

1974

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, the vehicle and traffic law and the tax law, in relation to enacting the "automatic voter registration act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "automatic voter registration act".

3 S 2. The election law is amended by adding a new section 5-212-a to  
4 read as follows:

5 S 5-212-A. AUTOMATIC VOTER REGISTRATION. 1. IN ADDITION TO ANY OTHER  
6 METHOD OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, EACH QUALI-  
7 FIED PERSON SHALL BE REGISTERED TO VOTE PURSUANT TO THE PROVISIONS OF  
8 THIS SECTION.

9 2. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF MOTOR VEHI-  
10 CLES SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE NAME AND ADDRESS  
11 OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT OF THIS STATE,  
12 WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN YEARS ON OR BEFORE  
13 THE NEXT GENERAL ELECTION, AND WHO HOLDS A NON-DRIVER IDENTIFICATION  
14 CARD, LEARNER'S PERMIT OR DRIVER'S LICENSE PURSUANT TO THE VEHICLE AND  
15 TRAFFIC LAW.

16 3. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF TAXATION AND  
17 FINANCE SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE NAME AND  
18 ADDRESS OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT OF THE  
19 STATE, WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN YEARS ON OR  
20 BEFORE THE NEXT GENERAL ELECTION, AND WHO HAS SUBMITTED A RESIDENT  
21 PERSONAL INCOME TAX RETURN PURSUANT TO ARTICLE TWENTY-TWO OF THE TAX  
22 LAW.

23 4. THE STATE BOARD OF ELECTIONS SHALL COMPILE THE INFORMATION SUBMIT-  
24 TED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION FOR THE  
25 PURPOSE OF COMPLYING WITH THE PROVISIONS OF SUBDIVISION THIRTEEN OF  
26 SECTION 3-102 OF THIS CHAPTER, AND WITHIN TEN DAYS OF THE RECEIPT OF THE  
27 NAMES AND ADDRESSES OF PERSONS PURSUANT TO SUCH SUBDIVISIONS TWO AND

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

LBD04808-01-1

1 THREE, THE STATE BOARD OF ELECTIONS SHALL TRANSMIT EACH SUCH NAME AND  
2 ADDRESS TO THE APPROPRIATE BOARD OF ELECTIONS, BASED UPON THE ADDRESS,  
3 AND EACH SUCH PERSON SHALL IMMEDIATELY BE REGISTERED TO VOTE.

4 5. THE STATE BOARD OF ELECTIONS IS AUTHORIZED AND DIRECTED TO ESTAB-  
5 LISH ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF  
6 THIS SECTION.

7 6. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROVIDE FOR THE  
8 ENROLLMENT OF ANY PERSON IN A PARTY. EVERY PERSON REGISTERED PURSUANT TO  
9 THIS SECTION MAY ENROLL IN A PARTY BY COMPLYING WITH THE PROVISIONS OF  
10 TITLE THREE OF THIS ARTICLE.

11 S 3. Subdivisions 2 and 3 of section 5-212-a of the election law, as  
12 added by section two of this act, are amended to read as follows:

13 2. On or before the first of September EACH YEAR, the department of  
14 motor vehicles shall transmit to the state board of elections the name  
15 and address of every citizen of the United States, who is a resident of  
16 this state, who has attained or will attain the age of eighteen years  
17 AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL ELECTION AND on or  
18 before the next general election, and who holds a non-driver identifica-  
19 tion card, learner's permit or driver's license pursuant to the vehicle  
20 and traffic law.

21 3. On or before the first of September EACH YEAR, the department of  
22 taxation and finance shall transmit to the state board of elections the  
23 name and address of every citizen of the United States, who is a resi-  
24 dent of the state, who has attained or will attain the age of eighteen  
25 years AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL ELECTION AND  
26 on or before the next general election, and who has submitted a resident  
27 personal income tax return pursuant to article twenty-two of the tax  
28 law.

29 S 4. Section 201 of the vehicle and traffic law is amended by adding a  
30 new subdivision 8 to read as follows:

31 8. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROHIBIT THE  
32 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION TWO OF  
33 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED BY SUCH  
34 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS WITHOUT  
35 ANY FEE IMPOSED BY SECTION TWO HUNDRED TWO OF THIS ARTICLE.

36 S 5. Section 170 of the tax law is amended by adding a new subdivision  
37 9 to read as follows:

38 9. NO PROVISION OF THIS CHAPTER SHALL BE DEEMED TO PROHIBIT THE  
39 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION THREE OF  
40 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED BY SUCH  
41 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS WITHOUT  
42 ANY CHARGE OR FEE.

43 S 6. The state board of elections shall conduct a study of the practi-  
44 cality and cost-effectiveness of providing automatic voter registration  
45 pursuant to section 5-212-a of the election law, as added by section two  
46 of this act and amended by section three of this act. In addition, such  
47 board shall study the feasibility of utilizing other state and local  
48 records for the purpose of automatically registering persons to vote. On  
49 or before January 1, 2013, the state board of elections shall submit a  
50 report of its findings and recommendations pursuant to this section to  
51 the governor, temporary president of the senate and speaker of the  
52 assembly.

53 S 7. This act shall take effect immediately, except that section three  
54 of this act shall take effect one year after the effective date of this  
55 act.