S T A T E O F N E W Y O R K

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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 independent institutions of higher education to do the same upon request

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

Section 1. The opening paragraph of section 5-211 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the department of [social services] FAMILY ASSISTANCE and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the 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.

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services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional [state] PARTICIPATING agencies designated as voter registration offices are the department of state [and], the [division] DISTRICT OFFICES of THE workers' compensation BOARD, AND ALL INSTITUTIONS OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK; AND ANY DEGREE-GRANTING INSTITUTION OF HIGHER EDUCATION DESCRIBED IN ARTICLES ONE HUNDRED FIFTEEN, ONE HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-THREE, ONE HUNDRED TWENTY-SIX AND ONE HUNDRED TWENTY-NINE OF TITLE VII OF THE EDUCATION LAW WHICH ELECTS TO BE A PARTICIPATING AGENCY BY FILING WITH THE STATE BOARD OF ELECTIONS A NOTICE IN WHICH IT MAKES SUCH AN ELECTION. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, FOR PARTICIPATION IN ACTIVITIES OR FOR USE OF FACILITIES, AND UPON renewal or recertification for services, PARTICIPATION IN ACTIVITIES OR USE OF FACILITIES, and UPON change of address relating to such services, PARTICIPATION IN ACTIVITIES OR USE OF FACILITIES OF THE AGENCY. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the UNITED STATES department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board OF ELECTIONS shall also make request of the United States [Immigration and Naturalization Service] CITIZENSHIP AND IMMIGRATION SERVICES to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for VOTER registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

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

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

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

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

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

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