

1712--C

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. KAVANAGH, CUSICK, KELLNER, J. RIVERA, P. RIVERA
-- Multi-Sponsored by -- M. of A. GLICK, PEOPLES-STOKES -- read once
and referred to the Committee on Election Law -- recommitted to the
Committee on Election Law in accordance with Assembly Rule 3, sec. 2
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee -- again reported from said commit-
tee with amendments, ordered reprinted as amended and recommitted to
said committee -- again reported from said committee with amendments,
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "voter
empowerment act of New York"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "voter empowerment act of New York".
3 S 2. The election law is amended by adding a new section 5-200 to read
4 as follows:
5 S 5-200. AUTOMATED VOTER REGISTRATION. 1. NOTWITHSTANDING ANY OTHER
6 MANNER OF REGISTRATION REQUIRED BY THIS ARTICLE, EACH PERSON IN THE
7 STATE QUALIFIED TO VOTE PURSUANT TO SECTION 5-102 OF THIS ARTICLE, SHALL
8 BE AUTOMATICALLY REGISTERED TO VOTE AS PROVIDED IN THIS SECTION,
9 PROVIDED THAT THE PERSON CONSENTS TO VOTER REGISTRATION.
10 2. THE STATE BOARD OF ELECTIONS OR COUNTY BOARD OF ELECTIONS SHALL
11 REGISTER TO VOTE OR UPDATE THE REGISTRATION RECORD OF ANY PERSON IN THE
12 STATE QUALIFIED TO VOTE PURSUANT TO SECTION 5-102 OF THIS ARTICLE WHO
13 CONSENTS TO THE REGISTRATION OR UPDATE AND DOES ANY OF THE FOLLOWING:
14 (A) COMPLETES AN APPLICATION FOR A NEW OR RENEWED DRIVER'S LICENSE,
15 NON-DRIVER IDENTIFICATION CARD, PRE-LICENSING COURSE CERTIFICATE,
16 LEARNER'S PERMIT OR CERTIFICATION OF SUPERVISED DRIVING WITH THE DEPART-
17 MENT OF MOTOR VEHICLES, OR NOTIFIES SUCH DEPARTMENT IN WRITING OF A
18 CHANGE OF HIS OR HER NAME OR ADDRESS;

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

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(B) COMPLETES AN APPLICATION FOR SERVICES, RENEWAL OR RECERTIFICATION FOR SERVICES, OR CHANGE OF ADDRESS RELATING TO SUCH SERVICES FROM AGENCIES DESIGNATED IN SECTION 5-211 OF THIS TITLE;

(C) COMPLETES AN APPLICATION FOR SERVICES, RENEWAL OR RECERTIFICATION FOR SERVICES, OR CHANGE OF ADDRESS RELATING TO SUCH SERVICES FROM ANY MUNICIPAL HOUSING AUTHORITY AS SET FORTH IN ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW;

(D) IS ADMITTED AT INSTITUTIONS OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK;

(E) COMPLETES A MAXIMUM SENTENCE OF IMPRISONMENT OR IS DISCHARGED FROM PAROLE;

(F) COMPLETES AN APPLICATION FOR UNEMPLOYMENT INSURANCE; OR

(G) COMPLETES AN APPLICATION WITH ANY OTHER STATE OR FEDERAL AGENCY DESIGNATED AS A SOURCE AGENCY PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION.

3. (A) THE TERM "SOURCE AGENCY" INCLUDES THE DEPARTMENT OF MOTOR VEHICLES, ANY GOVERNMENT AGENCY DESIGNATED PURSUANT TO SECTION 5-211 OF THIS TITLE, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, ALL PUBLIC HOUSING AUTHORITIES LISTED IN ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE DEPARTMENT OF LABOR, AND ANY AGENCY DESIGNATED BY THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

(B) THE STATE BOARD OF ELECTIONS MAY DESIGNATE ADDITIONAL STATE AGENCIES TO SERVE AS SOURCES FOR VOTER REGISTRATION. IN DESIGNATING AN AGENCY UNDER THIS PARAGRAPH, THE STATE BOARD OF ELECTIONS SHALL CONSIDER:

(I) THE LIKELIHOOD THAT SOURCE RECORDS REFLECT A LARGE NUMBER OF ELIGIBLE CITIZENS;

(II) THE EXTENT TO WHICH SOURCE RECORDS REFLECT ELIGIBLE CITIZENS WHO WOULD NOT OTHERWISE BE REGISTERED UNDER THE ACT TO MODERNIZE VOTER REGISTRATION;

(III) THE ACCURACY OF PERSONAL IDENTIFICATION DATA IN SOURCE RECORDS; AND

(IV) ANY ADDITIONAL FACTORS DESIGNATED BY THE CHIEF ELECTION OFFICIAL AS REASONABLY RELATED TO ACCOMPLISHING THE PURPOSES OF THE ACT TO MODERNIZE VOTER REGISTRATION.

4. THE STATE BOARD OF ELECTIONS AND THE SOURCE AGENCIES SHALL ENTER INTO AGREEMENTS TO ENSURE THAT FOR EACH PERSON DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EACH SOURCE AGENCY ELECTRONICALLY TRANSMITS TO THE STATE OR LOCAL BOARDS OF ELECTIONS THE FOLLOWING INFORMATION IN A FORMAT THAT CAN BE READ BY THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST:

(A) GIVEN NAME OR NAMES AND SURNAME OR SURNAMES;

(B) MAILING ADDRESS AND RESIDENTIAL ADDRESS;

(C) DATE OF BIRTH;

(D) CITIZENSHIP;

(E) DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD NUMBER, LAST FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER, OR A SPACE FOR THE PERSON TO INDICATE THAT HE OR SHE DOES NOT HAVE ANY SUCH NUMBER;

(F) POLITICAL PARTY ENROLLMENT, IF ANY;

(G) AN INDICATION THAT THE PERSON INTENDS TO APPLY FOR AN ABSENTEE BALLOT, IF ANY; AND

(H) AN IMAGE OF THE PERSON'S SIGNATURE.

