

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, JACOBS, SCARBOROUGH, KAVANAGH, JAFFEE  
-- Multi-Sponsored by -- M. of A. CLARK, COLTON, GLICK, GOTTFRIED,  
GUNTHER, McENENY, PERRY, PHEFFER, SWEENEY, WEISENBERG -- read once and  
referred to the Committee on Election Law

AN ACT to amend the election law, in relation to designating the state  
and city universities of New York as participating agencies for voter  
registration form distribution and assistance, and permitting inde-  
pendent institutions of higher education to do the same upon request

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

1 Section 1. The opening paragraph of section 5-211 of the election law,  
2 as amended by chapter 200 of the laws of 1996, is amended to read as  
3 follows:  
4 Each agency designated as a participating agency under the provisions  
5 of this section shall implement and administer a program of distribution  
6 of voter registration forms pursuant to the provisions of this section.  
7 The following offices which provide public assistance and/or provide  
8 state funded programs primarily engaged in providing services to persons  
9 with disabilities are hereby designated as voter registration agencies:  
10 designated as the state agencies which provide public assistance are the  
11 department of [social services] FAMILY ASSISTANCE and the department of  
12 health. Also designated as public assistance agencies are all agencies  
13 of local government that provide such assistance. Designated as state  
14 agencies that provide programs primarily engaged in providing services  
15 to people with disabilities are the department of labor, office for the  
16 aging, division of veterans' affairs, office of mental health, office of  
17 vocational and educational services for individuals with disabilities,  
18 commission on quality of care for the mentally disabled, office of  
19 mental retardation and developmental disabilities, commission for the  
20 blind and visually handicapped, office of alcoholism and substance abuse

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

LBD04329-01-1

1 services, the office of the advocate for the disabled and all offices  
2 which administer programs established or funded by such agencies. Addi-  
3 tional [state] PARTICIPATING agencies designated as voter registration  
4 offices are the department of state [and], the [division] DISTRICT  
5 OFFICES of THE workers' compensation BOARD, AND ALL INSTITUTIONS OF THE  
6 STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK; AND  
7 ANY DEGREE-GRANTING INSTITUTION OF HIGHER EDUCATION DESCRIBED IN ARTI-  
8 CLES ONE HUNDRED FIFTEEN, ONE HUNDRED TWENTY-ONE, ONE HUNDRED  
9 TWENTY-THREE, ONE HUNDRED TWENTY-SIX AND ONE HUNDRED TWENTY-NINE OF  
10 TITLE VII OF THE EDUCATION LAW WHICH ELECTS TO BE A PARTICIPATING AGENCY  
11 BY FILING WITH THE STATE BOARD OF ELECTIONS A NOTICE IN WHICH IT MAKES  
12 SUCH AN ELECTION. Such agencies shall be required to offer voter regis-  
13 tration forms to persons upon initial application for services, FOR  
14 PARTICIPATION IN ACTIVITIES OR FOR USE OF FACILITIES, AND UPON renewal  
15 or recertification for services, PARTICIPATION IN ACTIVITIES OR USE OF  
16 FACILITIES, and UPON change of address relating to such services,  
17 PARTICIPATION IN ACTIVITIES OR USE OF FACILITIES OF THE AGENCY. Such  
18 agencies shall also be responsible for providing assistance to appli-  
19 cants in completing voter registration forms, receiving and transmitting  
20 the completed application form from all applicants who wish to have such  
21 form transmitted to the appropriate board of elections. The state board  
22 of elections shall, together with representatives of the UNITED STATES  
23 department of defense, develop and implement procedures for including  
24 recruitment offices of the armed forces of the United States as voter  
25 registration offices when such offices are so designated by federal law.  
26 The state board OF ELECTIONS shall also make request of the United  
27 States [Immigration and Naturalization Service] CITIZENSHIP AND IMMI-  
28 GRATION SERVICES to include applications for registration by mail with  
29 any materials which are given to new citizens. All institutions of the  
30 state university of New York and the city university of New York, shall,  
31 at the beginning of the school year, and again in January of a year in  
32 which the president of the United States is to be elected, provide an  
33 application for VOTER registration to each student in each such institu-  
34 tion. The state board of elections may, by regulation, grant a waiver  
35 from any or all of the requirements of this section to any office or  
36 program of an agency, if it determines that it is not feasible for such  
37 office or program to administer such requirement.

