

8305

2015-2016 Regular Sessions

I N A S S E M B L Y

June 19, 2015

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

AN ACT to amend the election law, in relation to enacting the "Modernized Voter Registration Act of New York"

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

1 Section 1. This act shall be known and may be cited as the "Modernized  
2 Voter Registration Act of New York".

3 S 2. The election law is amended by adding four new sections 5-200,  
4 5-201, 5-205 and 5-207 to read 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;

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

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

3 (E) COMPLETES A MAXIMUM SENTENCE OF IMPRISONMENT OR IS DISCHARGED FROM  
4 PAROLE;

5 (F) COMPLETES AN APPLICATION FOR UNEMPLOYMENT INSURANCE;

6 (G) BECOMES A MEMBER OR EMPLOYEE OF THE DIVISION OF MILITARY AND NAVAL  
7 AFFAIRS; OR

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

11 3. (A) THE TERM "SOURCE AGENCY" INCLUDES THE DEPARTMENT OF MOTOR VEHI-  
12 CLES, ANY GOVERNMENT AGENCY DESIGNATED PURSUANT TO SECTION 5-211 OF THIS  
13 TITLE, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW  
14 YORK, ALL PUBLIC HOUSING AUTHORITIES LISTED IN ARTICLE THIRTEEN OF THE  
15 PUBLIC HOUSING LAW, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-  
16 VISION, THE DEPARTMENT OF LABOR, THE DIVISION OF MILITARY AND NAVAL  
17 AFFAIRS AND ANY AGENCY DESIGNATED BY THE STATE BOARD OF ELECTIONS PURSU-  
18 ANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

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

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

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

27 (III) THE ACCURACY OF PERSONAL IDENTIFICATION DATA IN SOURCE RECORDS;  
28 AND

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

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

37 (A) GIVEN NAME OR NAMES AND SURNAME OF SURNAMES;

38 (B) MAILING ADDRESS AND RESIDENTIAL ADDRESS;

39 (C) DATE OF BIRTH;

40 (D) CITIZENSHIP;

41 (E) DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD NUMBER, LAST  
42 FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER, OR A SPACE FOR THE  
43 PERSON TO INDICATE THAT HER OR SHE DOESN'T NOT HAVE ANY SUCH NUMBER;

44 (F) POLITICAL PARTY ENROLLMENT, IF ANY;

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

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

48 IN THE EVENT THAT ANY TRANSMISSION OF DATA PURSUANT TO THIS SECTION  
49 FAILS TO INCLUDE AN IMAGE OF AN INDIVIDUAL'S SIGNATURE, THE ABSENCE OF A  
50 SIGNATURE SHALL NOT PRECLUDE THE REGISTRATION OF AN ELIGIBLE CITIZEN.  
51 THE BOARD OF ELECTIONS SHALL DEVELOP PROCEDURES TO ENABLE AN ELIGIBLE  
52 CITIZEN, WHOSE INFORMATION IS TRANSMITTED PURSUANT TO THIS SECTION AND  
53 WHOSE INFORMATION LACKS AN ELECTRONIC SIGNATURE, TO PROVIDE A SIGNATURE  
54 AT THE POLLING PLACE OR WITH AN APPLICATION FOR AN ABSENTEE BALLOT  
55 BEFORE VOTING. THE BOARD MAY REQUIRE AN ELECTOR WHO HAS NOT PROVIDED A  
56 SIGNATURE BEFORE ARRIVING AT THE POLLING PLACE OR SUBMITTING AN ABSENTEE

1 BALLOT TO PRESENT A CURRENT AND VALID PHOTO IDENTIFICATION OR A COPY OF  
2 A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR  
3 OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF THE VOTER.

4 5. IF AN AGENCY DOES NOT ROUTINELY REQUEST INFORMATION CONCERNING THE  
5 CITIZENSHIP STATUS OF INDIVIDUALS, IT SHALL MAINTAIN RECORDS SUFFICIENT  
6 TO TRANSMIT TO THE BOARD INDICATIONS OF UNITED STATES CITIZENSHIP FOR  
7 EACH PERSON DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, BUT SHALL NOT  
8 RETAIN, USE, OR SHARE ANY SUCH INFORMATION RELATING TO AN INDIVIDUAL'S  
9 CITIZENSHIP FOR ANY OTHER PURPOSE.

