

1974--D

2011-2012 Regular Sessions

I N S E N A T E

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Introduced by Sens. GIANARIS, ADAMS, ADDABBO, AVELLA, DILAN, HASSELL-THOMPSON, KENNEDY, MONTGOMERY, OPPENHEIMER, PERALTA, PERKINS, SERRANO, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- 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 -- 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 -- committee discharged, bill amended, 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 ASSEMBLY, 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. Section 5-104 of the election law is amended by adding a new
4 subdivision 3 to read as follows:
5 3. THE PROVISIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION REGARD-
6 ING THE RIGHT OF STUDENTS TO REGISTER AND VOTE SHALL BE INTERPRETED IN A
7 MANNER CONSISTENT WITH THE CONSTITUTIONAL REQUIREMENT THAT EACH CITIZEN
8 MUST BE PERMITTED TO VOTE IN THAT COMMUNITY WHICH IS THE "LOCUS OF ...
9 PRIMARY CONCERN" TO THAT CITIZEN AT THE TIME OF THE ELECTION. ACCORDING-
10 LY, A STUDENT ATTENDING A COLLEGE OR UNIVERSITY IN THIS STATE SHALL BE
11 PERMITTED TO RETAIN HIS OR HER PARENTAL RESIDENCE FOR VOTING PURPOSES IF
12 THE PARENTAL COMMUNITY REMAINS THE LOCUS OF THE STUDENT'S PRIMARY
13 CONCERN OR, IN THE ALTERNATIVE, A STUDENT SHALL BE PERMITTED TO REGISTER
14 AND VOTE FROM HIS OR HER RESIDENCE WITHIN THE COLLEGE OR UNIVERSITY

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

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1 COMMUNITY IF HE OR SHE REGARDS THE COLLEGE OR UNIVERSITY AS THE COMMUNI-
2 TY OF PRIMARY CONCERN.

3 S 3. 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;

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

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

26 (D) REGISTERS FOR CLASSES AT INSTITUTIONS OF THE STATE UNIVERSITY OF
27 NEW YORK AND THE CITY UNIVERSITY OF NEW YORK;

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

30 (F) COMPLETES AN APPLICATION FOR UNEMPLOYMENT INSURANCE;

31 (G) BECOMES A MEMBER OR EMPLOYEE OF THE NEW YORK DIVISION OF MILITARY
32 AND NAVAL AFFAIRS; OR

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

36 3. (A) THE TERM "SOURCE AGENCY" INCLUDES THE DEPARTMENT OF MOTOR VEHI-
37 CLES, ANY GOVERNMENT AGENCY DESIGNATED PURSUANT TO SECTION 5-211 OF THIS
38 TITLE, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW
39 YORK, ALL PUBLIC HOUSING AUTHORITIES LISTED IN ARTICLE THIRTEEN OF THE
40 PUBLIC HOUSING LAW, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-
41 VISION, THE DEPARTMENT OF LABOR, THE NEW YORK DIVISION OF MILITARY AND
42 NAVAL AFFAIRS AND ANY AGENCY DESIGNATED BY THE STATE BOARD OF ELECTIONS
43 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

44 (B) THE STATE BOARD OF ELECTIONS MAY DESIGNATE ADDITIONAL STATE AGEN-
45 CIES TO SERVE AS SOURCES FOR VOTER REGISTRATION. IN DESIGNATING AN AGEN-
46 CY UNDER THIS PARAGRAPH, THE STATE BOARD OF ELECTIONS SHALL CONSIDER:

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

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

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

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

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

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

7 (B) MAILING ADDRESS AND RESIDENTIAL ADDRESS;

8 (C) DATE OF BIRTH;

9 (D) CITIZENSHIP;

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

13 (F) POLITICAL PARTY ENROLLMENT, IF ANY;

