

542--C

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, HUNT-  
LEY, KRUEGER, MONTGOMERY, OPPENHEIMER, SAMPSON, STAVISKY -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Elections -- committee discharged, bill amended, ordered reprinted  
as amended and recommitted to said committee -- recommitted to the  
Committee on Elections in accordance with Senate Rule 6, sec. 8 --  
committee discharged, bill amended, ordered reprinted as amended and  
recommitted to said committee -- committee discharged, bill amended,  
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to voter registration and  
enrollment

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

1 Section 1. Section 5-211 of the election law is amended by adding a  
2 new subdivision 18 to read as follows:  
3 18. ALL COLLEGES, UNIVERSITIES AND PUBLIC SCHOOL DISTRICTS LOCATED IN  
4 THIS STATE SHALL MAKE VOTER REGISTRATION FORMS AVAILABLE TO ANY ELIGIBLE  
5 STUDENTS IN THE SAME MANNER AND SUBJECT TO THE SAME PROVISIONS AND RULES  
6 AND REGULATIONS AS ALL OTHER DESIGNATED AGENCIES; EXCEPT THAT A COLLEGE,  
7 UNIVERSITY OR PUBLIC SCHOOL DISTRICT SHALL NOT BE REQUIRED TO COLLECT OR  
8 MAINTAIN FORMS CONTAINING AN INDIVIDUAL'S DECLINATION TO REGISTER TO  
9 VOTE AS REQUIRED BY SUBDIVISION TEN OF THIS SECTION, OR TO CONDUCT A  
10 STUDY AND REPORT THEREON AS REQUIRED BY SUBDIVISION SEVENTEEN OF THIS  
11 SECTION.  
12 EACH COLLEGE, UNIVERSITY AND PUBLIC SCHOOL DISTRICT SHALL PROVIDE EACH  
13 ELIGIBLE STUDENT WITH A REGISTRATION FORM WITHIN THE FIRST THREE WEEKS  
14 OF THE FIRST SEMESTER OF THE ACADEMIC YEAR OR SUCH STUDENT'S ENTRY TO  
15 SCHOOL OR ARRIVAL ON CAMPUS PURSUANT TO SUBDIVISIONS TWO, THREE, FOUR,  
16 FIVE, SEVEN, NINE, ELEVEN, TWELVE AND FIFTEEN OF THIS SECTION. EVERY  
17 COLLEGE, UNIVERSITY AND PUBLIC SCHOOL DISTRICT SHALL DESIGNATE AT LEAST

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

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1 ONE CONVENIENT CAMPUS LOCATION WHERE STUDENTS MAY RECEIVE VOTER REGIS-  
2 TRATION FORMS AND PERSONAL ASSISTANCE IN THE COMPLETION OF SUCH FORMS.  
3 EACH COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT SHALL PUBLICIZE ITS  
4 VOTER REGISTRATION SERVICES PURSUANT TO SUBDIVISION SEVEN OF THIS  
5 SECTION, AND SHALL OFFER TO COLLECT AND TRANSMIT COMPLETED VOTER REGIS-  
6 TRATION FORMS FROM STUDENTS TO THE LOCAL BOARD OF ELECTIONS PURSUANT TO  
7 SUBDIVISIONS TWO, THREE, FIVE, NINE, ELEVEN, TWELVE AND FIFTEEN OF THIS  
8 SECTION.

9 ANY COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT MAY ELECT TO SOLICIT  
10 THE ASSISTANCE OF ONE OR MORE RECOGNIZED NON-PARTISAN CAMPUS BASED  
11 ORGANIZATIONS OR STUDENT GROUPS TO ASSIST IN ITS EFFORTS TO OFFER  
12 PERSONAL ASSISTANCE, COLLECTION AND TRANSMITTAL OF VOTER REGISTRATION  
13 FORMS.

14 IN ADDITION TO THE REQUIREMENTS OF SUBDIVISIONS TWO, FIVE AND EIGHT OF  
15 THIS SECTION, ALL COLLEGES AND UNIVERSITIES OFFERING VOTER REGISTRATION  
16 SERVICES SHALL INFORM STUDENTS OF THEIR RIGHT TO COMPLETE A VOTER REGIS-  
17 TRATION FORM FROM THEIR COLLEGE ADDRESS OR ANY ADDRESS AT WHICH SUCH  
18 STUDENT MAY REGULARLY RESIDE WHEN NOT IN SCHOOL; INFORM STUDENTS THAT  
19 THEIR DECISION TO REGISTER OR DECLINE TO REGISTER TO VOTE SHALL HAVE NO  
20 BEARING ON THEIR COLLEGE OR UNIVERSITY RECORD; AND NOTWITHSTANDING THE  
21 PROVISIONS OF SUBDIVISION NINE OF THIS SECTION, SHALL NOT INQUIRE OR  
22 KEEP RECORDS PERTAINING TO ANY STUDENT'S ELIGIBILITY TO VOTE.

