

5265

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 11, 2009

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Introduced by M. of A. GIANARIS, J. RIVERA, HOYT, PERALTA, CUSICK,  
POWELL, KELLNER -- Multi-Sponsored by -- M. of A. BRADLEY, DIAZ,  
GLICK, PEOPLES, TOWNS, WEISENBERG -- read once and referred to the  
Committee on Election Law

AN ACT to amend the election law, the vehicle and traffic law and the  
tax law, in relation to enacting the "automatic voter registration  
act"

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "automatic voter registration act".  
3     S 2. The election law is amended by adding a new section 5-212-a to  
4     read as follows:  
5     S 5-212-A. AUTOMATIC VOTER REGISTRATION. 1. IN ADDITION TO ANY OTHER  
6     METHOD OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, EACH QUALI-  
7     FIED PERSON SHALL BE REGISTERED TO VOTE PURSUANT TO THE PROVISIONS OF  
8     THIS SECTION.  
9     2. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF MOTOR VEHI-  
10    CLES SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE NAME AND ADDRESS  
11    OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT OF THIS STATE,  
12    WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN YEARS ON OR BEFORE  
13    THE NEXT GENERAL ELECTION, AND WHO HOLDS A NON-DRIVER IDENTIFICATION  
14    CARD, LEARNER'S PERMIT OR DRIVER'S LICENSE PURSUANT TO THE VEHICLE AND  
15    TRAFFIC LAW.  
16    3. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF TAXATION AND  
17    FINANCE SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE NAME AND  
18    ADDRESS OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT OF THE  
19    STATE, WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN YEARS ON OR  
20    BEFORE THE NEXT GENERAL ELECTION, AND WHO HAS SUBMITTED A RESIDENT  
21    PERSONAL INCOME TAX RETURN PURSUANT TO ARTICLE TWENTY-TWO OF THE TAX  
22    LAW.

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

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1 4. THE STATE BOARD OF ELECTIONS SHALL COMPILE THE INFORMATION SUBMIT-  
2 TED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION FOR THE  
3 PURPOSE OF COMPLYING WITH THE PROVISIONS OF SUBDIVISION THIRTEEN OF  
4 SECTION 3-102 OF THIS CHAPTER, AND WITHIN TEN DAYS OF THE RECEIPT OF THE  
5 NAMES AND ADDRESSES OF PERSONS PURSUANT TO SUCH SUBDIVISIONS TWO AND  
6 THREE, THE STATE BOARD OF ELECTIONS SHALL TRANSMIT EACH SUCH NAME AND  
7 ADDRESS TO THE APPROPRIATE BOARD OF ELECTIONS, BASED UPON THE ADDRESS,  
8 AND EACH SUCH PERSON SHALL IMMEDIATELY BE REGISTERED TO VOTE.

9 5. THE STATE BOARD OF ELECTIONS IS AUTHORIZED AND DIRECTED TO ESTAB-  
10 LISH ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF  
11 THIS SECTION.

12 6. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROVIDE FOR THE  
13 ENROLLMENT OF ANY PERSON IN A PARTY. EVERY PERSON REGISTERED PURSUANT TO  
14 THIS SECTION MAY ENROLL IN A PARTY BY COMPLYING WITH THE PROVISIONS OF  
15 TITLE THREE OF THIS ARTICLE.

16 S 3. Subdivisions 2 and 3 of section 5-212-a of the election law, as  
17 added by section two of this act, are amended to read as follows:

18 2. On or before the first of September EACH YEAR, the department of  
19 motor vehicles shall transmit to the state board of elections the name  
20 and address of every citizen of the United States, who is a resident of  
21 this state, who has attained or will attain the age of eighteen years  
22 AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL ELECTION AND on or  
23 before the next general election, and who holds a non-driver identifica-  
24 tion card, learner's permit or driver's license pursuant to the vehicle  
25 and traffic law.

26 3. On or before the first of September EACH YEAR, the department of  
27 taxation and finance shall transmit to the state board of elections the  
28 name and address of every citizen of the United States, who is a resi-  
29 dent of the state, who has attained or will attain the age of eighteen  
30 years AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL ELECTION AND  
31 on or before the next general election, and who has submitted a resident  
32 personal income tax return pursuant to article twenty-two of the tax  
33 law.

34 S 4. Section 201 of the vehicle and traffic law is amended by adding a  
35 new subdivision 8 to read as follows:

36 8. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROHIBIT THE  
37 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION TWO OF  
38 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED BY SUCH  
39 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS WITHOUT  
40 ANY FEE IMPOSED BY SECTION TWO HUNDRED TWO OF THIS ARTICLE.

41 S 5. Section 170 of the tax law is amended by adding a new subdivision  
42 9 to read as follows:

43 9. NO PROVISION OF THIS CHAPTER SHALL BE DEEMED TO PROHIBIT THE  
44 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION THREE OF  
45 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED BY SUCH  
46 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS WITHOUT  
47 ANY CHARGE OR FEE.

48 S 6. The state board of elections shall conduct a study of the practi-  
49 cality and cost-effectiveness of providing automatic voter registration  
50 pursuant to section 5-212-a of the election law, as added by section two  
51 of this act and amended by section three of this act. In addition, such  
52 board shall study the feasibility of utilizing other state and local  
53 records for the purpose of automatically registering persons to vote. On  
54 or before January 1, 2011, the state board of elections shall submit a  
55 report of its findings and recommendations pursuant to this section to

1 the governor, temporary president of the senate and speaker of the  
2 assembly.  
3 S 7. This act shall take effect immediately, except that section three  
4 of this act shall take effect one year after the effective date of this  
5 act.