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

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

17 IN THE EVENT THAT ANY TRANSMISSION OF DATA PURSUANT TO THIS SECTION
18 FAILS TO INCLUDE AN IMAGE OF AN INDIVIDUAL'S SIGNATURE, THE ABSENCE OF A
19 SIGNATURE SHALL NOT PRECLUDE THE REGISTRATION OF AN ELIGIBLE CITIZEN.
20 THE BOARD OF ELECTIONS SHALL DEVELOP PROCEDURES TO ENABLE AN ELIGIBLE
21 CITIZEN, WHOSE INFORMATION IS TRANSMITTED PURSUANT TO THIS SECTION AND
22 WHOSE INFORMATION LACKS AN ELECTRONIC SIGNATURE, TO PROVIDE A SIGNATURE
23 AT THE POLLING PLACE OR WITH AN APPLICATION FOR AN ABSENTEE BALLOT
24 BEFORE VOTING. THE BOARD MAY REQUIRE AN ELECTOR WHO HAS NOT PROVIDED A
25 SIGNATURE BEFORE ARRIVING AT THE POLLING PLACE OR SUBMITTING AN ABSENTEE
26 BALLOT TO PRESENT A CURRENT AND VALID PHOTO IDENTIFICATION OR A COPY OF
27 A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR
28 OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF THE VOTER.

29 5. IF AN AGENCY DOES NOT ROUTINELY REQUEST INFORMATION CONCERNING THE
30 CITIZENSHIP STATUS OF INDIVIDUALS, IT SHALL MAINTAIN RECORDS SUFFICIENT
31 TO TRANSMIT TO THE BOARD OF ELECTIONS INDICATIONS OF UNITED STATES CITI-
32 ZENSHIP FOR EACH PERSON DESCRIBED IN SUBDIVISION TWO OF THIS SECTION,
33 BUT SHALL NOT RETAIN, USE, OR SHARE ANY SUCH INFORMATION RELATING TO AN
34 INDIVIDUAL'S CITIZENSHIP FOR ANY OTHER PURPOSE.

35 6. THE STATE BOARD OF ELECTIONS SHALL PREPARE AND DISTRIBUTE TO
36 PARTICIPATING AGENCIES WRITTEN INSTRUCTIONS AS TO THE IMPLEMENTATION OF
37 THE PROGRAM AND SHALL BE RESPONSIBLE FOR ESTABLISHING TRAINING PROGRAMS
38 FOR EMPLOYEES OF SOURCE AGENCIES LISTED IN THIS SECTION. TRAINING SHALL
39 INCLUDE REQUIREMENTS THAT EMPLOYEES OF ANY SOURCE AGENCY COMMUNICATE TO
40 EACH INDIVIDUAL IDENTIFIED IN SUBDIVISION TWO OF THIS SECTION THAT THE
41 SOURCE AGENCY MAINTAINS STRICT NEUTRALITY WITH RESPECT TO A PERSON'S
42 PARTY ENROLLMENT AND ALL PERSONS SEEKING VOTER REGISTRATION FORMS AND
43 INFORMATION SHALL BE ADVISED THAT GOVERNMENT SERVICES ARE NOT CONDI-
44 TIONED ON BEING REGISTERED TO VOTE, OR ELIGIBILITY TO REGISTER TO VOTE.
45 NO STATEMENT SHALL BE MADE NOR ANY ACTION TAKEN TO DISCOURAGE THE APPLI-
46 CANT FROM REGISTERING TO VOTE.

47 7. THE AGREEMENTS BETWEEN THE STATE BOARD OF ELECTIONS AND THE SOURCE
48 AGENCIES SHALL INCLUDE THE FORMAT IN WHICH INFORMATION WILL BE TRANSMIT-
49 TED, WHETHER AND HOW EACH ENTITY WILL COLLECT, IN ADDITION TO THE MANDA-
50 TORY INFORMATION LISTED IN SUBDIVISION FOUR OF THIS SECTION, ADDITIONAL
51 INFORMATION ON A VOLUNTARY BASIS FROM PERSONS FOR THE PURPOSE OF FACILI-
52 TATING VOTER REGISTRATION, THE FREQUENCY OF DATA TRANSMISSIONS, THE
53 PROCEDURES, AND OTHER MEASURES THAT WILL BE USED TO ENSURE THE SECURITY
54 AND PRIVACY OF THE INFORMATION TRANSMITTED, AND ANY OTHER MATTER NECES-
55 SARY OR HELPFUL TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