5. THE AGREEMENTS BETWEEN THE STATE BOARD OF ELECTIONS AND THE SOURCE AGENCIES SHALL INCLUDE THE FORMAT IN WHICH INFORMATION WILL BE TRANSMITTED, WHETHER AND HOW EACH ENTITY WILL COLLECT, IN ADDITION TO THE MANDATORY INFORMATION LISTED IN SUBDIVISION FOUR OF THIS SECTION, ADDITIONAL INFORMATION ON A VOLUNTARY BASIS FROM PERSONS FOR THE PURPOSE OF FACILI-

TATING VOTER REGISTRATION, THE FREQUENCY OF DATA TRANSMISSIONS, THE PROCEDURES, AND OTHER MEASURES THAT WILL BE USED TO ENSURE THE SECURITY AND PRIVACY OF THE INFORMATION TRANSMITTED, AND ANY OTHER MATTER NECESSARY OR HELPFUL TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

6. EACH SOURCE AGENCY SHALL COOPERATE WITH THE STATE BOARD OF ELECTIONS AND COUNTY BOARD OF ELECTIONS TO FACILITATE THE VOTER REGISTRATION OF EACH PERSON DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, AND TO ELECTRONICALLY TRANSMIT THE INFORMATION NEEDED TO REGISTER EACH SUCH PERSON TO VOTE OR TO UPDATE EACH SUCH PERSON'S VOTER REGISTRATION RECORD.

S 3. Subdivisions 1, 3 and 6 of section 5-208 of the election law, subdivision 1 as amended by chapter 200 of the laws of 1996, and subdivisions 3 and 6 as added by chapter 659 of the laws of 1994, are amended to read as follows:

1. The board of elections shall transfer the registration and enrollment of any voter for whom it receives a notice of change of address to another address in the [same county or city] STATE, or for any voter who [casts] SUBMITS a ballot in an affidavit ballot envelope which sets forth such a new address. Such notices shall include, but not be limited to, notices received from any state agency which conducts a voter registration program pursuant to the provisions of sections 5-211 and 5-212 of this title OR WHICH TRANSMIT INFORMATION, that the voter has notified such agency of a change of address in the [same city or county] STATE unless the voter has indicated that such change of address is not for voter registration purposes, notices of change of address from the United States Postal Service through the National Change of Address System, any notices of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service, national or state voter registration forms, confirmation mailing response cards, United States Postal Service notices to correspondents of change of address, applications for registration from persons already registered in such county or city, or any other notices to correspondents sent to the board of elections by such voters.

3. If such a notice is received at least [twenty] TEN days before a primary, special or general election, such change of address must be completed before such election. IF SUCH A NOTICE IS NOT RECEIVED AT LEAST TEN DAYS BEFORE A PRIMARY, SPECIAL OR GENERAL ELECTION, THEN A VOTER MAY VOTE IN ACCORDANCE WITH SUBDIVISION THREE-D OF SECTION 8-302 OF THIS CHAPTER.

6. If a notice sent pursuant to [subdivision five of] this section is returned [by the postal service] as undeliverable and without a forwarding address, the board of elections shall return the registration of such voter to the original address, send such voter a confirmation notice pursuant to the provisions of subdivision one of section 5-712 of this [title] ARTICLE and place such voter in inactive status.

S 4. Subdivision 1 of section 4-117 of the election law, as amended by chapter 288 of the laws of 2009, is amended to read as follows:

1. The board of elections, between August first and August fifth of each year, shall send by first class mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter of

1 the days and hours of the ensuing primary and general elections, the
2 place where he appears by his registration records to be entitled to
3 vote, the fact that voters who have moved or will have moved from the
4 address where they were last registered must [re-register or, that if
5 such move was to another address in the same county or city, that such
6 voter may] either notify the board of elections of his new address or
7 vote by paper ballot at the polling place for his new address even if
8 such voter has not re-registered, or otherwise notified the board of
9 elections of the change of address. If the location of the polling place
10 for the voter's election district has been moved, the communication
11 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS
12 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also
13 indicate whether the polling place is accessible to physically disabled
14 voters, that a voter who will be out of the city or county on the day of
15 the primary or general election or a voter who is ill or physically
16 disabled may obtain an absentee ballot, that a physically disabled voter
17 whose polling place is not accessible may request that his registration
18 record be moved to an election district which has a polling place which
19 is accessible, the phone number to call for applications to move a
20 registration record or for absentee ballot applications, the phone
21 number to call for the location of registration and polling places, the
22 phone number to call to indicate that the voter is willing to serve on
23 election day as an election inspector, poll clerk, interpreter or in
24 other capacities, the phone number to call to obtain an application for
25 registration by mail, and such other information concerning the
26 elections or registration as the board may include. In lieu of sending
27 such communication to every registered voter, the board of elections may
28 send a single communication to a household containing more than one
29 registered voter, provided that the names of all such voters appear as
30 part of the address on such communication.

31 S 5. Paragraph (a) of subdivision 1 of section 5-400 of the election
32 law, as amended by chapter 659 of the laws of 1994, is amended to read
33 as follows:

34 (a) Moved his OR HER residence outside the [city or county in which he
35 is registered] STATE.

36 S 6. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of
37 the election law, paragraphs (b) and (d) as added by section 20 and
38 paragraph (c) as added and paragraph (d) as relettered by section 22 of
39 chapter 659 of the laws of 1994, are amended to read as follows:

40 (b) A notice that the registrant has moved to an address outside the
41 [city or county] STATE which is signed by the registrant and sent to the
42 board of elections.

43 (c) A notice signed by the registrant which states that such regis-
44 trant has moved to an address outside the [city or county] STATE and
45 that such change of address is for voter registration purposes.

