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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. BING, KELLNER, LANCMAN, LENTOL, PAULIN, GABRYSZAK, SPANO, REILLY, LUPARDO, COLTON, ROSENTHAL, MENG, MILLMAN, KAVANAGH, CASTRO -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, GOTTFRIED, PERRY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorizing electronic voter registration

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

Section 1. The election law is amended by adding a new section 5-209 to read as follows:

S 5-209. ELECTRONIC VOTER REGISTRATION. 1. IN ADDITION TO ANY OTHER METHODS OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, ANY QUALIFIED PERSON MAY APPLY FOR REGISTRATION AND ENROLLMENT BY APPLICATION MADE ELECTRONICALLY THROUGH THE STATE BOARD OF ELECTIONS WEBSITE.

2. THE STATE BOARD OF ELECTIONS SHALL DESIGN A WEBPAGE THAT SERVES AS AN ELECTRONIC APPLICATION FOR REGISTRATION AND ENROLLMENT FORM, OR A REGISTRATION FORM NECESSITATED BY A CHANGE OF RESIDENCE.

3. THE VOTER REGISTRATION WEBPAGE:

(A) SHALL REQUIRE ONLY SUCH INFORMATION AS WILL ENABLE ELECTION OFFICIALS TO ASSESS THE APPLICANT'S ELIGIBILITY TO REGISTER TO VOTE, PREVENT DUPLICATE REGISTRATION AND TO ADMINISTER VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS.

(B) SHALL INCLUDE A STATEMENT OF THE ELIGIBILITY REQUIREMENTS FOR VOTER REGISTRATION AND SHALL REQUIRE THE APPLICANT TO ATTEST BY HIS OR HER SIGNATURE THAT HE OR SHE MEETS THOSE REQUIREMENTS UNDER PENALTY OF PERJURY.

(C) SHALL INFORM THE APPLICANT, IN PRINT IDENTICAL TO THAT USED IN THE ATTESTATION SECTION OF THE FOLLOWING:

(I) VOTER ELIGIBILITY REQUIREMENTS; AND

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

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(II) PENALTIES FOR SUBMISSION OF FALSE REGISTRATION APPLICATION.

(D) SHALL REQUIRE THE APPLICANT TO SUBMIT AT LEAST ONE OF THE FOLLOWING WITH HIS OR HER APPLICATION:

(I) HIS OR HER SOCIAL SECURITY NUMBER; OR

(II) HIS OR HER VALID NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES CLIENT IDENTIFICATION NUMBER.

4. INCLUDED ON THE WEBPAGE SHALL BE:

(A) THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE STATE BOARD OF ELECTIONS (ADDRESS AND TOLL FREE TELEPHONE NUMBER)."

(B) A TOLL FREE NUMBER AT THE STATE BOARD OF ELECTIONS THAT CAN BE CALLED FOR ANSWERS TO REGISTRATION QUESTIONS.

5. WHENEVER AN APPLICANT SUPPLIES THE BOARD WITH HIS OR HER VALID NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES CLIENT IDENTIFICATION NUMBER, SUCH APPLICANT'S IDENTIFICATION SHALL BE DEEMED VERIFIED. THE BOARD SHALL IMPORT THE APPLICANT'S SIGNATURE FROM THE DEPARTMENT OF MOTOR VEHICLES TO BE USED FOR VERIFICATION PURPOSES AT THE TIME OF CASTING A BALLOT.

6. ELECTRONIC REGISTRATIONS MADE NOT LATER THAN THE TWENTIETH DAY BEFORE AN ELECTION SHALL ENTITLE THE APPLICANT TO VOTE IN SUCH ELECTION PROVIDED THE BOARD DETERMINES THAT THE APPLICANT IS OTHERWISE QUALIFIED.

7. ELECTRONIC APPLICATION FORMS SHALL BE PROCESSED BY THE BOARD OF ELECTIONS IN THE MANNER PRESCRIBED BY SECTION 5-210 OF THIS TITLE OR, IF THE APPLICANT IS ALREADY REGISTERED TO VOTE FROM ANOTHER ADDRESS IN SUCH COUNTY OR CITY, IN THE MANNER PRESCRIBED BY SECTION 5-208 OF THIS TITLE. THE BOARD SHALL SEND THE APPROPRIATE NOTICE OF APPROVAL OR REJECTION AS REQUIRED BY EITHER SUBDIVISION NINE OF SUCH SECTION 5-210 OR SUBDIVISION FIVE OF SUCH SECTION 5-208.

8. THE STATE BOARD SHALL ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION. THE BOARD SHALL ALSO ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO REQUIRE COUNTY BOARDS TO PROVIDE THE STATE BOARD WITH SUCH INFORMATION AND DATA AS THE BOARD DEEMS NECESSARY TO ASSESS COMPLIANCE WITH THIS SECTION AND TO COMPILE SUCH STATISTICS AS MAY BE REQUIRED BY THE FEDERAL ELECTIONS COMMISSION.

9. THE STATE BOARD SHALL DEVELOP AND DISTRIBUTE PUBLIC INFORMATION AND PROMOTIONAL MATERIALS RELATING TO THE PURPOSES AND IMPLEMENTATION OF THIS PROGRAM.

10. THE DEPARTMENT OF MOTOR VEHICLES SHALL COOPERATE WITH THE STATE BOARD OF ELECTIONS IN IMPLEMENTING THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the amendment, addition, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is hereby authorized to be made on or before such effective date.