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

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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, PHEFFER, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (k) and (l) of subdivision 5 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, subparagraph (xii) of paragraph (k) as added by chapter 362 of the laws of 2008, are amended to read as follows:

(k) The form shall also include space for the following information, which must be contained on the inside of the form after it is folded for mailing:

(i) A space for the applicant to indicate whether or not he or she has ever voted or registered to vote before and, if so, the approximate year in which such applicant last voted or registered and his or her name and address at the time.

(ii) The name and residence address of the applicant including the zip code and apartment number, if any.

(iii) A SPACE FOR THE FURNISHING OF AN EMAIL ADDRESS, THE FURNISHING OF WHICH SHALL BE OPTIONAL, TOGETHER WITH A NOTICE STATING THAT IF AN EMAIL ADDRESS IS FURNISHED, ALL NOTICES AND COMMUNICATIONS OTHERWISE REQUIRED TO BE SENT BY THE STATE BOARD OF ELECTIONS TO THE VOTER BY POSTAL MAIL SHALL BE SENT BY EMAIL IN ADDITION TO POSTAL MAIL. COUNTY BOARDS OF ELECTIONS AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK 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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REQUIRED TO BE SENT TO THE VOTER BY POSTAL MAIL BY EMAIL IN ADDITION TO POSTAL MAIL IF THE VOTER FURNISHES AN EMAIL ADDRESS.

(IV) The date of birth of the applicant.

[(iv)] (V) A space for the applicant to indicate his or her driver's license or department of motor vehicles non-driver photo ID number or the last four digits of his or her social security number or, if the applicant does not have either such number, a space for the applicant to indicate he or she does not have either.

[(v)] (VI) A space for the applicant to indicate whether or not he or she is a citizen of the United States and the statement "If you checked "no" in response to this question, do not complete this form."

[(vi)] (VII) A space for the applicant to answer the question "Will you be 18 years of age on or before election day?" and the statement "If you checked "no" in response to this question, do not complete this form unless you will be 18 by the end of the year."

[(vii)] (VIII) A statement informing the applicant that if the form is submitted by mail and the applicant is registering for the first time, certain information or documents must be submitted with the mail-in registration form in order to avoid additional identification requirements upon voting for the first time. Such information and documents are:

(A) a driver's license or department of motor vehicles non-driver photo ID number; or

(B) the last four digits of the individual's social security number; or

(C) a copy of a current and valid photo identification; or

(D) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

[(viii)] (IX) The gender of the applicant (optional).

[(ix)] (X) A space for the applicant to indicate his or her choice of party enrollment, with a clear alternative provided for the applicant to decline to affiliate with any party.

[(x)] (XI) The telephone number of the applicant (optional).

[(xi)] (XII) A place for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following specific form of affirmation:

AFFIDAVIT: I swear or affirm that:

* I am a citizen of the United States.
* I will have lived in the county, city, or village for at least 30 days before the election.
* I meet all the requirements to register to vote in New York State.
* This is my signature or mark on the line below.
* All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to $5,000 and/or jailed for up to four years.

which form of affirmation shall be followed by a space for the date and the aforementioned line for the applicant's signature.

[(xii)] (XIII) A space for the applicant to register in the New York state donate life registry for organ and tissue donations established pursuant to section forty-three hundred ten of the public health law.

(l) The mail voter registration application form developed by the federal election commission pursuant to the provisions of section nine of the National Voter Registration Act of 1993 42 USC 1973gg-7 shall be deemed to meet the requirements of this section. Any application for

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

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

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

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