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

10370

I N A S S E M B L Y

May 24, 2016

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2016; in relation to establishing the electronic personal voter registration process

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

Section 1. Short title. This act shall be known as and may be cited as the "Voter Enfranchisement Modernization Act of 2016 (VEMA)".

S 2. Declaration of Legislative Intent. The right to vote is a fundamental right, the well-spring of all others, secured by the federal and state constitutions. On-line forms of communication and conducting transactions did not exist at the time New York's paper-based voter registration system was enacted. In the last twenty years, many paper-based processes have migrated to on-line processes, including filing tax returns, applying for social security benefits, routine banking transactions, official communications and purchase transactions of all types. This on-line migration has improved cost efficiency, increased accessibility and provided greater convenience to the public in many contexts. The predominantly paper-based voter registration application process in New York is antiquated and must be supplemented with on-line voter registration. To remove unnecessary burdens to the fundamental right of the people to vote, the State Board of Elections shall establish the Voter Enfranchisement Modernization Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Article II of the New York State Constitution. This effort modernizes voter registration and supplements the methods of voter registration provided under current law.

S 3. Article 5 of the election law is amended by adding a new title 8 to read as follows:

TITLE VIII

ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

SECTION 5-800. ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM.
5-802. ONLINE VOTER REGISTRATION APPLICATION.

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

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5-804. FAILURE TO PROVIDE EXEMPLAR SIGNATURE NOT TO PREVENT REGISTRATION.

S 5-800. ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM. IN ADDITION TO ANY OTHER MEANS OF VOTER REGISTRATION PROVIDED FOR BY THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL ESTABLISH AND MAINTAIN AN ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM THROUGH WHICH APPLICANTS MAY APPLY TO REGISTER TO VOTE ONLINE. THE STATE BOARD OF ELECTIONS SHALL ELECTRONICALLY TRANSMIT SUCH APPLICATIONS TO THE APPLICABLE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK FOR FILING, PROCESSING AND VERIFICATION CONSISTENT WITH THIS CHAPTER. IN ACCORDANCE WITH TECHNICAL SPECIFICATIONS PROVIDED BY THE STATE BOARD OF ELECTIONS, EACH BOARD OF ELECTIONS SHALL MAINTAIN A VOTER REGISTRATION SYSTEM CAPABLE OF RECEIVING AND PROCESSING VOTER REGISTRATION APPLICATION INFORMATION, INCLUDING ELECTRONIC SIGNATURES, FROM THE ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM ESTABLISHED BY THE STATE BOARD OF ELECTIONS. NOTWITHSTANDING ANY OTHER INCONSISTENT PROVISION OF THIS CHAPTER, APPLICATIONS FILED USING SUCH SYSTEM SHALL BE CONSIDERED FILED WITH THE APPLICABLE BOARD OF ELECTIONS ON THE CALENDAR DATE THE APPLICATION IS INITIALLY TRANSMITTED BY THE VOTER THROUGH THE ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM.

S 5-802. ONLINE VOTER REGISTRATION APPLICATION. 1. A VOTER SHALL BE ABLE TO APPLY TO REGISTER TO VOTE USING A PERSONAL ONLINE VOTER REGISTRATION APPLICATION SUBMITTED THROUGH THE ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM WHEN THE VOTER:

(A) COMPLETES AN ELECTRONIC VOTER REGISTRATION APPLICATION PROMULGATED BY THE STATE BOARD OF ELECTIONS WHICH SHALL INCLUDE ALL OF THE VOTER REGISTRATION INFORMATION REQUIRED BY SECTION 5-210 OF THIS ARTICLE; AND

(B) AFFIRMS, SUBJECT TO PENALTY OF PERJURY, BY MEANS OF ELECTRONIC OR MANUAL SIGNATURE, THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BECOME A REGISTERED VOTER; AND