46 (d) A notice from a board of elections or other voter registration
47 officer or agency that such person has registered to vote from an
48 address outside [such city or county] THE STATE.

49 S 7. Subdivision 3 of section 5-210 of the election law, as amended by
50 chapter 179 of the laws of 2005, is amended to read as follows:

51 3. Completed application forms, when received by any county board of
52 elections and, with respect to application forms promulgated by the
53 federal election commission, when received by the state board of
54 elections, or showing a dated cancellation mark of the United States
55 Postal Service or contained in an envelope showing such a dated cancel-
56 lation mark which is not later than the [twenty-fifth] TENTH day before

1 the next ensuing primary, general or special election, and received no
2 later than the [twentieth] FIFTH day before such election, or delivered
3 in person to such county board of elections not later than the tenth day
4 before a special election, shall entitle the applicant to vote in such
5 election, if he or she is otherwise qualified, provided, however, such
6 applicant shall not vote on a voting machine until his or her identity
7 is verified. Any county board of elections receiving an application form
8 from a person who does not reside in its jurisdiction but who does
9 reside elsewhere in the state of New York, shall forthwith forward such
10 application form to the proper county board of elections. Each board of
11 elections shall make an entry on each such form of the date it is
12 received by such board.

13 S 8. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the
14 election law, as amended by chapter 179 of the laws of 2005, subpara-
15 graph (xii) of paragraph (k) as added by chapter 362 of the laws of
16 2008, are amended and a new paragraph (n) is added to read as follows:

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

22 (k) The form shall also include space for the following information,
23 which must be contained on the inside of the form after it is folded for
24 mailing:

25 (i) A space for the applicant to indicate whether or not he or she has
26 ever voted or registered to vote before and, if so, the approximate year
27 in which such applicant last voted or registered and his or her name and
28 address at the time.

29 (ii) The name and residence address of the applicant including the zip
30 code and apartment number, if any.

31 (iii) The date of birth of the applicant.

32 (iv) A space for the applicant to indicate his or her driver's license
33 or department of motor vehicles non-driver photo ID number or the last
34 four digits of his or her social security number or, if the applicant
35 does not have either such number, a space for the applicant to indicate
36 he or she does not have either.

37 (v) A space for the applicant to indicate whether or not he or she is
38 a citizen of the United States and the statement "If you checked "no" in
39 response to this question, do not complete this form."

40 (vi) [A space for the applicant to answer the question "Will you be 18
41 years of age on or before election day?" and the statement "If you
42 checked "no" in response to this question, do not complete this form
43 unless you will be 18 by the end of the year."

44 (vii)] A statement informing the applicant that if the form is submit-
45 ted by mail and the applicant is registering for the first time, certain
46 information or documents must be submitted with the mail-in registration
47 form in order to avoid additional identification requirements upon
48 voting for the first time. Such information and documents are:

49 (A) a driver's license or department of motor vehicles non-driver
50 photo ID number; or

51 (B) the last four digits of the individual's social security number;
52 or

53 (C) a copy of a current and valid photo identification; or

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

1 [(viii)] (VII) The gender of the applicant (optional).
2 [(ix)] (VIII) A space for the applicant to indicate his or her choice
3 of party enrollment, with a clear alternative provided for the applicant
4 to decline to affiliate with any party.
5 [(x)] (IX) The telephone number of the applicant (optional).
6 [(xi)] (X) A place for the applicant to execute the form on a line
7 which is clearly labeled "signature of applicant" preceded by the
8 following specific form of affirmation:
9 AFFIDAVIT: I swear or affirm that:
10 * I am a citizen of the United States.
11 * I will have lived in the county, city, or village for at least 30
12 days before the election.
13 * I meet all the requirements to register to vote in New York
14 State.
15 * This is my signature or mark on the line below.
16 * All the information contained on this application is true. I
17 understand that if it is not true I can be convicted and fined up
18 to \$5,000 and/or jailed for up to four years.
19 which form of affirmation shall be followed by a space for the date and
20 the aforementioned line for the applicant's signature.
21 [(xii)] (XI) A space for the applicant to register in the New York
22 state donate life registry for organ and tissue donations established
23 pursuant to section forty-three hundred ten of the public health law.
24 (N) AGREEMENTS ADOPTED PURSUANT TO SECTION 5-200 OF THIS TITLE BETWEEN
25 SOURCE AGENCIES AND THE STATE OR COUNTY BOARDS OF ELECTIONS ARE NOT
26 REQUIRED TO INCLUDE THE COLLECTION OR TRANSMISSION OF THE INFORMATION
27 REQUESTED IN PARAGRAPH (J) OR SUBPARAGRAPH (I), (VII), (IX) OR (XI) OF
28 PARAGRAPH (K) OF THIS SUBDIVISION, AND NO BOARD OF ELECTION SHALL REFUSE
29 TO REGISTER TO VOTE OR UPDATE THE REGISTRATION RECORD OF ANY PERSON IN
30 THE STATE WHOSE INFORMATION IS TRANSMITTED PURSUANT TO SECTION 5-200 OF
31 THIS TITLE FOR THE REASON THAT SUCH INFORMATION DOES NOT INCLUDE THE
32 INFORMATION REQUESTED BY PARAGRAPH (J) OR SUBPARAGRAPH (I), (VII),
33 (VIII), (IX) OR (XI) OF PARAGRAPH (K) OF THIS SUBDIVISION.
34 S 9. Subdivisions 9, 11 and 14 of section 5-210 of the election law,
35 as amended by chapter 179 of the laws of 2005, are amended to read as
36 follows:
37 9. The county board of elections shall, promptly and in any event, not
38 later than twenty-one days after receipt by it of the application, veri-
39 fy the identity of the applicant, EXCEPT IF SUCH BOARD RECEIVES THE
40 APPLICATION WITHIN TWENTY-ONE DAYS OF A SPECIAL, PRIMARY OR GENERAL
41 ELECTION, THE BOARD SHALL VERIFY THE IDENTITY OF THE APPLICANT WITHIN
42 FIVE DAYS OR BEFORE SUCH ELECTION, WHICHEVER SHALL BE SOONER. In order
43 to do so, the county board of elections shall utilize the information
44 provided in the application and shall attempt to verify such information
45 with the information provided by the department of motor vehicles,
46 social security administration and any other lawful available informa-
47 tion source. If the county board of elections is unable to verify the
48 identity of the applicant within twenty-one days of the receipt of the
49 application, it shall immediately take steps to confirm that the infor-
50 mation provided by the applicant was accurately utilized by such county
51 board of elections, was accurately verified with other information
52 sources and that no data entry error, or other similar type of error,
53 occurred. Following completion of the preceding steps, the county board
54 of elections shall mail (a) a notice of its approval, (b) a notice of
55 its approval which includes an indication that such board has not yet
56 been able to verify the identity of the applicant and a request for more