23 IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION SEVEN OF THIS SECTION,  
24 ALL COLLEGES, UNIVERSITIES AND PUBLIC SCHOOL DISTRICTS SHALL PLACE A  
25 PROMINENT LINK ON THEIR INTERNET WEBSITES TO THE APPROPRIATE PAGE OF THE  
26 INTERNET WEBSITE OF THE STATE BOARD OF ELECTIONS OR THE NATIONAL  
27 ELECTION ASSISTANCE COMMISSION FOR INDIVIDUALS TO LEARN ABOUT THE QUALI-  
28 FICATIONS TO VOTE, AND TO DOWNLOAD VOTER REGISTRATION FORMS, EXCEPT THAT  
29 FOR COLLEGES AND UNIVERSITIES IN THE CITY OF NEW YORK AND FOR THE CITY  
30 SCHOOL DISTRICT OF THE CITY OF NEW YORK SUCH LINK SHALL BE TO THE APPRO-  
31 PRIATE PAGE OF THE INTERNET WEBSITE OF THE NEW YORK CITY BOARD OF  
32 ELECTIONS. SUCH LINKS SHALL BE PROMINENTLY FEATURED DURING THE FIRST  
33 AND LAST THREE WEEKS OF THE ACADEMIC YEAR, AND TWO WEEKS IN ADVANCE OF  
34 STATE REGISTRATION DEADLINES PURSUANT TO SUBDIVISION THREE OF SECTION  
35 5-210 OF THIS TITLE.

36 THE STATE BOARD OF ELECTIONS AND, IN THE CITY OF NEW YORK, THE NEW  
37 YORK CITY BOARD OF ELECTIONS SHALL MAKE AVAILABLE TO COLLEGES, UNIVERSI-  
38 TIES AND SCHOOL DISTRICTS A SUFFICIENT QUANTITY OF CODED VOTER REGISTRA-  
39 TION APPLICATIONS THAT IDENTIFY EACH SUCH APPLICATION AS ORIGINATING  
40 FROM EITHER A COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT. THE STATE  
41 BOARD OF ELECTIONS SHALL PROVIDE FOR THE DELIVERY OF SUCH CODED APPLICA-  
42 TIONS BY THE FIRST DAY OF AUGUST OF EACH YEAR TO ANY COLLEGE, UNIVERSITY  
43 OR SCHOOL DISTRICT WITHIN THE STATE WHICH SUBMITS A REQUEST THEREFOR,  
44 EXCEPT THAT THE NEW YORK CITY BOARD OF ELECTIONS SHALL PROVIDE AND  
45 DELIVER SUCH FORMS TO ANY REQUESTING UNIVERSITY, COLLEGE OR SCHOOL  
46 DISTRICT LOCATED IN THE CITY OF NEW YORK.

47 EVERY BOARD OF ELECTIONS SCANNING VOTER REGISTRATION FORMS SHALL  
48 CAPTURE ANY DESIGNATED AGENCY CODES THEREON AND REPORT THEM ON A MONTHLY  
49 BASIS TO THE STATE BOARD OF ELECTIONS.

50 S 2. The opening paragraph of section 5-211 of the election law, as  
51 amended by chapter 200 of the laws of 1996, is amended to read as  
52 follows:

53 Each agency designated as a participating agency under the provisions  
54 of this section, AND COLLEGE, UNIVERSITY AND SCHOOL DISTRICT, shall  
55 implement and administer a program of distribution of voter registration  
56 forms pursuant to the provisions of this section. The following offices

