

3252

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sens. ADDABBO, DIAZ, DILAN, ESPADA, HASSELL-THOMPSON,
ONORATO, OPPENHEIMER, PERKINS, STAVISKY -- read twice and ordered
printed, and when printed to be committed to the Committee on
Elections

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
21 REQUIRED TO BE SENT TO THE VOTER BY POSTAL MAIL BY EMAIL IN ADDITION TO
22 POSTAL MAIL IF THE VOTER FURNISHES AN EMAIL ADDRESS.
23 (IV) The date of birth of the applicant.

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

LBD01664-01-9

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

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

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

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

19 (A) a driver's license or department of motor vehicles non-driver
20 photo ID number; or
21 (B) the last four digits of the individual's social security number;
22 or
23 (C) a copy of a current and valid photo identification; or
24 (D) a copy of a current utility bill, bank statement, government
25 check, paycheck or other government document that shows the name and
26 address of the voter.

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

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

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

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

35 AFFIDAVIT: I swear or affirm that:

36 * I am a citizen of the United States.

37 * I will have lived in the county, city, or village for at least 30
38 days before the election.

39 * I meet all the requirements to register to vote in New York
40 State.

41 * This is my signature or mark on the line below.

42 * All the information contained on this application is true. I
43 understand that if it is not true I can be convicted and fined up
44 to \$5,000 and/or jailed for up to four years.

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

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

50 (l) The mail voter registration application form developed by the
51 federal election commission pursuant to the provisions of section nine
52 of the National Voter Registration Act of 1993 42 USC 1973gg-7 shall be
53 deemed to meet the requirements of this section. Any application for
54 registration received on such an application form shall be accepted if
55 the applicant is otherwise eligible to register to vote pursuant to the
56 provisions of this article. A VOTER WHOSE REGISTRATION IS ACCEPTED

1 PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH SHALL BE PERMITTED TO
2 FURNISH AN EMAIL ADDRESS TO THE BOARD OF ELECTIONS, WHICH FURNISHING
3 SHALL CARRY THE SAME NOTICE AND HAVE THE SAME EFFECT AS PROVIDED BY
4 SUBPARAGRAPH (III) OF PARAGRAPH (K) OF THIS SUBDIVISION.

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

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

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