10 6. THE STATE BOARD OF ELECTIONS SHALL PREPARE AND DISTRIBUTE TO  
11 PARTICIPATING AGENCIES WRITTEN INSTRUCTIONS AS TO THE IMPLEMENTATION OF  
12 THE PROGRAM AND SHALL BE RESPONSIBLE FOR ESTABLISHING TRAINING PROGRAMS  
13 FOR EMPLOYEES OF SOURCE AGENCIES LISTED IN THIS SECTION. TRAINING SHALL  
14 INCLUDE REQUIREMENTS THAT EMPLOYEES OF ANY SOURCE AGENCY COMMUNICATE TO  
15 EACH INDIVIDUAL IDENTIFIED IN SUBDIVISION TWO OF THIS SECTION THAT THE  
16 SOURCE AGENCY MAINTAINS STRICT NEUTRALITY WITH RESPECT TO A PERSON'S  
17 PARTY ENROLLMENT AND ALL PERSONS SEEKING VOTER REGISTRATION FORMS AND  
18 INFORMATION SHALL BE ADVISED THAT GOVERNMENT SERVICES ARE NOT CONDI-  
19 TIONED ON BEING REGISTERED TO VOTE, OR ELIGIBILITY TO REGISTER TO VOTE.  
20 NO STATEMENT SHALL BE MADE NOR ANY ACTION TAKEN TO DISCOURAGE THE APPLI-  
21 CANT FROM REGISTERING TO VOTE.

22 7. THE AGREEMENTS BETWEEN THE STATE BOARD OF ELECTIONS AND THE SOURCE  
23 AGENCIES SHALL INCLUDE THE FORMAT IN WHICH INFORMATION WILL BE TRANSMIT-  
24 TED, WHETHER AND HOW EACH ENTITY WILL COLLECT, IN ADDITION TO THE MANDA-  
25 TORY INFORMATION LISTED IN SUBDIVISION FOUR OF THIS SECTION, ADDITIONAL  
26 INFORMATION ON A VOLUNTARY BASIS FROM PERSONS FOR THE PURPOSE OF FACILI-  
27 TATING VOTER REGISTRATION, THE FREQUENCY OF DATA TRANSMISSIONS, THE  
28 PROCEDURES, AND OTHER MEASURES THAT WILL BE USED TO ENSURE THE SECURITY  
29 AND PRIVACY OF THE INFORMATION TRANSMITTED, AND ANY OTHER MATTER NECES-  
30 SARY OR HELPFUL TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

31 8. EACH SOURCE AGENCY SHALL COOPERATE WITH THE STATE BOARD OF  
32 ELECTIONS AND COUNTY BOARD OF ELECTIONS TO FACILITATE THE VOTER REGIS-  
33 TRATION OF EACH PERSON DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, AND  
34 TO ELECTRONICALLY TRANSMIT THE INFORMATION NEEDED TO REGISTER EACH SUCH  
35 PERSON TO VOTE OR TO UPDATE EACH SUCH PERSON'S VOTER REGISTRATION  
36 RECORD.

37 9. EACH SOURCE AGENCY SHALL ENTER INTO AN AGREEMENT WITH THE STATE  
38 BOARD OF ELECTIONS FINALIZING THE FORMAT AND CONTENT OF ELECTRONIC TRAN-  
39 SMISIONS REQUIRED BY THIS SECTION NO LATER THAN SEPTEMBER FIRST, TWO  
40 THOUSAND SEVENTEEN; PROVIDED, THAT EACH SOURCE AGENCY SHALL BE ABLE TO  
41 COMPLY FULLY WITH ALL REQUIREMENTS OF THIS SECTION, INCLUDING THE  
42 COLLECTION AND TRANSMISSION OF ALL DATA REQUIRED TO REGISTER INDIVIDUALS  
43 TO VOTE, BY JANUARY FIRST, TWO THOUSAND EIGHTEEN.

44 S 5-201. SAME DAY REGISTRATION. EACH COUNTY SHALL ALLOW ANY ELIGIBLE  
45 INDIVIDUAL ON THE DAY OF AN ELECTION AND ON ANY DAY WHEN VOTING, INCLUD-  
46 ING EARLY VOTING, TO REGISTER TO VOTE IN SUCH ELECTION AT THE POLLING  
47 PLACE AND TO CAST A VOTE IN SUCH ELECTION.

