

3590

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 26, 2011

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

AN ACT to amend the election law, in relation to including e-mail addresses in voter registration data

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

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 E-MAIL 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 (1) 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 E-MAIL 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 E-MAIL ADDRESS, THE FURNISHING OF WHICH  
16 SHALL BE OPTIONAL, TOGETHER WITH A NOTICE STATING THAT IF AN E-MAIL  
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 E-MAIL 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 E-MAIL IN ADDITION TO POSTAL MAIL  
23 IF THE VOTER FURNISHES AN E-MAIL 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.