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

7 9. EACH SOURCE AGENCY SHALL ENTER INTO AN AGREEMENT WITH THE STATE
8 BOARD OF ELECTIONS FINALIZING THE FORMAT AND CONTENT OF ELECTRONIC TRAN-
9 SMISIONS REQUIRED BY THIS SECTION NO LATER THAN SEPTEMBER FIRST, TWO
10 THOUSAND THIRTEEN; PROVIDED, THAT EACH SOURCE AGENCY SHALL BE ABLE TO
11 COMPLY FULLY WITH ALL REQUIREMENTS OF THIS SECTION, INCLUDING THE
12 COLLECTION AND TRANSMISSION OF ALL DATA REQUIRED TO REGISTER INDIVIDUALS
13 TO VOTE, BY JANUARY FIRST, TWO THOUSAND FOURTEEN.

14 S 4. Subdivisions 1 and 6 of section 5-208 of the election law, subdi-
15 vision 1 as amended by chapter 200 of the laws of 1996 and subdivision 6
16 as added by chapter 659 of the laws of 1994, are amended to read as
17 follows:

18 1. The board of elections shall transfer the registration and enroll-
19 ment of any voter for whom it receives a notice of change of address to
20 another address in the [same county or city] STATE, or for any voter who
21 [casts] SUBMITS a ballot in an affidavit ballot envelope which sets
22 forth such a new address. Such notices shall include, but not be limit-
23 ed to, notices received from any state agency which conducts a voter
24 registration program pursuant to the provisions of sections 5-211 and
25 5-212 of this title OR WHICH TRANSMIT INFORMATION, that the voter has
26 notified such agency of a change of address in the [same city or county]
27 STATE unless the voter has indicated that such change of address is not
28 for voter registration purposes, notices of change of address from the
29 United States Postal Service through the National Change of Address
30 System, any notices of a forwarding address on mail sent to a voter by
31 the board of elections and returned by the postal service, national or
32 state voter registration forms, confirmation mailing response cards,
33 United States Postal Service notices to correspondents of change of
34 address, applications for registration from persons already registered
35 in such county or city, or any other notices to correspondents sent to
36 the board of elections by such voters.

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

43 S 5. Subdivision 3 of section 5-208 of the election law, as added by
44 chapter 659 of the laws of 1994, is amended to read as follows:

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

51 S 6. Subdivision 1 of section 4-117 of the election law, as amended by
52 chapter 288 of the laws of 2009, is amended to read as follows:

53 1. The board of elections, between August first and August fifth of
54 each year, shall send by first class mail on which is endorsed "ADDRESS
55 CORRECTION REQUESTED" and which contains a request that any such mail
56 received for persons not residing at the address be dropped back in the

1 mail, a communication, in a form approved by the state board of
2 elections, to every registered voter who has been registered without a
3 change of address since the beginning of such year, except that the
4 board of elections shall not be required to send such communications to
5 voters in inactive status. The communication shall notify the voter of
6 the days and hours of the ensuing primary and general elections, the
7 place where he appears by his registration records to be entitled to
8 vote, the fact that voters who have moved or will have moved from the
9 address where they were last registered must [re-register or, that if
10 such move was to another address in the same county or city, that such
11 voter may] either notify the board of elections of his new address or
12 vote by paper ballot at the polling place for his new address even if
13 such voter has not re-registered, or otherwise notified the board of
14 elections of the change of address. If the location of the polling place
15 for the voter's election district has been moved, the communication
16 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS
17 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also
18 indicate whether the polling place is accessible to physically disabled
19 voters, that a voter who will be out of the city or county on the day of
20 the primary or general election or a voter who is ill or physically
21 disabled may obtain an absentee ballot, that a physically disabled voter
22 whose polling place is not accessible may request that his registration
23 record be moved to an election district which has a polling place which
24 is accessible, the phone number to call for applications to move a
25 registration record or for absentee ballot applications, the phone
26 number to call for the location of registration and polling places, the
27 phone number to call to indicate that the voter is willing to serve on
28 election day as an election inspector, poll clerk, interpreter or in
29 other capacities, the phone number to call to obtain an application for
30 registration by mail, and such other information concerning the
31 elections or registration as the board may include. In lieu of sending
32 such communication to every registered voter, the board of elections may
33 send a single communication to a household containing more than one
34 registered voter, provided that the names of all such voters appear as
35 part of the address on such communication.

