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

September 21, 2011

Introduced by M. of A. KAVANAGH, REILLY, MILLMAN, BROOK-KRASNY, WRIGHT, JAFFEE, DINOWITZ, ZEBROWSKI, GABRYSZAK, COOK, MAISEL, CASTRO, CAMARA, P. RIVERA, COLTON -- Multi-Sponsored by -- M. of A. BRENNAN, GOTTFRIED, HEASTIE, JEFFRIES, McENENY, PEOPLES-STOKES, N. RIVERA, RUSSELL, SWEENEY, WEISENBERG -- 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 committee with amendments, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 5-211 of the election law is amended by adding a new subdivision 18 to read as follows:

18. ALL COLLEGES, UNIVERSITIES AND PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE SHALL MAKE VOTER REGISTRATION FORMS AVAILABLE TO ANY ELIGIBLE STUDENTS IN THE SAME MANNER AND SUBJECT TO THE SAME PROVISIONS AND RULES AND REGULATIONS AS ALL OTHER DESIGNATED AGENCIES; EXCEPT THAT A COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT SHALL NOT BE REQUIRED TO COLLECT OR MAINTAIN FORMS CONTAINING AN INDIVIDUAL'S DECLINATION TO REGISTER TO VOTE AS REQUIRED BY SUBDIVISION TEN OF THIS SECTION, OR TO CONDUCT A STUDY AND REPORT THEREON AS REQUIRED BY SUBDIVISION SEVENTEEN OF THIS SECTION.

EACH COLLEGE, UNIVERSITY AND PUBLIC SCHOOL DISTRICT SHALL PROVIDE EACH ELIGIBLE STUDENT WITH A REGISTRATION FORM WITHIN THE FIRST THREE WEEKS OF THE FIRST SEMESTER OF THE ACADEMIC YEAR OR SUCH STUDENT'S ENTRY TO SCHOOL OR ARRIVAL ON CAMPUS PURSUANT TO SUBDIVISIONS TWO, THREE, FOUR, FIVE, SEVEN, NINE, ELEVEN, TWELVE AND FIFTEEN OF THIS SECTION. EVERY 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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ONE CONVENIENT CAMPUS LOCATION WHERE STUDENTS MAY RECEIVE VOTER REGISTRATION FORMS AND PERSONAL ASSISTANCE IN THE COMPLETION OF SUCH FORMS. EACH COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT SHALL PUBLICIZE ITS VOTER REGISTRATION SERVICES PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, AND SHALL OFFER TO COLLECT AND TRANSMIT COMPLETED VOTER REGISTRATION FORMS FROM STUDENTS TO THE LOCAL BOARD OF ELECTIONS PURSUANT TO SUBDIVISIONS TWO, THREE, FIVE, NINE, ELEVEN, TWELVE AND FIFTEEN OF THIS SECTION.

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

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

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

THE STATE BOARD OF ELECTIONS AND, IN THE CITY OF NEW YORK, THE NEW YORK CITY BOARD OF ELECTIONS SHALL MAKE AVAILABLE TO COLLEGES, UNIVERSITIES AND SCHOOL DISTRICTS A SUFFICIENT QUANTITY OF CODED VOTER REGISTRATION APPLICATIONS THAT IDENTIFY EACH SUCH APPLICATION AS ORIGINATING FROM EITHER A COLLEGE, UNIVERSITY OR PUBLIC SCHOOL DISTRICT. THE STATE BOARD OF ELECTIONS SHALL PROVIDE FOR THE DELIVERY OF SUCH CODED APPLICATIONS BY THE FIRST DAY OF AUGUST OF EACH YEAR TO ANY COLLEGE, UNIVERSITY OR SCHOOL DISTRICT WITHIN THE STATE WHICH SUBMITS A REQUEST THEREFOR, EXCEPT THAT THE NEW YORK CITY BOARD OF ELECTIONS SHALL PROVIDE AND DELIVER SUCH FORMS TO ANY REQUESTING UNIVERSITY, COLLEGE OR SCHOOL DISTRICT LOCATED IN THE CITY OF NEW YORK.

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

S 2. 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, AND COLLEGE, UNIVERSITY AND SCHOOL DISTRICT, 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] FOR PEOPLE WITH developmental disabilities, commission for the blind and visually handicapped, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state and the division of workers' compensation. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. 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 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 shall also make request of the United States Immigration and Naturalization Service 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 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, COLLEGE, UNIVERSITY OR SCHOOL DISTRICT, if it determines that it is not feasible for such office or program to administer such requirement.

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 pursuant to this section shall offer with each application for the services or assistance of such agency, department, division or office and with each recertification, renewal or change of address form relating to such service or assistance, a registration form together with instructions relating to eligibility to register and for completing the form, except that COLLEGES, UNIVERSITIES AND SCHOOL DISTRICTS SHALL DISTRIBUTE VOTER REGISTRATION FORMS IN ACCORDANCE WITH SUBDIVISION EIGHTEEN OF THIS SECTION, AND 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. 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. Paragraph (g) of subdivision 5 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

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

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

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

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

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

S 5-507. VOTER PRE-REGISTRATION. A PERSON WHO IS AT LEAST SIXTEEN YEARS OF AGE AND WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE MAY PRE-REGISTER TO VOTE, AND SHALL BE AUTOMATICALLY REGISTERED UPON REACHING THE AGE OF ELIGIBILITY, FOLLOWING VERIFICATION OF THE PERSON'S QUALIFICATIONS AND ADDRESS.

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