

3788

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. KATZ, McLAUGHLIN, REILICH, RAIA, CURRAN, HAWLEY, McDONOUGH, LOSQUADRO, CROUCH, CASTRO, FINCH, TENNEY, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, SALADINO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring a valid government issued photo identification card to be presented when casting a ballot

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

1 Section 1. Section 8-303 of the election law, as added by chapter 420
2 of the laws of 2004, subparagraph 1 of paragraph (b) of subdivision 3,
3 as amended by chapter 160 of the laws of 2005, is amended to read as
4 follows:
5 S 8-303. [Initial voter] VOTER identification. 1. Applicability. Each
6 board of elections, in a uniform and nondiscriminatory manner, shall
7 require a voter to meet the requirements of subdivision two of this
8 section [if:
9 (a) the individual registered to vote in a jurisdiction by mail on or
10 after January first, two thousand three; and
11 (b) the individual has not previously voted in an election for federal
12 office in the jurisdiction of the board of elections].
13 2. Requirements. (a) In general. An individual meets the requirements
14 of this subdivision if the individual:
15 (1) in the case of an individual who votes in person[: (i)], presents
16 to the appropriate election inspector, clerk or coordinator a current
17 and valid GOVERNMENT ISSUED photo identification[; or
18 (ii) presents to the appropriate election inspector, clerk or coordi-
19 nator a copy of a current utility bill, bank statement, government
20 check, paycheck, or other government document that shows the name and
21 address of the voter;] or
22 (2) in the case of an individual who votes by mail, submits in the
23 outer envelope with the envelope containing the ballot[: (i)] a copy of
24 a current and valid GOVERNMENT ISSUED photo identification[; or

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

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1 (ii) a copy of a current utility bill, bank statement, government
2 check, paycheck, or other government document that shows the name and
3 address of the voter].

4 (3) A VALID AND CURRENT GOVERNMENT ISSUED PHOTO IDENTIFICATION SHALL
5 INCLUDE: A NEW YORK STATE DRIVER'S LICENSE OR NON-DRIVER ID; A UNITED
6 STATES PASSPORT; AN IDENTIFICATION CARD ISSUED BY A UNITED STATES EDUCA-
7 TIONAL INSTITUTION; A UNITED STATES MILITARY IDENTIFICATION CARD; A
8 GOVERNMENT ISSUED MEDICAL CARD OR ANY IDENTIFICATION CARD ISSUED BY THE
9 UNITED STATES OR THE STATE OF NEW YORK.

10 (b) Fail-safe voting. (1) An individual who desires to vote in person,
11 but [who does not meet the requirements of subparagraph one of paragraph
12 (a) of this subdivision] DOES NOT POSSESS A CURRENT AND VALID GOVERNMENT
13 ISSUED PHOTO IDENTIFICATION, may cast an affidavit ballot[, and notwith-
14 standing this section of law, such]. SUCH affidavit ballot shall be duly
15 cast and counted[, even though such individual does not meet the
16 requirements of subparagraph one of paragraph (a) of this subdivision,]
17 provided such individual casting such ballot is an otherwise eligible
18 voter pursuant to law, [provided further] THAT THE LOCAL BOARD OF
19 ELECTIONS DETERMINES THE VALIDITY OF THE AFFIDAVIT BALLOT AND that such
20 ballot otherwise complies with the requirements of law.

21 (2) An individual who desires to vote by mail but who does not [meet
22 the requirements of subparagraph two of paragraph (a) of this subdivi-
23 sion] POSSESS A CURRENT AND VALID GOVERNMENT ISSUED PHOTO IDENTIFICA-
24 TION, may cast such a ballot by mail and such ballot shall be duly cast
25 and counted[, notwithstanding this section,] provided [the voter is
26 determined to be an eligible voter and provided further], THAT THE LOCAL
27 BOARD OF ELECTIONS DETERMINES THE VALIDITY OF THE BALLOT BY MAIL AND
28 that such ballot otherwise complies with the requirements of law.

29 3. Inapplicability. Subdivisions one and two of this section shall not
30 apply in the case of a person: (a) who registers to vote by mail and
31 submits as part of such registration [either:

32 (1)] a copy of a current and valid GOVERNMENT ISSUED photo identifica-
33 tion; or

34 [(2) a copy of a current utility bill, bank statement, government
35 check, paycheck, or government document that shows the name and address
36 of the voter;]

37 (b) [(1)] who registers to vote by mail and submits with such regis-
38 tration either:

39 [(i)] (1) a driver's license or a department of motor vehicles non-
40 driver photo ID number; or

41 [(ii)] (2) at least the last four digits of the individual's social
42 security number; and [(2)] with respect to whom a local board of
43 elections matches the information submitted under [subparagraph one of]
44 this paragraph with an existing state identification record bearing the
45 number, name and date of birth of such voter; [or

46 (c) who is: (1)] (3) SUCH PERSON IS entitled to vote by absentee
47 ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42
48 U.S.C. 1973ff-1 et seq.);

49 [(2)] (4) SUCH PERSON IS provided the right to vote otherwise than in
50 person under section 3 (b) (2) (B) (ii) of the Voting Accessibility for
51 the Elderly and Handicapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii));
52 or

53 [(3)] IS entitled to vote otherwise than in person under any other
54 federal law.

55 S 2. This act shall take effect immediately.