36 S 7. Paragraph (a) of subdivision 1 of section 5-400 of the election
37 law, as amended by chapter 659 of the laws of 1994, is amended to read
38 as follows:

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

41 S 8. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of
42 the election law, paragraphs (b) and (d) as added by section 20 and
43 paragraph (c) as added and paragraph (d) as relettered by section 22 of
44 chapter 659 of the laws of 1994, are amended to read as follows:

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

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

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

54 S 9. Subdivision 3 of section 5-210 of the election law, as amended by
55 chapter 179 of the laws of 2005, is amended to read as follows:

1 3. Completed application forms, when received by any county board of
2 elections and, with respect to application forms promulgated by the
3 federal election commission, when received by the state board of
4 elections, or showing a dated cancellation mark of the United States
5 Postal Service or contained in an envelope showing such a dated cancel-
6 lation mark which is not later than the [twenty-fifth] TENTH day before
7 the next ensuing primary, general or special election, and received no
8 later than the [twentieth] FIFTH day before such election, or delivered
9 in person to such county board of elections not later than the tenth day
10 before a special election, shall entitle the applicant to vote in such
11 election, if he or she is otherwise qualified, provided, however, such
12 applicant shall not vote on a voting machine until his or her identity
13 is verified. Any county board of elections receiving an application form
14 from a person who does not reside in its jurisdiction but who does
15 reside elsewhere in the state of New York, shall forthwith forward such
16 application form to the proper county board of elections. Each board of
17 elections shall make an entry on each such form of the date it is
18 received by such board.

19 S 10. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the
20 election law, as amended by chapter 179 of the laws of 2005, subpara-
21 graph (xii) of paragraph (k) as added by chapter 362 of the laws of
22 2008, are amended and a new paragraph (n) is added to read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 mation provided by the applicant was accurately utilized by such county
2 board of elections, was accurately verified with other information
3 sources and that no data entry error, or other similar type of error,
4 occurred. Following completion of the preceding steps, the county board
5 of elections shall mail (a) a notice of its approval, (b) a notice of
6 its approval which includes an indication that such board has not yet
7 been able to verify the identity of the applicant and a request for more
8 information so that such verification may be completed, or (c) a notice
9 of its rejection of the application to the applicant in a form approved
10 by the state board of elections. Notices of approval, notices of
11 approval with requests for more information or notices of rejection
12 shall be sent by nonforwardable first class or return postage guaranteed
13 mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which
14 contains a request that any such mail received for persons not residing
15 at the address be dropped back in the mail. The voter's registration and
16 enrollment shall be complete upon receipt of the application by the
17 appropriate county board of elections. The failure of a county board of
18 elections to verify an applicant's identity shall not be the basis for
19 the rejection of a voter's application, provided, however, that such
20 verification failure shall be the basis for requiring county board of
21 elections to take the additional verification steps provided by this
22 chapter. The notice shall also advise the registrant of the date when
23 his registration and enrollment is effective, of the date and the hours
24 of the next regularly scheduled primary or general election in which he
25 will be eligible to vote, of the location of the polling place of the
26 election district in which he is or will be a qualified voter, whether
27 such polling place is accessible to physically handicapped voters, an
28 indication that physically handicapped voters or voters who are ill or
29 voters who will be out of the city or county on the day of the primary
30 or general election, may obtain an absentee ballot and the phone number
31 to call for absentee ballot applications, the phone numbers to call for
32 location of polling places, to obtain registration forms and the phone
33 number to call to indicate that the voter is willing to serve on
34 election day as an inspector, poll clerk or interpreter. The notice of
35 approval, notice of approval with request for more information or notice
36 of rejection shall also advise the applicant to notify the board of
37 elections if there is any inaccuracy. The form of such mail notification
38 shall be prescribed by the state board of elections and shall contain
39 such other information and instructions as it may reasonably require to
40 carry out the purposes of this section. The request for more information
41 shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF
42 ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE
43 REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICA-
44 TION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such
45 notice is returned undelivered without a new address, the board shall
46 forthwith send such applicant a confirmation notice pursuant to the
47 provisions of section 5-712 of this article and place such applicant in
48 inactive status. The state board of elections shall prepare uniform
49 notices by this section as provided for in subdivision eight of section
50 3-102 of this chapter.