1 information so that such verification may be completed, or (c) a notice
2 of its rejection of the application to the applicant in a form approved
3 by the state board of elections. Notices of approval, notices of
4 approval with requests for more information or notices of rejection
5 shall be sent by nonforwardable first class or return postage guaranteed
6 mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which
7 contains a request that any such mail received for persons not residing
8 at the address be dropped back in the mail. The voter's registration and
9 enrollment shall be complete upon receipt of the application by the
10 appropriate county board of elections. The failure of a county board of
11 elections to verify an applicant's identity shall not be the basis for
12 the rejection of a voter's application, provided, however, that such
13 verification failure shall be the basis for requiring county board of
14 elections to take the additional verification steps provided by this
15 chapter. The notice shall also advise the registrant of the date when
16 his registration and enrollment is effective, of the date and the hours
17 of the next regularly scheduled primary or general election in which he
18 will be eligible to vote, of the location of the polling place of the
19 election district in which he is or will be a qualified voter, whether
20 such polling place is accessible to physically handicapped voters, an
21 indication that physically handicapped voters or voters who are ill or
22 voters who will be out of the city or county on the day of the primary
23 or general election, may obtain an absentee ballot and the phone number
24 to call for absentee ballot applications, the phone numbers to call for
25 location of polling places, to obtain registration forms and the phone
26 number to call to indicate that the voter is willing to serve on
27 election day as an inspector, poll clerk or interpreter. The notice of
28 approval, notice of approval with request for more information or notice
29 of rejection shall also advise the applicant to notify the board of
30 elections if there is any inaccuracy. The form of such mail notification
31 shall be prescribed by the state board of elections and shall contain
32 such other information and instructions as it may reasonably require to
33 carry out the purposes of this section. The request for more information
34 shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF
35 ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE
36 REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICA-
37 TION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such
38 notice is returned undelivered without a new address, the board shall
39 forthwith send such applicant a confirmation notice pursuant to the
40 provisions of section 5-712 of this article and place such applicant in
41 inactive status. The state board of elections shall prepare uniform
42 notices by this section as provided for in subdivision eight of section
43 3-102 of this chapter.

44 11. If the county board of elections suspects or believes that for any
45 reason the applicant is not entitled to registration and enrollment, it
46 shall make inquiry in reference thereto. If the board of elections shall
47 find that the applicant is not qualified to register and enroll, the
48 application shall be rejected and the applicant notified of such
49 rejection and the reason therefor, no later than ten days before the day
50 of the first primary or general election occurring at least [twenty-
51 five] TEN days after the filing of the application, EXCEPT THAT IF THE
52 APPLICATION WAS SUBMITTED BETWEEN TWENTY-FIVE AND TEN DAYS BEFORE THE
53 DAY OF THE FIRST PRIMARY OR GENERAL ELECTION, SUCH BOARD SHALL NOTIFY
54 THE APPLICANT AT LEAST FIVE DAYS BEFORE SUCH ELECTION.

55 14. Notwithstanding the entry by the county board of elections on the
56 registration poll record of the information contained on an application

1 form prescribed by this section, such entry shall not preclude the coun-
2 ty board of elections from subsequently rejecting the application if it
3 is not satisfied that the applicant is entitled to register and enroll
4 as provided by this section, provided that the applicant is notified of
5 such rejection and reasons therefor no later than ten days before the
6 day of the first primary or general election occurring at least [twen-
7 ty-five] TEN days after the filing of such application form, EXCEPT THAT
8 IF THE APPLICATION WAS SUBMITTED BETWEEN TWENTY-FIVE AND TEN DAYS BEFORE
9 THE DAY OF THE FIRST PRIMARY OR GENERAL ELECTION, SUCH BOARD SHALL NOTI-
10 FY THE APPLICANT AT LEAST FIVE DAYS BEFORE SUCH ELECTION.

11 S 10. Subdivisions 11, 12 and 14 of section 5-211 of the election law,
12 subdivisions 11 and 14 as amended by chapter 200 of the laws of 1996 and
13 subdivision 12 as added by chapter 659 of the laws of 1994, are amended
14 and a new subdivision 18 is added to read as follows:

15 11. The participating agency shall transmit [the completed applica-
16 tions for registration and change of address forms] ALL INFORMATION
17 COLLECTED PURSUANT TO SECTION 5-200 OF THIS TITLE to the appropriate
18 board of elections not later than ten days after receipt except that all
19 such completed applications and forms received by the agency between the
20 [thirtieth] FIFTEENTH and [twenty-fifth] TENTH day before an election
21 shall be transmitted in such manner and at such time as to assure their
22 receipt by such board of elections not later than the [twentieth] FIFTH
23 day before such election.

24 12. [Completed application forms, when received] ALL INFORMATION
25 COLLECTED PURSUANT TO SECTION 5-200 OF THIS TITLE by a participating
26 agency not later than the [twenty-fifth] TENTH day before the next ensu-
27 ing primary, general or special election and transmitted by such agency
28 to the appropriate board of elections so that they are received by such
29 board not later than the [twentieth] FIFTH day before such election
30 shall entitle the applicant to vote in such election provided the board
31 determines that the applicant is otherwise qualified.