48 S 5-205. INTERNET REGISTRATION. 1. THE BOARD SHALL ENSURE THAT THE  
49 FOLLOWING SERVICES ARE AVAILABLE TO THE PUBLIC AT ANY TIME ON THE OFFI-  
50 CIAL PUBLIC WEBSITES OF THE APPROPRIATE COUNTY OR MUNICIPALITY, IN THE  
51 SAME MANNER AND SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE SERVICES  
52 PROVIDED BY VOTER REGISTRATION REGULATIONS: (A) ONLINE APPLICATION FOR  
53 VOTER REGISTRATION; (B) ONLINE ASSISTANCE TO APPLICANTS IN APPLYING TO  
54 REGISTER TO VOTE; (C) ONLINE COMPLETION AND SUBMISSION BY APPLICANTS OF  
55 THE MAIL VOTER REGISTRATION APPLICATION INCLUDING ASSISTANCE WITH

1 PROVIDING A SIGNATURE IN ELECTRONIC FORM; AND (D) ONLINE RECEIPT OF  
2 COMPLETED VOTER REGISTRATION APPLICATIONS.

3 2. ANY COUNTY OR MUNICIPALITY SHALL ACCEPT AN ONLINE VOTER REGISTRA-  
4 TION APPLICATION PROVIDED BY AN INDIVIDUAL UNDER THIS SECTION, AND  
5 ENSURE THAT THE INDIVIDUAL IS REGISTERED TO VOTE IN THE STATE, IF (A)  
6 THE INDIVIDUAL MEETS THE SAME VOTER REGISTRATION REQUIREMENTS APPLICABLE  
7 TO INDIVIDUALS WHO REGISTER TO VOTE BY MAIL IN ACCORDANCE WITH THE LAW  
8 USING THE MAIL VOTER REGISTRATION APPLICATION FORM AND (B) THE INDIVID-  
9 UAL PROVIDES A SIGNATURE IN ELECTRONIC FORM.

10 3. FOR PURPOSES OF THIS SECTION, AN INDIVIDUAL PROVIDES A SIGNATURE IN  
11 ELECTRONIC FORM BY (A) EXECUTING A COMPUTERIZED MARK IN THE SIGNATURE  
12 FIELD ON AN ONLINE VOTER REGISTRATION APPLICATION; OR

13 (B) SUBMITTING WITH THE APPLICATION AN ELECTRONIC COPY OF THE INDIVID-  
14 UAL'S HANDWRITTEN SIGNATURE THROUGH ELECTRONIC MEANS.

15 4. (A) UPON THE ONLINE SUBMISSION OF A COMPLETED VOTER REGISTRATION  
16 APPLICATION BY AN INDIVIDUAL UNDER THIS SECTION, THE APPROPRIATE STATE  
17 OR LOCAL ELECTION OFFICIAL SHALL SEND THE INDIVIDUAL A NOTICE CONFIRMING  
18 THE STATE'S RECEIPT OF THE APPLICATION AND PROVIDING INSTRUCTIONS ON HOW  
19 THE INDIVIDUAL MAY CHECK THE STATUS OF THE APPLICATION, AND (B) AS SOON  
20 AS THE APPROPRIATE ELECTION OFFICIAL HAS APPROVED OR REJECTED AN APPLI-  
21 CATION SUBMITTED BY AN INDIVIDUAL UNDER THIS SECTION, THE OFFICIAL SHALL  
22 SEND THE INDIVIDUAL A NOTICE OF THE DISPOSITION OF THE APPLICATION.

23 5. ANY COUNTY OR MUNICIPALITY SHALL MAKE THE SERVICES MADE AVAILABLE  
24 ONLINE UNDER SUBDIVISION ONE OF THIS SECTION AVAILABLE THROUGH THE USE  
25 OF AN AUTOMATED TELEPHONE-BASED SYSTEM, SUBJECT TO THE SAME TERMS AND  
26 CONDITIONS APPLICABLE UNDER THIS SECTION TO THE SERVICES MADE AVAILABLE  
27 ONLINE, IN ADDITION TO MAKING THE SERVICES AVAILABLE ONLINE IN ACCORD-  
28 ANCE WITH THE REQUIREMENTS OF THIS SECTION.