(C) CONSENTS TO THE USE OF AN ELECTRONIC COPY OF THE INDIVIDUAL'S MANUAL SIGNATURE THAT IS IN THE CUSTODY OF THE DEPARTMENT OF MOTOR VEHICLES, THE STATE BOARD OF ELECTIONS, OR OTHER AGENCY DESIGNATED BY SECTIONS 5-211 OR 5-212 OF THIS TITLE, AS THE INDIVIDUAL'S VOTER REGISTRATION EXEMPLAR SIGNATURE, OR PROVIDES SUCH A SIGNATURE BY DIRECT UPLOAD IN A MANNER THAT COMPLIES WITH THE NEW YORK STATE ELECTRONIC SIGNATURE AND RECORDS ACT AND THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF ELECTIONS.

2. THE BOARD OF ELECTIONS SHALL PROVIDE THE PERSONAL ONLINE VOTER REGISTRATION APPLICATION IN ANY LANGUAGE REQUIRED BY THE FEDERAL VOTING RIGHTS ACT OF 1965 (52 U.S.C. SEC. 10503) IN ANY COUNTY IN THE STATE.

3. THE ONLINE VOTER REGISTRATION APPLICATION PROCESS SHALL PROVIDE REASONABLE ACCOMMODATIONS TO IMPROVE ACCESSIBILITY FOR PERSONS WITH DISABILITIES, AND SHALL BE COMPATIBLE FOR USE WITH STANDARD ONLINE ACCESSIBILITY ASSISTANCE TOOLS FOR PERSONS WITH VISUAL, PHYSICAL OR PERCEPTIVE DISABILITIES.

4. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES AND REGULATIONS FOR THE CREATION AND ADMINISTRATION OF AN ONLINE VOTER REGISTRATION SYSTEM PURSUANT TO THIS SECTION.

S 5-804. FAILURE TO PROVIDE EXEMPLAR SIGNATURE NOT TO PREVENT REGISTRATION. IF A VOTER REGISTRATION EXEMPLAR SIGNATURE IS NOT PROVIDED BY AN APPLICANT WHO SUBMITS A VOTER REGISTRATION APPLICATION PURSUANT TO THIS TITLE AND SUCH SIGNATURE EXEMPLAR IS NOT OTHERWISE AVAILABLE FROM THE STATEWIDE VOTER REGISTRATION DATABASE OR A STATE OR LOCAL AGENCY, THE LOCAL BOARD OF ELECTIONS SHALL, ABSENT ANOTHER REASON TO REJECT THE

APPLICATION, PROCEED TO REGISTER AND, AS APPLICABLE, ENROLL THE APPLICANT. WITHIN TEN DAYS OF SUCH ACTION, THE BOARD OF ELECTIONS SHALL SEND A STANDARD FORM PROMULGATED BY THE STATE BOARD OF ELECTIONS TO THE VOTER WHOSE RECORD LACKS AN EXEMPLAR SIGNATURE, REQUIRING SUCH VOTER TO SUBMIT A SIGNATURE FOR IDENTIFICATION PURPOSES. THE VOTER SHALL SUBMIT TO THE BOARD OF ELECTIONS A VOTER REGISTRATION EXEMPLAR SIGNATURE BY ANY ONE OF THE FOLLOWING METHODS: IN PERSON, BY MAIL WITH RETURN POSTAGE PAID PROVIDED BY THE BOARD OF ELECTIONS, BY ELECTRONIC MAIL, OR BY ELECTRONIC UPLOAD TO THE BOARD OF ELECTIONS THROUGH THE ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM. IF SUCH VOTER DOES NOT PROVIDE THE REQUIRED EXEMPLAR SIGNATURE, WHEN THE VOTER APPEARS TO VOTE THE VOTER SHALL BE ENTITLED TO VOTE IN THE SAME MANNER AS A VOTER WITH A NOTATION INDICATING THE VOTER'S IDENTITY HAS NOT YET BEEN VERIFIED IN THE MANNER PROVIDED BY SECTION 8-302 OF THIS CHAPTER.

S 4. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; provided, however, the state board of elections shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.