1 which provide public assistance and/or provide state funded programs  
2 primarily engaged in providing services to persons with disabilities are  
3 hereby designated as voter registration agencies: designated as the  
4 state agencies which provide public assistance are the department of  
5 [social services] FAMILY ASSISTANCE and the department of health. Also  
6 designated as public assistance agencies are all agencies of local  
7 government that provide such assistance. Designated as state agencies  
8 that provide programs primarily engaged in providing services to people  
9 with disabilities are the department of labor, office for the aging,  
10 division of veterans' affairs, office of mental health, office of voca-  
11 tional and educational services for individuals with disabilities,  
12 commission on quality of care for the mentally disabled, office [of  
13 mental retardation and] FOR PEOPLE WITH developmental disabilities,  
14 commission for the blind and visually handicapped, office of alcoholism  
15 and substance abuse services, the office of the advocate for the disa-  
16 bled and all offices which administer programs established or funded by  
17 such agencies. Additional state agencies designated as voter registra-  
18 tion offices are the department of state and the division of workers'  
19 compensation. Such agencies shall be required to offer voter registra-  
20 tion forms to persons upon initial application for services, renewal or  
21 recertification for services and change of address relating to such  
22 services. Such agencies shall also be responsible for providing assist-  
23 ance to applicants in completing voter registration forms, receiving and  
24 transmitting the completed application form from all applicants who wish  
25 to have such form transmitted to the appropriate board of elections. The  
26 state board of elections shall, together with representatives of the  
27 department of defense, develop and implement procedures for including  
28 recruitment offices of the armed forces of the United States as voter  
29 registration offices when such offices are so designated by federal law.  
30 The state board shall also make request of the United States Immigration  
31 and Naturalization Service to include applications for registration by  
32 mail with any materials which are given to new citizens. [All insti-  
33 tutions of the state university of New York and the city university of  
34 New York, shall, at the beginning of the school year, and again in Janu-  
35 ary of a year in which the president of the United States is to be  
36 elected, provide an application for registration to each student in each  
37 such institution.] The state board of elections may, by regulation,  
38 grant a waiver from any or all of the requirements of this section to  
39 any office or program of an agency, COLLEGE, UNIVERSITY OR SCHOOL  
40 DISTRICT, if it determines that it is not feasible for such office or  
41 program to administer such requirement.

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

45 Each participating agency, department, division or office that makes  
46 available voter registration forms pursuant to this section shall offer  
47 with each application for the services or assistance of such agency,  
48 department, division or office and with each recertification, renewal or  
49 change of address form relating to such service or assistance, a regis-  
50 tration form together with instructions relating to eligibility to  
51 register and for completing the form, except that COLLEGES, UNIVERSITIES  
52 AND SCHOOL DISTRICTS SHALL DISTRIBUTE VOTER REGISTRATION FORMS IN  
53 ACCORDANCE WITH SUBDIVISION EIGHTEEN OF THIS SECTION, AND forms used by  
54 the department of [social services] FAMILY ASSISTANCE for the initial  
55 application for services, renewal or recertification for services and  
56 change of address relating to such services shall physically incorporate

1 a voter registration application in a fashion that permits the voter  
2 registration portion of the agency form to be detached therefrom. Such  
3 voter registration application shall be designed so as to ensure the  
4 confidentiality of the source of the application. Included on each  
5 participating agency's application for services or assistance or on a  
6 separate form shall be:

7 S 4. Paragraph (g) of subdivision 5 of section 5-210 of the election  
8 law, as amended by chapter 179 of the laws of 2005, is amended to read  
9 as follows:

10 (g) Notice that the applicant must be a citizen of the United States,  
11 is [or will be at least eighteen years old not later than December thir-  
12 ty-first of the calendar year in which he or she registers] AT LEAST  
13 SIXTEEN YEARS OLD WHEN HE OR SHE SUBMITS AN APPLICATION TO REGISTER TO  
14 VOTE and a resident of the county or city to which application is made.

15 S 5. Paragraph o of subdivision 4 of section 5-500 of the election  
16 law, as amended by chapter 659 of the laws of 1994, is amended and a new  
17 paragraph p is added to read as follows:

18 o. A space for "remarks" regarding other facts required by this chap-  
19 ter to be recorded or appropriate to identify the voter[.]; AND

20 P. A SPACE FOR PRE-REGISTERING APPLICANTS TO RESPOND TO THE FOLLOWING  
21 QUESTION: "ARE YOU AT LEAST SIXTEEN YEARS OF AGE AND UNDERSTAND THAT YOU  
22 MUST BE EIGHTEEN YEARS OF AGE ON OR BEFORE ELECTION DAY TO VOTE, AND  
23 THAT UNTIL YOU REACH THE AGE OF EIGHTEEN YEARS YOUR REGISTRATION WILL BE  
24 MARKED AS PENDING AND YOU WILL BE UNABLE TO CAST A BALLOT IN ANY  
25 ELECTION?".

26 S 6. The election law is amended by adding a new section 5-507 to read  
27 as follows:

28 S 5-507. VOTER PRE-REGISTRATION. A PERSON WHO IS AT LEAST SIXTEEN  
29 YEARS OF AGE AND WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE MAY  
30 PRE-REGISTER TO VOTE, AND SHALL BE AUTOMATICALLY REGISTERED UPON REACH-  
31 ING THE AGE OF ELIGIBILITY, FOLLOWING VERIFICATION OF THE PERSON'S QUAL-  
32 IFICATIONS AND ADDRESS.

33 S 7. This act shall take effect July 1, 2012; provided, however, that  
34 the provisions of this act shall only apply to school districts on and  
35 after July 1, 2013.