

6867

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. KATZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring a government issued photo identification card to be presented when casting a ballot

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

1 Section 1. Section 8-303 of the election law, as added by chapter 420
2 of the laws of 2004 and subparagraph 1 of paragraph (b) of subdivision 3
3 as amended by chapter 160 of the laws of 2005, is amended to read as
4 follows:

5 S 8-303. [Initial voter] VOTER identification. 1. Applicability. Each
6 board of elections, in a uniform and nondiscriminatory manner, shall
7 require a voter to meet the requirements of subdivision two of this
8 section [if:

9 (a) the individual registered to vote in a jurisdiction by mail on or
10 after January first, two thousand three; and

11 (b) the individual has not previously voted in an election for federal
12 office in the jurisdiction of the board of elections].

13 2. Requirements. (a) In general. An individual meets the requirements
14 of this subdivision if the individual:

15 (1) in the case of an individual who votes in person: (i) presents to
16 the appropriate election inspector, clerk or coordinator a current and
17 valid GOVERNMENT ISSUED photo identification[; or

18 (ii) presents to the appropriate election inspector, clerk or coordi-
19 nator a copy of a current utility bill, bank statement, government
20 check, paycheck, or other government document that shows the name and
21 address of the voter;] or

22 (2) in the case of an individual who votes by mail, submits in the
23 outer envelope with the envelope containing the ballot: [(i)] a copy of
24 a current and valid GOVERNMENT ISSUED photo identification[; or

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

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

4 (b) Fail-safe voting. [(1)] An individual who desires to vote in
5 person, but who does not meet the requirements of [subparagraph one of
6 paragraph (a) of this subdivision,] THIS SUBDIVISION may cast an affida-
7 vit ballot, and notwithstanding this section of law, such affidavit
8 ballot shall be duly cast and counted, even though such individual does
9 not meet the requirements of [subparagraph one of paragraph (a) of] this
10 [subdivision] SECTION, provided such individual casting such ballot is
11 an otherwise eligible voter pursuant to law, provided further that such
12 ballot otherwise complies with the requirements of law.

13 [(2) An individual who desires to vote by mail but who does not meet
14 the requirements of subparagraph two of paragraph (a) of this subdivi-
15 sion may cast such a ballot by mail and such ballot shall be duly cast
16 and counted, notwithstanding this section, provided the voter is deter-
17 mined to be an eligible voter and provided further that such ballot
18 otherwise complies with the requirements of law.

19 3. Inapplicability. Subdivisions one and two of this section shall not
20 apply in the case of a person: (a) who registers to vote by mail and
21 submits as part of such registration either:

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

23 (2) a copy of a current utility bill, bank statement, government
24 check, paycheck, or government document that shows the name and address
25 of the voter;

26 (b) (1) who registers to vote by mail and submits with such registra-
27 tion either:

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

30 (ii) at least the last four digits of the individual's social security
31 number; and

32 (2) with respect to whom a local board of elections matches the infor-
33 mation submitted under subparagraph one of this paragraph with an exist-
34 ing state identification record bearing the number, name and date of
35 birth of such voter; or

36 (c) who is: (1) entitled to vote by absentee ballot under the
37 Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1
38 et seq.);

39 (2) provided the right to vote otherwise than in person under section
40 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Hand-
41 icapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii)); or

42 (3) entitled to vote otherwise than in person under any other federal
43 law.]

44 S 2. This act shall take effect immediately.