

6075

2015-2016 Regular Sessions

I N S E N A T E

October 26, 2015

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to establishing automatic voter registration and voter pre-registration

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

1 Section 1. Subdivisions 1, 14 and 15 of section 5-212 of the election
2 law, as added by chapter 659 of the laws of 1994, are amended to read as
3 follows:
4 1. In addition to any other method of voter registration provided for
5 in this article, any qualified person may apply for registration and
6 enrollment EITHER by application made simultaneously and integrated with
7 an application for a motor vehicle driver's license, a driver's license
8 renewal or an identification card if such a card is issued by the
9 department of motor vehicles in its normal course of business OR BY THE
10 DEPARTMENT OF MOTOR VEHICLES PROVIDING THE APPROPRIATE BOARD OF
11 ELECTIONS WITH ELECTRONIC RECORDS OF EACH PERSON WHO QUALIFIES TO VOTE,
12 PURSUANT TO SUBDIVISION TWELVE-A OF THIS SECTION.
13 14. The state board shall develop and distribute public information
14 and promotional materials relating to the purposes and implementation of
15 [this program] THESE PROGRAMS.
16 15. The state board shall prepare and distribute to the department of
17 motor vehicles written instructions as to the implementation of [the
18 program] THESE PROGRAMS and shall be responsible for establishing train-
19 ing programs for employees of the department of motor vehicles involved
20 in such [program] PROGRAMS.
21 S 2. Section 5-212 of the election law is amended by adding a new
22 subdivision 12-a to read as follows:
23 12-A. IN ADDITION TO COMPLETING AN APPLICATION FOR REGISTRATION AND
24 ENROLLMENT BY APPLICATION, A PERSON MAY ALSO BE REGISTERED TO VOTE IN
25 THE FOLLOWING MANNER:

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

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(A) THE DEPARTMENT OF MOTOR VEHICLES SHALL ESTABLISH A SCHEDULE BY WHICH IT PROVIDES TO THE STATE BOARD OF ELECTIONS ELECTRONIC RECORDS CONTAINING THE LEGAL NAME, AGE, RESIDENCE AND CITIZENSHIP INFORMATION FOR, AND THE ELECTRONIC SIGNATURE OF, EACH PERSON WHO IS QUALIFIED TO VOTE UNDER SECTION 5-102 OF THIS ARTICLE.

(B) UPON RECEIVING THE ELECTRONIC RECORD FOR, AND ELECTRONIC SIGNATURE OF, A PERSON DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, THE STATE BOARD OF ELECTIONS SHALL PROVIDE THE INFORMATION TO THE APPROPRIATE COUNTY BOARD OF ELECTIONS IN WHICH THE PERSON MAY BE REGISTERED AS A VOTER. THE APPROPRIATE COUNTY BOARD OF ELECTIONS SHALL SEND EACH PERSON A NOTIFICATION DIRECTING HIM OR HER TO:

(I) DECLINE BEING REGISTERED AS A VOTER; OR

(II) ADOPT A POLITICAL PARTY AFFILIATION.

(C) IF A PERSON NOTIFIED UNDER PARAGRAPH (B) OF THIS SUBDIVISION DOES NOT DECLINE TO BE REGISTERED AS A VOTER WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE COUNTY BOARD OF ELECTIONS ISSUES THE NOTIFICATION, THE PERSON'S ELECTRONIC RECORD AND ELECTRONIC SIGNATURE SUBMITTED UNDER PARAGRAPH (A) OF THIS SUBDIVISION WILL CONSTITUTE A COMPLETED REGISTRATION APPLICATION FOR THE PERSON FOR PURPOSES OF THIS SECTION. THE PERSON SHALL BE REGISTERED TO VOTE IF THE COUNTY BOARD OF ELECTIONS DETERMINES THAT THE PERSON IS QUALIFIED TO VOTE PURSUANT TO SECTION 5-102 OF THIS ARTICLE, AND THE PERSON IS NOT ALREADY REGISTERED TO VOTE.

(D) A COUNTY BOARD OF ELECTIONS MAY NOT SEND A BALLOT TO, OR ADD TO A VOTER REGISTRATION LIST, A PERSON WHO MEETS ELIGIBILITY REQUIREMENTS UNTIL AT LEAST TWENTY-ONE CALENDAR DAYS AFTER THE COUNTY BOARD OF ELECTIONS PROVIDED NOTIFICATION TO THE PERSON AS DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION.

S 3. Paragraph o of subdivision 4 of section 5-500 of the election law, as amended by chapter 659 of the laws of 1994, is amended and a new paragraph p is added to read as follows:

o. A space for "remarks" regarding other facts required by this chapter to be recorded or appropriate to identify the voter[.];

P. A SPACE FOR PRE-REGISTERING APPLICANTS TO RESPOND TO THE FOLLOWING QUESTION: "ARE YOU AT LEAST 16 YEARS OF AGE AND UNDERSTAND THAT YOU MUST BE 18 YEARS OF AGE ON OR BEFORE ELECTION DAY TO VOTE, AND THAT UNTIL YOU REACH THE AGE OF 18 YOUR REGISTRATION WILL BE MARKED AS 'PENDING' AND YOU WILL BE UNABLE TO CAST A BALLOT IN ANY ELECTION?".

S 4. The election law is amended by adding a new section 5-507 to read as follows:

S 5-507. VOTER PRE-REGISTRATION AND EDUCATION ON VOTER PRE-REGISTRATION. 1. PRE-REGISTRATION. A PERSON WHO IS AT LEAST SIXTEEN YEARS OF AGE AND WHO IS OTHERWISE QUALIFIED TO REGISTER TO VOTE MAY PRE-REGISTER TO VOTE, AND SHALL BE AUTOMATICALLY REGISTERED UPON REACHING THE AGE OF ELIGIBILITY, FOLLOWING VERIFICATION OF THE PERSON'S QUALIFICATIONS AND ADDRESS.

2. ENCOURAGEMENT OF STUDENT VOTER REGISTRATION AND PRE-REGISTRATION. LOCAL BOARDS OF EDUCATION ARE REQUIRED TO ADOPT POLICIES TO PROMOTE STUDENT VOTER REGISTRATION AND PRE-REGISTRATION. THESE POLICIES MAY INCLUDE COLLABORATION WITH COUNTY BOARDS OF ELECTIONS TO CONDUCT VOTER REGISTRATION AND PRE-REGISTRATION IN HIGH SCHOOLS. COMPLETION AND SUBMISSION OF VOTER REGISTRATION OR PRE-REGISTRATION FORMS SHALL NOT BE A COURSE REQUIREMENT OR GRADED ASSIGNMENT FOR STUDENTS.

S 5. This act shall take effect immediately; provided, however that section one of this act shall take effect on the ninetieth day after it shall have become a law; and section two of this act shall take effect on the first of January next succeeding the date on which it shall have

1 become a law. Effective immediately, the commissioner of motor vehicles
2 and the commissioners of the state board of elections shall promulgate
3 rules and regulations necessary or appropriate to carry out the
4 provisions of this act.