51 11. If the county board of elections suspects or believes that for any
52 reason the applicant is not entitled to registration and enrollment, it
53 shall make inquiry in reference thereto. If the board of elections shall
54 find that the applicant is not qualified to register and enroll, the
55 application shall be rejected and the applicant notified of such
56 rejection and the reason therefor, no later than ten days before the day

1 of the first primary or general election occurring at least [twenty-
2 five] TEN days after the filing of the application, EXCEPT THAT IF THE
3 APPLICATION WAS SUBMITTED BETWEEN TWENTY-FIVE AND TEN DAYS BEFORE THE
4 DAY OF THE FIRST PRIMARY OR GENERAL ELECTION, SUCH BOARD SHALL NOTIFY
5 THE APPLICANT AT LEAST FIVE DAYS BEFORE SUCH ELECTION.

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

18 S 12. Subdivisions 11 and 12 of section 5-211 of the election law,
19 subdivision 11 as amended by chapter 200 of the laws of 1996 and subdi-
20 vision 12 as added by chapter 659 of the laws of 1994, are amended to
21 read as follows:

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

30 12. [Completed application forms, when received] ALL INFORMATION
31 COLLECTED PURSUANT TO SECTION 5-200 OF THIS TITLE by a participating
32 agency not later than the twenty-fifth day before the next ensuing
33 primary, general or special election and transmitted by such agency to
34 the appropriate board of elections so that they are received by such
35 board not later than the twentieth day before such election shall enti-
36 tle the applicant to vote in such election provided the board determines
37 that the applicant is otherwise qualified.

38 S 13. Subdivisions 11 and 12 of section 5-211 of the election law, as
39 amended by section twelve of this act, are amended to read as follows:

40 11. The participating agency shall transmit all information collected
41 pursuant to section 5-200 of this title to the appropriate board of
42 elections not later than ten days after receipt except that all such
43 completed applications and forms received by the agency between the
44 [thirtieth] FIFTEENTH and [twenty-fifth] TENTH day before an election
45 shall be transmitted in such manner and at such time as to assure their
46 receipt by such board of elections not later than the [twentieth] FIFTH
47 day before such election.

48 12. All information collected pursuant to section 5-200 of this title
49 by a participating agency not later than the [twenty-fifth] TENTH day
50 before the next ensuing primary, general or special election and trans-
51 mitted by such agency to the appropriate board of elections so that they
52 are received by such board not later than the [twentieth] FIFTH day
53 before such election shall entitle the applicant to vote in such
54 election provided the board determines that the applicant is otherwise
55 qualified.

1 S 14. Subdivision 14 of section 5-211 of the election law, as amended
2 by chapter 200 of the laws of 1996, is amended and two new subdivisions
3 18 and 19 are added to read as follows:

