

1872--C

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. KLEIN, BRESLIN, DIAZ, DILAN, ESPADA, HASSELL-THOMPSON, HUNTLEY, KRUEGER, MONTGOMERY, OPPENHEIMER, SAMPSON, SCHNEIDERMAN, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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

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

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STUDENTS MAY RECEIVE VOTER REGISTRATION FORMS AND PERSONAL ASSISTANCE IN THE COMPLETION OF SUCH FORMS. EACH SUCH OFFICE SHALL PUBLICIZE ITS VOTER REGISTRATION SERVICES PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, AND SHALL OFFER TO COLLECT AND TRANSMIT COMPLETED VOTER REGISTRATION FORMS 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 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'

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

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

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

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

1 (g) Notice that the applicant must be a citizen of the United States,
2 is [or will be at least eighteen years old not later than December thir-
3 ty-first of the calendar year in which he or she registers] AT LEAST
4 SEVENTEEN YEARS OLD WHEN HE OR SHE SUBMITS AN APPLICATION TO REGISTER TO
5 VOTE and a resident of the county or city to which application is made.
6 S 5. This act shall take effect July 1, 2010; provided, however, that
7 the provisions of this act shall only apply to school districts on and
8 after July 1, 2011.