32 14. Applications shall be processed by the board of elections in the
33 manner prescribed by [section] SECTIONS 5-200 AND 5-210 of this title
34 or, if the applicant is already registered to vote from another address
35 in the county or city, in the manner prescribed by section 5-208 of this
36 title. The board shall send the appropriate notice of approval or
37 rejection as required by either subdivision nine of such section 5-210
38 or subdivision five of such section 5-208.

39 18. ALL COLLEGES, UNIVERSITIES AND PUBLIC SCHOOL DISTRICTS LOCATED IN
40 THIS STATE SHALL MAKE VOTER REGISTRATION FORMS AVAILABLE TO ANY STUDENTS
41 ELIGIBLE TO REGISTER OR PRE-REGISTER TO VOTE UNDER PARAGRAPH (G) OF
42 SUBDIVISION FIVE OF SECTION 5-210 OF THIS TITLE IN THE SAME MANNER AND
43 SUBJECT TO THE SAME PROVISIONS AND RULES AND REGULATIONS AS ALL OTHER
44 DESIGNATED AGENCIES UNDER THIS SECTION; EXCEPT THAT A COLLEGE, UNIVERSI-
45 TY OR PUBLIC SCHOOL DISTRICT THAT IS NOT OTHERWISE DESIGNATED AS A
46 SOURCE AGENCY PURSUANT TO SECTION 5-200 OF THIS TITLE SHALL NOT BE
47 REQUIRED TO COLLECT OR MAINTAIN FORMS CONTAINING A PERSON'S DECLINATION
48 TO REGISTER TO VOTE AS REQUIRED BY SUBDIVISION TEN OF THIS SECTION, OR
49 TO CONDUCT A STUDY AND REPORT THEREON AS REQUIRED BY SUBDIVISION SEVEN-
50 TEEN OF THIS SECTION.

51 S 11. Subdivisions 6 and 7 of section 5-212 of the election law,
52 subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivi-
53 sion 7 as added by chapter 659 of the laws of 1994, are amended to read
54 as follows:

55 6. The department of motor vehicles shall transmit [that portion of
56 the form which constitutes the completed application for registration or

1 change of address form] ALL INFORMATION COLLECTED PURSUANT TO SECTION
2 5-200 OF THIS TITLE to the appropriate board of elections not later than
3 ten days after receipt except that all such completed applications and
4 forms received by the department between the [thirtieth] FIFTEENTH and
5 [twenty-fifth] TENTH day before an election shall be transmitted in such
6 manner and at such time as to assure their receipt by such board of
7 elections not later than the [twentieth] FIFTH day before such election.
8 All transmittals shall include original signatures OR AN ELECTRONIC
9 IMAGE THEREOF AS REQUIRED BY SUBDIVISION FOUR OF SECTION 5-200 OF THIS
10 TITLE.

11 7. [Completed application forms received] ALL INFORMATION COLLECTED
12 PURSUANT TO SECTION 5-200 OF THIS TITLE by the department of motor vehi-
13 cles not later than the [twenty-fifth] TENTH day before the next ensuing
14 primary, general or special election and transmitted by such department
15 to the appropriate board of elections so that they are received not
16 later than the [twentieth] FIFTH day before such election shall entitle
17 the applicant to vote in such election provided the board determines
18 that the applicant is otherwise qualified.

19 S 12. Subdivision 3 of section 5-213 of the election law, as amended
20 by chapter 200 of the laws of 1996, is amended to read as follows:

21 3. The board of elections shall restore the registration of any such
22 voter to active status if such voter notifies the board of elections
23 that he resides at the address from which he is registered, or the board
24 finds that such voter has validly signed a designating or nominating
25 petition which states that he resides at such address, or if such voter
26 casts a ballot in an affidavit envelope which states that he resides at
27 such address, or if the board receives notice that such voter has voted
28 in an election conducted with registration lists prepared pursuant to
29 the provisions of section 5-612 of this article. If any such notifica-
30 tion or information is received [twenty] TEN days or more before a
31 primary, special or general election, the voter's name must be restored
32 to active status for such election.

33 S 13. Subdivision 3 of section 5-304 of the election law, as amended
34 by chapter 90 of the laws of 1991, is amended to read as follows:

35 3. A change of enrollment received by the board of elections, SHOWING
36 A DATED CANCELLATION MARK OF THE UNITED STATES POSTAL SERVICE OR
37 CONTAINED IN AN ENVELOPE SHOWING SUCH CANCELLATION MARK WHICH IS DATED,
38 not later than the twenty-fifth day before the [general election shall
39 be deposited in a sealed enrollment box, which shall not be opened until
40 the first Tuesday following such general election. Such change of
41 enrollment shall be then removed and entered as provided in this arti-
42 cle] NEXT ENSUING PRIMARY, GENERAL OR SPECIAL ELECTION, AND RECEIVED NO
43 LATER THAN THE FIFTH DAY BEFORE SUCH ELECTION OR DELIVERED IN PERSON TO
44 SUCH COUNTY BOARD OF ELECTIONS NOT LATER THAN THE TENTH DAY BEFORE A
45 PRIMARY, GENERAL OR SPECIAL ELECTION, SHALL HAVE SUCH A CHANGE OF
46 ENROLLMENT EFFECTIVE FOR SUCH ELECTION. ENROLLMENT CHANGES SHALL BE
47 ENTERED AS PROVIDED IN THIS ARTICLE AND SHALL BE DEEMED TO TAKE EFFECT
48 ON THE TENTH DAY AFTER SUCH CHANGE OF ENROLLMENT IS RECEIVED BY THE
49 BOARD OF ELECTIONS OR IF THE CHANGE OF ENROLLMENT, OR THE ENVELOPE
50 CONTAINING IT, BEARS A DATED CANCELLATION MARK OF THE UNITED STATES
51 POSTAL SERVICE, SUCH CHANGE SHALL BE ENTERED AND SHALL BE DEEMED TO TAKE
52 EFFECT ON THE TENTH DAY AFTER THE DATE OF SUCH MARK, WHICHEVER IS EARLI-
53 ER; EXCEPT THAT NO CHANGE WILL TAKE EFFECT SOONER THAN THE FIFTH DAY
54 AFTER THE RECEIPT OF SUCH CHANGE OF ENROLLMENT BY THE BOARD OF
55 ELECTIONS.