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

11 18. ALL COLLEGES, UNIVERSITIES AND PUBLIC SCHOOL DISTRICTS LOCATED IN
12 THIS STATE SHALL MAKE VOTER REGISTRATION FORMS AVAILABLE TO ANY STUDENTS
13 ELIGIBLE TO REGISTER OR PRE-REGISTER TO VOTE UNDER PARAGRAPH (G) OF
14 SUBDIVISION FIVE OF SECTION 5-210 OF THIS TITLE IN THE SAME MANNER AND
15 SUBJECT TO THE SAME PROVISIONS AND RULES AND REGULATIONS AS ALL OTHER
16 DESIGNATED AGENCIES UNDER THIS SECTION; EXCEPT THAT A COLLEGE, UNIVERSI-
17 TY OR PUBLIC SCHOOL DISTRICT THAT IS NOT OTHERWISE DESIGNATED AS A
18 SOURCE AGENCY PURSUANT TO SECTION 5-200 OF THIS TITLE SHALL NOT BE
19 REQUIRED TO COLLECT OR MAINTAIN FORMS CONTAINING A PERSON'S DECLINATION
20 TO REGISTER TO VOTE AS REQUIRED BY SUBDIVISION TEN OF THIS SECTION, OR
21 TO CONDUCT A STUDY AND REPORT THEREON AS REQUIRED BY SUBDIVISION SEVEN-
22 TEEN OF THIS SECTION.

23 19. THE STATE BOARD OF ELECTIONS OR, IN THE CITY OF NEW YORK, THE NEW
24 YORK CITY BOARD OF ELECTIONS, SHALL PROVIDE TO PUBLIC COLLEGES, UNIVER-
25 SITIES, AND SCHOOL DISTRICTS A SUFFICIENT QUANTITY OF CODED VOTER REGIS-
26 TRATION APPLICATIONS THAT IDENTIFY EACH SUCH APPLICATION AS ORIGINATING
27 FROM EITHER A PUBLIC COLLEGE, UNIVERSITY, OR SCHOOL DISTRICT. THE STATE
28 BOARD OF ELECTIONS SHALL PROVIDE FOR THE DELIVERY OF SUCH CODED APPLICA-
29 TIONS BY THE FIRST DAY OF AUGUST OF EACH YEAR TO EACH COLLEGE, UNIVERSI-
30 TY, OR SCHOOL DISTRICT COVERED BY THIS CHAPTER, EXCEPT THAT THE NEW YORK
31 CITY BOARD OF ELECTIONS SHALL PROVIDE AND DELIVER SUCH FORMS TO EACH
32 PARTICIPATING PUBLIC UNIVERSITY, COLLEGE, OR SCHOOL DISTRICT LOCATED IN
33 THE CITY OF NEW YORK. EVERY BOARD OF ELECTIONS SCANNING VOTER REGISTRA-
34 TION FORMS SHALL CAPTURE ANY DESIGNATED AGENCY CODES THEREON AND REPORT
35 THEM ON A MONTHLY BASIS TO THE STATE BOARD OF ELECTIONS WHICH SHALL MAKE
36 SUCH DETAILED INFORMATION AVAILABLE TO THE PUBLIC.

37 S 15. Subdivisions 6 and 7 of section 5-212 of the election law,
38 subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivi-
39 sion 7 as added by chapter 659 of the laws of 1994, are amended to read
40 as follows:

41 6. The department of motor vehicles shall transmit [that portion of
42 the form which constitutes the completed application for registration or
43 change of address form] ALL INFORMATION COLLECTED PURSUANT TO SECTION
44 5-200 OF THIS TITLE to the appropriate board of elections not later than
45 ten days after receipt except that all such completed applications and
46 forms received by the department between the thirtieth and twenty-fifth
47 day before an election shall be transmitted in such manner and at such
48 time as to assure their receipt by such board of elections not later
49 than the twentieth day before such election. All transmittals shall
50 include original signatures OR AN ELECTRONIC IMAGE THEREOF AS REQUIRED
51 BY SUBDIVISION FOUR OF SECTION 5-200 OF THIS TITLE.

52 7. [Completed application forms received] ALL INFORMATION COLLECTED
53 PURSUANT TO SECTION 5-200 OF THIS TITLE by the department of motor vehi-
54 cles not later than the twenty-fifth day before the next ensuing prima-
55 ry, general or special election and transmitted by such department to
56 the appropriate board of elections so that they are received not later

1 than the twentieth day before such election shall entitle the applicant
2 to vote in such election provided the board determines that the appli-
3 cant is otherwise qualified.