29 S 5-207. UPDATING REGISTRATION INFORMATION THROUGH THE INTERNET. 1.  
30 THE BOARD SHALL ENSURE THAT ANY REGISTERED VOTER ON THE COMPUTERIZED  
31 LIST MAY AT ANY TIME UPDATE THE VOTER'S REGISTRATION INFORMATION,  
32 INCLUDING THE VOTER'S ADDRESS AND ELECTRONIC MAIL ADDRESS, ONLINE  
33 THROUGH THE OFFICIAL PUBLIC WEBSITE OF THE ELECTION OFFICIAL RESPONSIBLE  
34 FOR THE MAINTENANCE OF THE LIST, SO LONG AS THE VOTER ATTESTS TO THE  
35 CONTENTS OF THE UPDATE BY PROVIDING A SIGNATURE IN ELECTRONIC FORM IN  
36 THE SAME MANNER REQUIRED UNDER THE LAW.

37 2. APPLICATIONS FOR VOTER REGISTRATION SHALL PROVIDE AN OPTION FOR  
38 VOTERS TO RECEIVE VOTER INFORMATION AND FUTURE REGISTRATION INFORMATION  
39 AND CORRESPONDENCE BY EMAIL.

40 3. THE BOARD OF ELECTIONS SHALL NOTIFY EVERY REGISTERED VOTER OF THE  
41 OPTION TO REGISTER AND MAKE CHANGES TO THEIR VOTER INFORMATION ELECTRON-  
42 ICALLY.

43 S 3. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the  
44 election law, as amended by chapter 179 of the laws of 2005, subpara-  
45 graph (xii) of paragraph (k) as added by chapter 362 of the laws of  
46 2008, are amended and a new paragraph (n) is added to read as follows:

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

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

55 (i) A space for the applicant to indicate whether or not he or she has  
56 ever voted or registered to vote before and, if so, the approximate year

1 in which such applicant last voted or registered and his or her name and  
2 address at the time.

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

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

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

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

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

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

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

25 (B) the last four digits of the individual's social security number;  
26 or

27 (C) a copy of a current and valid photo identification; or

28 (D) a copy of a current utility bill, bank statement, government  
29 check, paycheck or other government document that shows the name and  
30 address of the voter.

31 [(viii)] (VII) The gender of the applicant (optional).

32 [(ix)] (VIII) A space for the applicant to indicate his or her choice  
33 of party enrollment, with a clear alternative provided for the applicant  
34 to decline to affiliate with any party.

35 [(x)] (IX) The telephone number of the applicant (optional).

36 [(xi)] (X) A place for the applicant to execute the form on a line  
37 which is clearly labeled "signature of applicant" preceded by the  
38 following specific form of affirmation:

39 AFFIDAVIT: I swear or affirm that:

40 \* I am a citizen of the United States.

41 \* I will have lived in the county, city, or village for at least 30  
42 days before the election.

43 \* I meet all the requirements to register to vote in New York  
44 State.

45 \* This is my signature or mark on the line below.

46 \* All the information contained on this application is true. I  
47 understand that if it is not true I can be convicted and fined up  
48 to \$5,000 and/or jailed for up to four years.

49 which form of affirmation shall be followed by a space for the date and  
50 the aforementioned line for the applicant's signature.

51 [(xii)] (XI) A space for the applicant to register in the New York  
52 state donate life registry for organ and tissue donations established  
53 pursuant to section forty-three hundred ten of the public health law.

54 (XII) THE EMAIL ADDRESS OF THE APPLICANT (OPTIONAL).

55 (N) AGREEMENTS ADOPTED PURSUANT TO SECTION 5-200 OF THIS TITLE BETWEEN  
56 SOURCE AGENCIES AND THE STATE OR COUNTY BOARDS OF ELECTIONS ARE NOT

1 REQUIRED TO INCLUDE THE COLLECTION OR TRANSMISSION OF THE INFORMATION  
2 REQUESTED IN PARAGRAPH (J) OR SUBPARAGRAPH (I), (VII), (IX) OR (XI) OF  
3 PARAGRAPH (K) OF THIS SUBDIVISION, AND NO BOARD OF ELECTIONS SHALL  
4 REFUSE TO REGISTER TO VOTE OR UPDATE THE REGISTRATION RECORD OF ANY  
5 PERSON IN THE STATE WHOSE INFORMATION IS TRANSMITTED PURSUANT TO SECTION  
6 5-200 OF THIS TITLE FOR THE REASON THAT SUCH INFORMATION DOES NOT  
7 INCLUDE THE INFORMATION REQUESTED BY PARAGRAPH (J) OR SUBPARAGRAPH (I),  
8 (VII), (VIII), (IX) OR (XI) OF PARAGRAPH (K) OF THIS SUBDIVISION.  
9 S 4. This act shall take effect immediately.