1 S 14. The opening paragraph of paragraph (e) of subdivision 3 of
2 section 8-302 of the election law, as amended by chapter 125 of the laws
3 of 2011, is amended to read as follows:

4 Whenever a voter presents himself or herself and offers to cast a
5 ballot, and he or she claims to live in the election district in which
6 he or she seeks to vote but no registration poll record can be found for
7 him or her in the poll ledger or his or her name does not appear on the
8 computer generated registration list or his or her signature does not
9 appear next to his or her name on such computer generated registration
10 list or his or her registration poll record or the computer generated
11 registration list does not show him or her to be enrolled in the party
12 in which he or she claims to be enrolled AND THE VOTER IS NOT OTHERWISE
13 ELIGIBLE TO CAST AN AFFIDAVIT BALLOT PURSUANT TO SUBDIVISION THREE-D OF
14 THIS SECTION, a poll clerk or election inspector shall consult a map,
15 street finder or other description of all of the polling places and
16 election districts within the political subdivision in which said
17 election district is located and if necessary, contact the board of
18 elections to obtain the relevant information and advise the voter of the
19 correct polling place and election district for the residence address
20 provided by the voter to such poll clerk or election inspector. There-
21 after, such voter shall be permitted to vote in said election district
22 only as hereinafter provided:

23 S 15. Section 8-302 of the election law is amended by adding a new
24 subdivision 3-d to read as follows:

25 3-D. A PERSON APPEARING ON ELECTION DAY WHOSE NAME CANNOT BE FOUND OR
26 WHOSE INFORMATION IS INCOMPLETE OR INCORRECT ON THE STATEWIDE VOTER
27 REGISTRATION LIST AND WHO AFFIRMS THAT THAT HE OR SHE INTERACTED WITH A
28 SOURCE AGENCY LISTED IN SUBDIVISION THREE OF SECTION 5-200 OF THIS CHAP-
29 TER AND CONSENTED TO VOTER REGISTRATION SHALL BE PERMITTED TO CAST AN
30 AFFIDAVIT BALLOT. SUCH AFFIDAVIT BALLOT SHALL BE COUNTED IF AT THE POLL-
31 ING PLACE, THE PERSON PRESENTS PROOF OF IDENTITY AND EVIDENCE OF REGIS-
32 TERING TO VOTE OR PERFORMING ANY OF THE ACTIVITIES SPECIFIED IN SUBDIVI-
33 SION TWO OF SECTION 5-200 OF THIS CHAPTER, AND THERE IS NO AFFIRMATIVE
34 PROOF THAT THE PERSON IS INELIGIBLE TO REGISTER TO VOTE OR THAT THE
35 PERSON DID NOT REGISTER OR PERFORM ANY OF THE ACTIVITIES SPECIFIED IN
36 SUBDIVISION TWO OF SECTION 5-200 OF THIS CHAPTER.

37 (A) A PERSON MAY SWEAR TO AND SUBSCRIBE AN AFFIDAVIT STATING THAT THE
38 PERSON HAS REGISTERED TO VOTE OR PERFORMED ANY OF THE ACTIVITIES IN
39 SUBDIVISION TWO OF SECTION 5-200 OF THIS CHAPTER AND CONSENTED TO USE
40 AGENCY INFORMATION FOR VOTER REGISTRATION. THAT AFFIDAVIT SHALL BE
41 SUFFICIENT EVIDENCE OF REGISTERING TO VOTE OR PERFORMING ANY OF THE
42 ACTIVITIES SPECIFIED IN SUBDIVISION TWO OF SECTION 5-200 OF THIS CHAPTER
43 FOR THE PURPOSES OF THIS SECTION.

44 (B) A PERSON WITHOUT IDENTIFICATION MAY SWEAR TO AND SUBSCRIBE AN
45 AFFIDAVIT STATING THAT THE PERSON DID NOT PRESENT DOCUMENTARY PROOF OF
46 IDENTITY, BUT THAT ALL OF THE IDENTIFYING INFORMATION ON THE AFFIDAVIT
47 BALLOT ENVELOPE IS COMPLETE AND ACCURATE. THAT AFFIDAVIT SHALL BE SUFFI-
48 CIENT EVIDENCE OF IDENTITY FOR THE PURPOSES OF THIS SECTION. NOTHING IN
49 THIS SUBDIVISION SHALL BE DEEMED TO OVERRIDE THE PROVISIONS OF SUBDIVI-
50 SION TWO-A OF THIS SECTION GOVERNING THE REQUIREMENTS FOR A PERSON WHOSE
51 NAME APPEARS IN THE COMPUTER GENERATED REGISTRATION LIST WITH A NOTATION
52 INDICATING THAT THE VOTER'S IDENTITY WAS NOT YET VERIFIED AS REQUIRED BY
53 THE FEDERAL HELP AMERICA VOTE ACT.

