

10370

I N   A S S E M B L Y

May 24, 2016

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

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

3     S 2. Declaration of Legislative Intent. The right to vote is a funda-  
4     mental right, the well-spring of all others, secured by the federal and  
5     state constitutions. On-line forms of communication and conducting tran-  
6     sactions did not exist at the time New York's paper-based voter regis-  
7     tration system was enacted. In the last twenty years, many paper-based  
8     processes have migrated to on-line processes, including filing tax  
9     returns, applying for social security benefits, routine banking trans-  
10    actions, official communications and purchase transactions of all types.  
11    This on-line migration has improved cost efficiency, increased accessi-  
12    bility and provided greater convenience to the public in many contexts.  
13    The predominantly paper-based voter registration application process in  
14    New York is antiquated and must be supplemented with on-line voter  
15    registration. To remove unnecessary burdens to the fundamental right of  
16    the people to vote, the State Board of Elections shall establish the  
17    Voter Enfranchisement Modernization Program for the purpose of increas-  
18    ing opportunities for voter registration by any person who is qualified  
19    to be a voter under Article II of the New York State Constitution. This  
20    effort modernizes voter registration and supplements the methods of  
21    voter registration provided under current law.

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

24                                    TITLE VIII

25                    ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

26    SECTION 5-800. ELECTRONIC VOTER REGISTRATION TRANSMITTAL SYSTEM.

27                    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

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

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