT LATER THAN THE TWENTIETH DAY BEFORE SUCH ELECTION SHALL
55 ENTITLE THE APPLICANT TO VOTE IN SUCH ELECTION PROVIDED THE BOARD DETER-
56 MINES THAT THE APPLICANT IS OTHERWISE QUALIFIED.

1 8. DISCLOSURE OF VOTER REGISTRATION INFORMATION, INCLUDING A DECLINA-
2 TION TO REGISTER, BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ITS
3 AGENTS OR EMPLOYEES, FOR OTHER THAN VOTER REGISTRATION PURPOSES, SHALL
4 BE DEEMED AN UNWARRANTED INVASION OF PERSONAL PRIVACY PURSUANT TO THE
5 PROVISIONS OF SUBDIVISION TWO OF SECTION EIGHTY-NINE OF THE PUBLIC OFFI-
6 CERS LAW AND SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

7 9. APPLICATION FORMS SHALL BE PROCESSED BY THE BOARD OF ELECTIONS IN
8 THE MANNER PRESCRIBED BY SECTION 5-210 OF THIS TITLE OR, IF THE APPLI-
9 CANT IS ALREADY REGISTERED TO VOTE FROM ANOTHER ADDRESS IN SUCH COUNTY
10 OR CITY, IN THE MANNER PRESCRIBED BY SECTION 5-208 OF THIS TITLE. THE
11 BOARD SHALL SEND THE APPROPRIATE NOTICE OF APPROVAL OR REJECTION AS
12 REQUIRED BY EITHER SUBDIVISION NINE OF SUCH SECTION 5-210 OR SUBDIVISION
13 FIVE OF SUCH SECTION 5-208.

14 10. STRICT NEUTRALITY WITH RESPECT TO A PERSON'S PARTY ENROLLMENT
15 SHALL BE MAINTAINED AND ALL PERSONS SEEKING VOTER REGISTRATION FORMS AND
16 INFORMATION SHALL BE ADVISED THAT GOVERNMENT SERVICES ARE NOT CONDI-
17 TIONED ON BEING REGISTERED TO VOTE.

18 11. NO STATEMENT SHALL BE MADE NOR ANY ACTION TAKEN TO DISCOURAGE THE
19 APPLICANT FROM REGISTERING TO VOTE.

20 12. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PROVIDE TO EACH
21 PERSON WHO CHOOSES TO REGISTER TO VOTE THE SAME LEVEL OF ASSISTANCE
22 PROVIDED TO PERSONS IN CONNECTION WITH THE COMPLETION OF THE AGENCY'S
23 OWN FORMS, UNLESS SUCH PERSON REFUSES SUCH ASSISTANCE.

24 13. THE STATE BOARD OF ELECTIONS SHALL ADOPT SUCH RULES AND REGU-
25 LATIONS AS MAY BE NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS
26 SECTION. THE BOARD SHALL ALSO ADOPT SUCH RULES AND REGULATIONS AS MAY BE
27 NECESSARY TO REQUIRE COUNTY BOARDS AND THE DEPARTMENT OF ENVIRONMENTAL
28 CONSERVATION TO PROVIDE THE STATE BOARD WITH SUCH INFORMATION AND DATA
29 AS THE BOARD DEEMS NECESSARY TO ASSESS COMPLIANCE WITH THIS SECTION AND
30 TO COMPILE SUCH STATISTICS AS MAY BE REQUIRED BY THE FEDERAL ELECTIONS
31 COMMISSION.

32 14. THE STATE BOARD OF ELECTIONS SHALL DEVELOP AND DISTRIBUTE PUBLIC
33 INFORMATION AND PROMOTIONAL MATERIALS RELATING TO THE PURPOSES AND
34 IMPLEMENTATION OF THIS PROGRAM.

35 15. THE STATE BOARD OF ELECTIONS SHALL PREPARE AND DISTRIBUTE TO THE
36 DEPARTMENT OF ENVIRONMENTAL CONSERVATION WRITTEN INSTRUCTIONS AS TO THE
37 IMPLEMENTATION OF THE PROGRAM AND SHALL BE RESPONSIBLE FOR ESTABLISHING
38 TRAINING PROGRAMS FOR EMPLOYEES OF THE DEPARTMENT OF ENVIRONMENTAL
39 CONSERVATION INVOLVED IN SUCH PROGRAM.

40 16. THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL TAKE ALL
41 ACTIONS WHICH ARE NECESSARY AND PROPER FOR THE IMPLEMENTATION OF THIS
42 SECTION. THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL DESIGNATE
43 ONE PERSON WITHIN THE AGENCY AS THE AGENCY VOTER REGISTRATION COORDINA-
44 TOR WHO WILL, UNDER THE DIRECTION OF THE STATE BOARD OF ELECTIONS, BE
45 RESPONSIBLE FOR THE VOTER REGISTRATION PROGRAM IN SUCH AGENCY.

46 S 2. This act shall take effect on the one hundred eightieth day after
47 it shall have become a law; provided, however, that effective immediate-
48 ly, the addition, amendment and/or repeal of any rule or regulation
49 necessary for the implementation of this act on its effective date is
50 authorized and directed to be made and completed on or before such
51 effective date.