4 S 16. Subdivisions 6 and 7 of section 5-212 of the election law, as
5 amended by section fifteen of this act, are amended to read as follows:

6 6. The department of motor vehicles shall transmit all information
7 collected pursuant to section 5-200 of this title to the appropriate
8 board of elections not later than ten days after receipt except that all
9 such completed applications and forms received by the department between
10 the [thirtieth] FIFTEENTH and [twenty-fifth] TENTH day before an
11 election shall be transmitted in such manner and at such time as to
12 assure their receipt by such board of elections not later than the
13 [twentieth] FIFTH day before such election. All transmittals shall
14 include original signatures or an electronic image thereof as required
15 by subdivision four of section 5-200 of this title.

16 7. All information collected pursuant to section 5-200 of this title
17 by the department of motor vehicles not later than the [twenty-fifth]
18 TENTH day before the next ensuing primary, general or special election
19 and transmitted by such department to the appropriate board of elections
20 so that they are received not later than the [twentieth] FIFTH day
21 before such election shall entitle the applicant to vote in such
22 election provided the board determines that the applicant is otherwise
23 qualified.

24 S 17. Subdivision 3 of section 5-213 of the election law, as amended
25 by chapter 200 of the laws of 1996, is amended to read as follows:

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

38 S 18. Subdivision 3 of section 5-304 of the election law, as amended
39 by chapter 90 of the laws of 1991, is amended to read as follows:

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

1 DATE OF SUCH MARK, WHICHEVER IS EARLIER; EXCEPT THAT NO CHANGE WILL TAKE
2 EFFECT SOONER THAN THE FIFTH DAY AFTER THE RECEIPT OF SUCH CHANGE OF
3 ENROLLMENT BY THE BOARD OF ELECTIONS.

4 S 19. The opening paragraph of paragraph (e) of subdivision 3 of
5 section 8-302 of the election law, as amended by chapter 125 of the laws
6 of 2011, is amended to read as follows:

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

26 S 20. Section 8-302 of the election law is amended by adding a new
27 subdivision 3-d to read as follows:

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

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

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

1 S 21. Subdivision 11 of section 5-614 of the election law, as added by
2 chapter 24 of the laws of 2005, is amended to read as follows:

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

10 A. ALLOW ANY VOTER:

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

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

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

18 B. PROVIDE AN INTERFACE THAT ALLOWS ANY PERSON:

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

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

23 C. PROVIDE A SECURE WEBSITE INTERFACE THAT ALLOWS ANY ELIGIBLE CITIZEN
24 WHO IS NOT REPRESENTED ON THE STATEWIDE VOTER REGISTRATION LIST TO VIEW
25 THE NOTICES CONTAINED ON AN APPLICATION FORM UNDER SECTION 5-210 OF THIS
26 ARTICLE AND TO CONFIDENTIALLY SUBMIT, THROUGH THE INTERFACE, THE DATA
27 COLLECTED ON SUCH APPLICATION FORM TO THE STATE BOARD OF ELECTIONS. UPON
28 RECEIPT OF SUCH DATA, THE STATE BOARD OF ELECTIONS SHALL FORWARD THE
29 INFORMATION TO THE LOCAL BOARD OF ELECTIONS OF THE COUNTY OR CITY WHERE
30 THE CITIZEN RESIDES. SUCH DATA SHALL BE PROCESSED AS AN APPLICATION FORM
31 SUBMITTED BY MAIL PURSUANT TO SECTION 5-210 OF THIS ARTICLE, SUBJECT TO
32 THE REQUIREMENTS OF SECTION 303(B) OF THE HELP AMERICA VOTE ACT OF 2002
33 (42 U.S.C. S 15483(B)), EXCEPT THAT THE ABSENCE OF A WRITTEN SIGNATURE
34 SHALL NOT RENDER THE APPLICATION INCOMPLETE OR OTHERWISE PRECLUDE THE
35 REGISTRATION OF AN ELIGIBLE CITIZEN.