54 S 16. Subdivision 11 of section 5-614 of the election law, as added by
55 chapter 24 of the laws of 2005, is amended to read as follows:

11. The state board of elections shall establish a statewide voter [hotline using information available through the statewide voter registration list for voters to obtain information regarding their voter registration] REGISTRATION INFORMATION SYSTEM AVAILABLE THROUGH A SECURE PUBLIC WEBSITE ACCESSIBLE FROM THE WEBSITE OF THE STATE BOARD OF ELECTIONS AND THROUGH A TOLL-FREE TELEPHONE NUMBER MAINTAINED BY THE STATE BOARD OF ELECTIONS. THE INFORMATION SYSTEM SHALL:

A. ALLOW ANY VOTER:

(I) TO REVIEW THE VOTER REGISTRATION INFORMATION REPRESENTED ON THE STATEWIDE VOTER REGISTRATION LIST FOR THAT VOTER;

(II) TO SUBMIT A CONFIDENTIAL REQUEST TO CORRECT OR UPDATE THE VOTER'S VOTER REGISTRATION INFORMATION, WHICH SHALL BE SENT TO THE APPLICABLE COUNTY BOARD OF ELECTIONS; AND

(III) TO DETERMINE THE LOCATION OF THE POLLING PLACE TO WHICH THE VOTER IS ASSIGNED;

B. PROVIDE AN INTERFACE THAT ALLOWS ANY PERSON:

(I) TO DETERMINE THE LOCATION OF THE POLLING PLACE ASSOCIATED WITH ANY RESIDENTIAL ADDRESS WITHIN THE STATE; AND

(II) TO DETERMINE WHETHER HE OR SHE IS REPRESENTED ON THE STATEWIDE VOTER REGISTRATION LIST; AND

C. PROVIDE A SECURE WEBSITE INTERFACE THAT ALLOWS ANY ELIGIBLE CITIZEN WHO IS NOT REPRESENTED ON THE STATEWIDE VOTER REGISTRATION LIST TO VIEW THE NOTICES CONTAINED ON AN APPLICATION FORM UNDER SECTION 5-210 OF THIS ARTICLE AND TO CONFIDENTIALLY SUBMIT, THROUGH THE INTERFACE, THE DATA COLLECTED ON SUCH APPLICATION FORM TO THE STATE BOARD OF ELECTIONS. UPON RECEIPT OF SUCH DATA, THE STATE BOARD OF ELECTIONS SHALL FORWARD THE INFORMATION TO THE LOCAL BOARD OF ELECTIONS OF THE COUNTY OR CITY WHERE THE CITIZEN RESIDES. SUCH DATA SHALL BE PROCESSED AS AN APPLICATION FORM SUBMITTED BY MAIL PURSUANT TO SECTION 5-210 OF THIS ARTICLE, SUBJECT TO THE REQUIREMENTS OF SECTION 303(B) OF THE HELP AMERICA VOTE ACT OF 2002 (42 U.S.C. S 15483(B)), EXCEPT THAT THE ABSENCE OF A WRITTEN SIGNATURE SHALL NOT RENDER THE APPLICATION INCOMPLETE OR OTHERWISE PRECLUDE THE REGISTRATION OF AN ELIGIBLE CITIZEN.

FOR ANY ELIGIBLE CITIZEN ATTEMPTING TO USE THE SYSTEM ESTABLISHED UNDER THIS SUBDIVISION TO SUBMIT INFORMATION THAT WILL NOT BE PROCESSED AS VALID FOR THE PROXIMATE ELECTION, THE SYSTEM MUST NOTIFY THE CITIZEN AT THE TIME OF THE SUBMISSION THAT THE UPDATE WILL NOT TAKE EFFECT FOR THE PROXIMATE ELECTION. IF THE CITIZEN IS ATTEMPTING TO USE THE SYSTEM ESTABLISHED UNDER THIS SUBDIVISION TO CORRECT OR UPDATE VOTER REGISTRATION INFORMATION UNDER THIS SECTION, THE SYSTEM MUST ALSO NOTIFY THE CITIZEN THAT HE OR SHE MAY USE THE ELECTION-DAY PROCEDURE PROVIDED IN SUBDIVISION THREE-D OF SECTION 8-302 OF THIS CHAPTER.

S 17. Subdivision 3 of section 8-510 of the election law, as amended by chapter 43 of the laws of 1988, is amended to read as follows:

3. The inspectors shall place such completed report, and each court order, if any, directing that a person be permitted to vote, AND EACH AFFIDAVIT COMPLETED PURSUANT TO SUBDIVISION THREE-D OF SECTION 8-302 OF THIS ARTICLE, inside a ledger of registration records or computer generated registration lists between the front cover, and the first registration record and then shall close and seal each ledger of registration records or computer generated registration lists, affix their signature to the seal, lock such ledger in the carrying case furnished for that purpose and enclose the keys in a sealed package or seal such list in the envelope provided for that purpose.

S 18. The election law is amended by adding a new section 17-138 to read as follows:

S 17-138. DISCRIMINATION AND HARASSMENT. NO PERSON ACTING UNDER COLOR OF ANY PROVISION OF LAW MAY HARASS OR DISCRIMINATE AGAINST OR ASSIST OTHERS IN HARASSING OR DISCRIMINATING AGAINST ANY PERSON ON THE BASIS OF THE INFORMATION SUPPLIED BY THE PERSON FOR VOTER REGISTRATION PURPOSES, A PERSON'S DECLINATION TO REGISTER TO VOTE OR TO SUPPLY INFORMATION FOR VOTER REGISTRATION PURPOSES, OR A PERSON'S ABSENCE FROM THE STATEWIDE VOTER REGISTRATION LIST EXCEPT AS REQUIRED TO ADMINISTER ELECTIONS OR ENFORCE ELECTION LAWS.

