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

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2013-2014 Regular Sessions

I N A S S E M B L Y

February 13, 2013

Introduced by M. of A. BARCLAY, OAKS, KOLB, HAWLEY, BLANKENBUSH, TENNEY, PALMESANO -- Multi-Sponsored by -- M. of A. CERETTO, FINCH, GIGLIO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the registration and enrollment of voters

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

Section 1. The election law is amended by adding a new section 5-217 to read as follows:

S 5-217. ADDITIONAL REGISTRATION. 1. IN ADDITION TO ANY OTHER METHOD OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, ANY QUALIFIED PERSON MAY APPLY FOR REGISTRATION AND ENROLLMENT BY APPLICATION MADE SIMULTANEOUSLY AND INTEGRATED WITH AN APPLICATION FOR ANY TYPE OF HUNTING LICENSE, A FISHING LICENSE, AND ANY COMBINATION OF BOTH.

2. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WITH THE APPROVAL OF THE STATE BOARD OF ELECTIONS, SHALL DESIGN A FORM OR FORMS WHICH SHALL, IN ADDITION TO ELICITING SUCH INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A HUNTING LICENSE AND/OR FISHING LICENSE, SERVE AS AN APPLICATION FOR REGISTRATION AND ENROLLMENT, OR A REGISTRATION NECESSITATED BY A CHANGE OF RESIDENCE. THE COST OF SUCH FORMS SHALL BE BORNE BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

3. THE VOTER REGISTRATION PORTION OF SUCH FORMS SHALL:

(A) NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE INFORMATION REQUIRED ON THE APPLICATION FOR THE LICENSE PORTION AND SHALL REQUIRE ONLY SUCH ADDITIONAL INFORMATION, INCLUDING THE APPLICANT'S SIGNATURE, AS WILL ENABLE ELECTION OFFICIALS TO ASSESS THE APPLICANT'S ELIGIBILITY TO REGISTER TO VOTE, PREVENT DUPLICATE REGISTRATION AND TO ADMINISTER VOTER REGISTRATION AND OTHER PARTS OF THE ELECTION PROCESS;

(B) INCLUDE A STATEMENT OF THE ELIGIBILITY REQUIREMENTS FOR VOTER REGISTRATION AND SHALL REQUIRE THE APPLICANT TO ATTEST BY HIS OR HER

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

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SIGNATURE THAT HE OR SHE MEETS SUCH REQUIREMENTS UNDER PENALTY OF PERJURY; AND

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

(I) VOTER ELIGIBILITY REQUIREMENTS;

(II) PENALTIES FOR SUBMISSION OF FALSE REGISTRATION APPLICATION;

(III) THAT THE OFFICE WHERE THE APPLICANT REGISTERS SHALL REMAIN CONFIDENTIAL AND THE INFORMATION SHALL BE USED ONLY FOR VOTER REGISTRATION PURPOSES;

(IV) IF THE APPLICANT DECLINES TO REGISTER, HIS OR HER DECLINATION SHALL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION PURPOSES.

4. INCLUDED ON THE FORM OR ON A SEPARATE FORM SHALL BE:

(A) THE QUESTION, "IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER HERE TODAY";

(B) BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINE TO REGISTER TO VOTE;

(C) THE STATEMENT IN PROMINENT TYPE, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(D) THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";

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

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

5. THE FORM CONTAINING THE DECLINATION TO REGISTER TO VOTE SHALL BE RETAINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE SAME PERIOD OF TIME AS SUCH DEPARTMENT RETAINS THE ACCOMPANYING APPLICATION FOR SERVICES OR FOR SUCH SHORTER PERIOD OF TIME AS MAY BE APPROVED BY THE STATE BOARD OF ELECTIONS.

6. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL TRANSMIT THAT PORTION OF THE FORM WHICH CONSTITUTES THE COMPLETED APPLICATION FOR REGISTRATION OR CHANGE OF ADDRESS FORM TO THE APPROPRIATE BOARD OF ELECTIONS NOT LATER THAN TEN DAYS AFTER RECEIPT EXCEPT THAT ALL SUCH COMPLETED APPLICATIONS AND FORMS RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BETWEEN THE THIRTIETH AND TWENTY-FIFTH DAY BEFORE AN ELECTION SHALL BE TRANSMITTED IN SUCH MANNER AND AT SUCH TIME AS TO ASSURE THEIR RECEIPT BY SUCH BOARD OF ELECTIONS NOT LATER THAN THE TWENTIETH DAY BEFORE SUCH ELECTION. ALL TRANSMITTALS SHALL INCLUDE ORIGINAL SIGNATURES.

7. COMPLETED APPLICATION FORMS RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOT LATER THAN THE TWENTY-FIFTH DAY BEFORE THE NEXT ENSUING PRIMARY, GENERAL OR SPECIAL ELECTION AND TRANSMITTED BY SUCH DEPARTMENT TO THE APPROPRIATE BOARD OF ELECTIONS SO THAT THEY ARE RECEIVED NOT LATER THAN THE TWENTIETH DAY BEFORE SUCH ELECTION SHALL ENTITLE THE APPLICANT TO VOTE IN SUCH ELECTION PROVIDED THE BOARD DETERMINES THAT THE APPLICANT IS OTHERWISE QUALIFIED.

8. DISCLOSURE OF VOTER REGISTRATION INFORMATION, INCLUDING A DECLINATION TO REGISTER, BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ITS

AGENTS OR EMPLOYEES, FOR OTHER THAN VOTER REGISTRATION PURPOSES, SHALL BE DEEMED AN UNWARRANTED INVASION OF PERSONAL PRIVACY PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION EIGHTY-NINE OF THE PUBLIC OFFICERS LAW AND SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

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

10. STRICT NEUTRALITY WITH RESPECT TO A PERSON'S PARTY ENROLLMENT SHALL BE MAINTAINED AND ALL PERSONS SEEKING VOTER REGISTRATION FORMS AND INFORMATION SHALL BE ADVISED THAT GOVERNMENT SERVICES ARE NOT CONDITIONED ON BEING REGISTERED TO VOTE.

11. NO STATEMENT SHALL BE MADE NOR ANY ACTION TAKEN TO DISCOURAGE THE APPLICANT FROM REGISTERING TO VOTE.

12. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PROVIDE TO EACH PERSON WHO CHOOSES TO REGISTER TO VOTE THE SAME LEVEL OF ASSISTANCE PROVIDED TO PERSONS IN CONNECTION WITH THE COMPLETION OF THE AGENCY'S OWN FORMS, UNLESS SUCH PERSON REFUSES SUCH ASSISTANCE.

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

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

15. THE STATE BOARD OF ELECTIONS SHALL PREPARE AND DISTRIBUTE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WRITTEN INSTRUCTIONS AS TO THE IMPLEMENTATION OF THE PROGRAM AND SHALL BE RESPONSIBLE FOR ESTABLISHING TRAINING PROGRAMS FOR EMPLOYEES OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION INVOLVED IN SUCH PROGRAM.

16. THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL TAKE ALL ACTIONS WHICH ARE NECESSARY AND PROPER FOR THE IMPLEMENTATION OF THIS SECTION. THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL DESIGNATE ONE PERSON WITHIN THE AGENCY AS THE AGENCY VOTER REGISTRATION COORDINATOR WHO WILL, UNDER THE DIRECTION OF THE STATE BOARD OF ELECTIONS, BE RESPONSIBLE FOR THE VOTER REGISTRATION PROGRAM IN SUCH AGENCY.

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