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

45 THE BOARD OF ELECTIONS SHALL DEVELOP PROCEDURES TO ENABLE AN ELIGIBLE
46 CITIZEN WHO SUBMITS AN APPLICATION PURSUANT TO THIS SUBDIVISION AND
47 WHOSE APPLICATION LACKS AN ELECTRONIC SIGNATURE TO PROVIDE A SIGNATURE
48 AT THE POLLING PLACE OR WITH AN APPLICATION FOR AN ABSENTEE BALLOT
49 BEFORE VOTING. THE BOARD OF ELECTIONS MAY REQUIRE AN ELECTOR WHO HAS NOT
50 PROVIDED A SIGNATURE BEFORE ARRIVING AT THE POLLING PLACE OR SUBMITTING
51 AN ABSENTEE BALLOT TO PRESENT A CURRENT AND VALID PHOTO IDENTIFICATION
52 OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK,
53 PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS
54 OF THE VOTER.

55 S 22. Subdivision 3 of section 8-510 of the election law, as amended
56 by chapter 43 of the laws of 1988, is amended to read as follows:

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

11 S 23. The election law is amended by adding a new section 17-138 to
12 read as follows:

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

21 S 24. Subdivision 1 of section 3-220 of the election law, as amended
22 by chapter 104 of the laws of 2010, is amended to read as follows:

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

32 (A) ANY VOTER'S SIGNATURE;

33 (B) THE PERSONAL RESIDENCE AND CONTACT INFORMATION OF ANY VOTER FOR
34 WHOM ANY PROVISION OF LAW REQUIRES CONFIDENTIALITY;

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

39 (D) ANY VOTER'S TELEPHONE NUMBER; AND

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

44 S 25. Subdivision 4 of section 3-212 of the election law is amended by
45 adding two new paragraphs (c) and (d) to read as follows:

46 (C) SAID ANNUAL REPORT, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVI-
47 SION, SHALL ALSO INCLUDE:

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

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

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

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

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

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

10 S 26. Section 17-104 of the election law is amended to read as
11 follows:

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

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

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

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

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

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

25 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, NO PERSON
26 SHALL BE LIABLE FOR AN ERROR IN THE STATEWIDE VOTER REGISTRATION LIST
27 UNLESS SUCH PERSON KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT IN
28 ORDER TO EFFECTUATE OR PERPETUATE VOTER REGISTRATION. AN ERROR IN THE
29 STATEWIDE VOTER REGISTRATION LIST SHALL NOT CONSTITUTE A FRAUDULENT OR
30 FALSE CLAIM TO CITIZENSHIP.

31 S 27. Subdivision 17 of section 3-102 of the election law, as renum-
32 bered by chapter 23 of the laws of 2005, is renumbered subdivision 21
33 and four new subdivisions 17, 18, 19 and 20 are added to read as
34 follows:

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

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

43 19. PUBLISH AND ENFORCE A PRIVACY AND SECURITY POLICY SPECIFYING EACH
44 CLASS OF USERS WHO SHALL HAVE AUTHORIZED ACCESS TO THE STATEWIDE VOTER
45 REGISTRATION LIST, PREVENTING UNAUTHORIZED ACCESS TO THE STATEWIDE VOTER
46 REGISTRATION LIST AND TO ANY LIST PROVIDED BY A SOURCE AGENCY OR LIST
47 MAINTENANCE SOURCE, AND SETTING FORTH OTHER SAFEGUARDS TO PROTECT THE
48 PRIVACY AND SECURITY OF THE INFORMATION ON THE STATEWIDE VOTER REGISTRA-
49 TION LIST;

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

52 S 28. This act shall take effect immediately; provided, however, that
53 sections two, three, four, six, seven, eight, ten, twelve, fourteen,
54 fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of
55 this act shall take effect January 1, 2014; provided further that
56 sections five, nine, eleven, thirteen, sixteen, seventeen, and eighteen

1 of this act shall take effect January 1, 2015. Effective immediately,
2 any rules, regulations and agreements necessary to implement the
3 provisions of this act on its effective date are authorized and directed
4 to be completed on or before such date.