

4313

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. GALEF, DINOWITZ, BURLING, CHRISTENSEN, MILLMAN,
MILLER, ARROYO, CAMARA, KOLB, REILLY, ALFANO, GIGLIO, KAVANAGH, JAFFEE
-- Multi-Sponsored by -- M. of A. BACALLES, BARRA, BING, BOYLAND,
BROOK-KRASNY, CAHILL, CALHOUN, CLARK, COLTON, CONTE, DUPREY, FIELDS,
FINCH, GOTTFRIED, JOHN, MAYERSOHN, McDONOUGH, MOLINARO, PAULIN, PHEF-
FER, SAYWARD, SCARBOROUGH, SPANO, THIELE, WALKER -- read once and
referred to the Committee on Election Law

AN ACT to amend the election law, in relation to including email
addresses in voter registration data

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

1 Section 1. Paragraphs (k) and (l) of subdivision 5 of section 5-210 of
2 the election law, as amended by chapter 179 of the laws of 2005, subpar-
3 agraph (xii) of paragraph (k) as added by chapter 362 of the laws of
4 2008, are amended to read as follows:
5 (k) The form shall also include space for the following information,
6 which must be contained on the inside of the form after it is folded for
7 mailing:
8 (i) A space for the applicant to indicate whether or not he or she has
9 ever voted or registered to vote before and, if so, the approximate year
10 in which such applicant last voted or registered and his or her name and
11 address at the time.
12 (ii) The name and residence address of the applicant including the zip
13 code and apartment number, if any.
14 (iii) A SPACE FOR THE FURNISHING OF AN EMAIL ADDRESS, THE FURNISHING
15 OF WHICH SHALL BE OPTIONAL, TOGETHER WITH A NOTICE STATING THAT IF AN
16 EMAIL ADDRESS IS FURNISHED, ALL NOTICES AND COMMUNICATIONS OTHERWISE
17 REQUIRED TO BE SENT BY THE STATE BOARD OF ELECTIONS TO THE VOTER BY
18 POSTAL MAIL SHALL BE SENT BY EMAIL IN ADDITION TO POSTAL MAIL. COUNTY
19 BOARDS OF ELECTIONS AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK
20 SHALL HAVE THE OPTION OF SENDING NOTICES AND COMMUNICATIONS OTHERWISE

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

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1 REQUIRED TO BE SENT TO THE VOTER BY POSTAL MAIL BY EMAIL IN ADDITION TO
2 POSTAL MAIL IF THE VOTER FURNISHES AN EMAIL ADDRESS.
3 (IV) The date of birth of the applicant.
4 [(iv)] (V) A space for the applicant to indicate his or her driver's
5 license or department of motor vehicles non-driver photo ID number or
6 the last four digits of his or her social security number or, if the
7 applicant does not have either such number, a space for the applicant to
8 indicate he or she does not have either.
9 [(v)] (VI) A space for the applicant to indicate whether or not he or
10 she is a citizen of the United States and the statement "If you checked
11 "no" in response to this question, do not complete this form."
12 [(vi)] (VII) A space for the applicant to answer the question "Will
13 you be 18 years of age on or before election day?" and the statement "If
14 you checked "no" in response to this question, do not complete this form
15 unless you will be 18 by the end of the year."
16 [(vii)] (VIII) A statement informing the applicant that if the form is
17 submitted by mail and the applicant is registering for the first time,
18 certain information or documents must be submitted with the mail-in
19 registration form in order to avoid additional identification require-
20 ments upon voting for the first time. Such information and documents
21 are:
22 (A) a driver's license or department of motor vehicles non-driver
23 photo ID number; or
24 (B) the last four digits of the individual's social security number;
25 or
26 (C) a copy of a current and valid photo identification; or
27 (D) a copy of a current utility bill, bank statement, government
28 check, paycheck or other government document that shows the name and
29 address of the voter.
30 [(viii)] (IX) The gender of the applicant (optional).
31 [(ix)] (X) A space for the applicant to indicate his or her choice of
32 party enrollment, with a clear alternative provided for the applicant to
33 decline to affiliate with any party.
34 [(x)] (XI) The telephone number of the applicant (optional).
35 [(xi)] (XII) A place for the applicant to execute the form on a line
36 which is clearly labeled "signature of applicant" preceded by the
37 following specific form of affirmation:
38 AFFIDAVIT: I swear or affirm that:
39 * I am a citizen of the United States.
40 * I will have lived in the county, city, or village for at least 30
41 days before the election.
42 * I meet all the requirements to register to vote in New York
43 State.
44 * This is my signature or mark on the line below.
45 * All the information contained on this application is true. I
46 understand that if it is not true I can be convicted and fined up
47 to \$5,000 and/or jailed for up to four years.
48 which form of affirmation shall be followed by a space for the date and
49 the aforementioned line for the applicant's signature.
50 [(xii)] (XIII) A space for the applicant to register in the New York
51 state donate life registry for organ and tissue donations established
52 pursuant to section forty-three hundred ten of the public health law.
53 (l) The mail voter registration application form developed by the
54 federal election commission pursuant to the provisions of section nine
55 of the National Voter Registration Act of 1993 42 USC 1973gg-7 shall be
56 deemed to meet the requirements of this section. Any application for

1 registration received on such an application form shall be accepted if
2 the applicant is otherwise eligible to register to vote pursuant to the
3 provisions of this article. A VOTER WHOSE REGISTRATION IS ACCEPTED
4 PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH SHALL BE PERMITTED TO
5 FURNISH AN EMAIL ADDRESS TO THE BOARD OF ELECTIONS, WHICH FURNISHING
6 SHALL CARRY THE SAME NOTICE AND HAVE THE SAME EFFECT AS PROVIDED BY
7 SUBPARAGRAPH (III) OF PARAGRAPH (K) OF THIS SUBDIVISION.

8 S 2. Paragraph d of subdivision 4 of section 5-500 of the election
9 law, as amended by chapter 659 of the laws of 1994, is amended to read
10 as follows:

11 d. The residence address at which the voter claims to reside and post
12 office address, if not the same; and the number or designation of the
13 room, apartment, or floor occupied by the voter if he OR SHE does not
14 claim the entire building as his OR HER residence; AND IN ADDITION,
15 SPACE FOR THE FURNISHING OF AN EMAIL ADDRESS, THE FURNISHING OF WHICH
16 SHALL BE OPTIONAL, TOGETHER WITH A NOTICE STATING THAT IF AN EMAIL
17 ADDRESS IS FURNISHED, ALL NOTICES AND COMMUNICATIONS OTHERWISE REQUIRED
18 TO BE SENT BY THE STATE BOARD OF ELECTIONS TO THE VOTER BY POSTAL MAIL
19 SHALL BE SENT BY EMAIL IN ADDITION TO POSTAL MAIL. COUNTY BOARDS OF
20 ELECTIONS AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHALL HAVE
21 THE OPTION OF SENDING NOTICES AND COMMUNICATIONS OTHERWISE REQUIRED TO
22 BE SENT TO THE VOTER BY POSTAL MAIL BY EMAIL IN ADDITION TO POSTAL MAIL
23 IF THE VOTER FURNISHES AN EMAIL ADDRESS;

24 S 3. This act shall take effect on the first of January next succeed-
25 ing the date on which it shall have become a law; provided that the
26 state board of elections is authorized to promulgate any and all rules
27 and regulations and take any other measures necessary to implement this
28 act on its effective date on or before such date.