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

9041

I N A S S E M B L Y

January 17, 2012

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 valid 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:

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

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

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

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

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

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

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

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

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

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

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(3) A VALID AND CURRENT GOVERNMENT ISSUED PHOTO IDENTIFICATION SHALL INCLUDE: A NEW YORK STATE DRIVER'S LICENSE OR NON-DRIVER ID; A UNITED STATES PASSPORT; AN IDENTIFICATION CARD ISSUED BY A UNITED STATES EDUCATIONAL INSTITUTION; A UNITED STATES MILITARY IDENTIFICATION CARD; A GOVERNMENT ISSUED MEDICAL CARD OR ANY IDENTIFICATION CARD ISSUED BY THE UNITED STATES OR THE STATE OF NEW YORK.

(b) Fail-safe voting. (1) An individual who desires to vote in person, but [who does not meet the requirements of subparagraph one of paragraph (a) of this subdivision] DOES NOT POSSESS A CURRENT AND VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION, may cast an affidavit ballot[, and notwithstanding this section of law, such]. SUCH affidavit ballot shall be duly cast and counted[, even though such individual does not meet the requirements of subparagraph one of paragraph (a) of this subdivision,] provided such individual casting such ballot is an otherwise eligible voter pursuant to law, [provided further] THAT THE LOCAL BOARD OF ELECTIONS DETERMINES THE VALIDITY OF THE AFFIDAVIT BALLOT AND that such ballot otherwise complies with the requirements of law.

(2) An individual who desires to vote by mail but who does not [meet the requirements of subparagraph two of paragraph (a) of this subdivision] POSSESS A CURRENT AND VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION, may cast such a ballot by mail and such ballot shall be duly cast and counted[, notwithstanding this section,] provided [the voter is determined to be an eligible voter and provided further], THAT THE LOCAL BOARD OF ELECTIONS DETERMINES THE VALIDITY OF THE BALLOT BY MAIL AND that such ballot otherwise complies with the requirements of law.

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

(1)] a copy of a current and valid GOVERNMENT ISSUED photo identification; or

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

(b) [(1)] who registers to vote by mail and submits with such registration either:

[(i)] (1) a driver's license or a department of motor vehicles non-driver photo ID number; or

[(ii)] (2) at least the last four digits of the individual's social security number; and [(2)] with respect to whom a local board of elections matches the information submitted under [subparagraph one of] this paragraph with an existing state identification record bearing the number, name and date of birth of such voter; [or

(c) who is: (1)] (3) SUCH PERSON IS entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

[(2)] (4) SUCH PERSON IS provided the right to vote otherwise than in person under section 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii)); or

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

S 2. This act shall take effect immediately.