38 S 2. Subdivision 4 of section 5-211 of the election law, as added by  
39 chapter 659 of the laws of 1994, is amended to read as follows:

40 4. Each participating agency shall provide to each applicant who does  
41 not decline to register to vote the same degree of assistance with  
42 regard to the completion of the registration application form as is  
43 provided by the agency with regard to the completion of its own form  
44 unless the applicant refuses such assistance. ALL INSTITUTIONS OF THE  
45 STATE UNIVERSITY OF NEW YORK AND ALL DEGREE-GRANTING INSTITUTIONS OF  
46 HIGHER EDUCATION DESCRIBED IN ARTICLES ONE HUNDRED FIFTEEN, ONE HUNDRED  
47 TWENTY-ONE, ONE HUNDRED TWENTY-THREE, ONE HUNDRED TWENTY-SIX AND ONE  
48 HUNDRED TWENTY-NINE OF TITLE VII OF THE EDUCATION LAW WHICH HAVE ELECTED  
49 TO BE PARTICIPATING AGENCIES PURSUANT TO THE OPENING PARAGRAPH OF THIS  
50 SECTION SHALL ALSO PROVIDE SUCH LEVEL OF ASSISTANCE TO EACH PERSON WHO  
51 WISHES TO COMPLETE AN APPLICATION FOR AN ABSENTEE BALLOT.

52 S 3. The opening paragraph of subdivision 8 of section 5-211 of the  
53 election law, as amended by chapter 659 of the laws of 1994, is amended  
54 to read as follows:

55 Each participating agency, department, division or office that makes  
56 available voter registration forms OR ABSENTEE BALLOT APPLICATIONS, OR

1 BOTH, pursuant to this section shall offer with each application for the  
2 services or assistance, PARTICIPATION IN ACTIVITIES OR USE OF FACILITIES  
3 of such agency, department, division or office and with each recertif-  
4 ication, renewal or change of address form relating to such service or  
5 assistance, PARTICIPATION IN ACTIVITIES OR USE OF FACILITIES, a regis-  
6 tration form together with instructions relating to eligibility to  
7 register and for completing the form except that forms used by the  
8 department of [social services] FAMILY ASSISTANCE for the initial appli-  
9 cation for services, renewal or recertification for services and change  
10 of address relating to such services shall physically incorporate a  
11 voter registration application in a fashion that permits the voter  
12 registration portion of the agency form to be detached therefrom. ALL  
13 INSTITUTIONS OF THE STATE UNIVERSITY OF NEW YORK AND ALL DEGREE-GRANTING  
14 INSTITUTIONS OF HIGHER EDUCATION DESCRIBED IN ARTICLES ONE HUNDRED  
15 FIFTEEN, ONE HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-THREE, ONE HUNDRED  
16 TWENTY-SIX AND ONE HUNDRED TWENTY-NINE OF TITLE VII OF THE EDUCATION LAW  
17 WHICH HAVE ELECTED TO BE PARTICIPATING AGENCIES PURSUANT TO THE OPENING  
18 PARAGRAPH OF THIS SECTION SHALL ALSO OFFER EACH SUCH APPLICANT AN APPLI-  
19 CATION FOR AN ABSENTEE BALLOT. Such voter registration application shall  
20 be designed so as to ensure the confidentiality of the source of the  
21 application. Included on each participating agency's application for  
22 services or assistance or on a separate form shall be:

23 S 4. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law, provided however, that effective immediate-  
25 ly, the addition, amendment and/or repeal of any rules or regulations  
26 necessary for the implementation of this act on its effective date are  
27 authorized and directed to be made and completed on or before such  
28 effective date.