S 19. Subdivision 1 of section 3-220 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

1. All registration records, certificates, lists, and inventories referred to in, or required by, this chapter shall be public records and open to public inspection under the immediate supervision of the board of elections or its employees and subject to such reasonable regulations as such board may impose, provided, however, that NO DATA TRANSMITTED PURSUANT TO SECTION 5-200 OF THIS CHAPTER SHALL BE CONSIDERED A PUBLIC RECORD AND OPEN TO PUBLIC INSPECTION SOLELY BY REASON OF ITS TRANSMISSION AND THAT THE FOLLOWING INFORMATION SHALL NOT BE RELEASED FOR PUBLIC INSPECTION:

(A) ANY VOTER'S SIGNATURE;
(B) THE PERSONAL RESIDENCE AND CONTACT INFORMATION OF ANY VOTER FOR WHOM ANY PROVISION OF LAW REQUIRES CONFIDENTIALITY;

(C) ANY PORTION OF a voter's driver's license number, [department of motor vehicle] non-driver [photo ID] IDENTIFICATION CARD number, social security number and facsimile number [shall not be released for public inspection];

(D) ANY VOTER'S TELEPHONE NUMBER; AND

(E) AND VOTER'S EMAIL ADDRESS. No such records shall be handled at any time by any person other than a member of a registration board or board of inspectors of elections or board of elections except as provided by rules imposed by the board of elections.

S 20. Subdivision 4 of section 3-212 of the election law is amended by adding two new paragraphs (c) and (d) to read as follows:

(C) SAID ANNUAL REPORT, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, SHALL ALSO INCLUDE:

(1) THE NUMBER OF RECORDS THAT HAVE BEEN RECEIVED, TRANSMITTED, TRANSMITTED, UPDATED, OR CORRECTED PURSUANT TO SECTION 5-200 OF THIS CHAPTER, BY SOURCE;

(2) THE NUMBER OF RECORDS RECEIVED UNDER SECTION 5-200 OF THIS CHAPTER, BY SOURCE, THAT DO NOT RELATE TO PERSONS IDENTIFIED AS ELIGIBLE TO VOTE;

(3) THE NUMBER OF PERSONS WHO HAVE CONTACTED THE BOARD TO OPT OUT OF VOTER REGISTRATION;

(4) THE NUMBER OF VOTERS WHO SUBMIT VOTER REGISTRATION FORMS AND/OR REQUESTS TO UPDATE OR CORRECT VOTER REGISTRATION INFORMATION USING THE SYSTEM DESCRIBED IN SECTION 5-614 OF THIS CHAPTER; AND

(5) THE NUMBER OF VOTERS WHO CORRECT VOTER REGISTRATION INFORMATION USING THE ELECTION-DAY PROCEDURE DESCRIBED IN SECTION 8-302 OF THIS CHAPTER.

(D) SAID ANNUAL REPORT, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, SHALL EXCLUDE ANY INFORMATION THAT PERSONALLY IDENTIFIES ANY PERSON OTHER THAN AN ELECTION OFFICIAL OR OTHER GOVERNMENT OFFICIAL.

S 21. Section 17-104 of the election law is amended to read as follows:

S 17-104. False registration. 1. Any person who:

1 [1.] (A) Registers or attempts to register as an elector in more than
2 one election district for the same election, or more than once in the
3 same election district; or,

4 [2.] (B) Registers or attempts to register as an elector, knowing that
5 he will not be a qualified voter in the district at the election for
6 which such registration is made; or

7 [3.] (C) Registers or attempts to register as an elector under any
8 name but his OR HER own; or

9 [4.] (D) Knowingly gives a false residence within the election
10 district when registering as an elector; or

11 [5.] (E) Knowingly permits, aids, assists, abets, procures, commands
12 or advises another to commit any such act, is guilty of a felony.

13 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, NO PERSON
14 SHALL BE LIABLE FOR AN ERROR IN THE STATEWIDE VOTER REGISTRATION LIST
15 UNLESS SUCH PERSON KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT IN
16 ORDER TO EFFECTUATE OR PERPETUATE VOTER REGISTRATION. AN ERROR IN THE
17 STATEWIDE VOTER REGISTRATION LIST SHALL NOT CONSTITUTE A FRAUDULENT OR
18 FALSE CLAIM TO CITIZENSHIP.

19 S 22. Subdivision 17 of section 3-102 of the election law, as renum-
20 bered by chapter 23 of the laws of 2005, is renumbered subdivision 21
21 and four new subdivisions 17, 18, 19 and 20 are added to read as
22 follows:

23 17. ENSURE THAT, UPON RECEIPT AND VERIFICATION OF A PERSON'S EXPRESS
24 REQUEST TO OPT OUT OF VOTER REGISTRATION, THE PERSON'S NAME AND REGIS-
25 TRATION RECORD WILL NOT BE ADDED TO THE COUNTY OR STATEWIDE VOTER REGIS-
26 TRATION LISTS;

27 18. ENSURE THAT ELECTION OFFICIALS SHALL NOT PROVIDE THE RECORD OF ANY
28 PERSON WHO HAS OPTED OUT OF VOTER REGISTRATION, IN WHOLE OR IN PART, TO
29 ANY THIRD PARTY FOR ANY PURPOSE OTHER THAN THE COMPILATION OF A JURY
30 LIST;

31 19. PUBLISH AND ENFORCE A PRIVACY AND SECURITY POLICY SPECIFYING EACH
32 CLASS OF USERS WHO SHALL HAVE AUTHORIZED ACCESS TO THE STATEWIDE VOTER
33 REGISTRATION LIST, PREVENTING UNAUTHORIZED ACCESS TO THE STATEWIDE VOTER
34 REGISTRATION LIST AND TO ANY LIST PROVIDED BY A SOURCE AGENCY OR LIST
35 MAINTENANCE SOURCE, AND SETTING FORTH OTHER SAFEGUARDS TO PROTECT THE
36 PRIVACY AND SECURITY OF THE INFORMATION ON THE STATEWIDE VOTER REGISTRA-
37 TION LIST;

38 20. PROMULGATE RULES REGARDING THE NOTIFICATION OF VOTERS OF TRANSFER
39 OF ADDRESS BY ELECTRONIC MAIL; AND

40 S 23. This act shall take effect January 1, 2013; provided, however,
41 effective immediately, any rules, regulations and agreements necessary
42 to implement the provisions of this act on its effective date are
43 authorized and directed to be completed on or before such date.