

2538--B

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sens. GIANARIS, ADDABBO, AVELLA, DILAN, HASSELL-THOMPSON, HOYLMAN, KENNEDY, KRUEGER, MONTGOMERY, PERALTA, PERKINS, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "voter empowerment act of New York"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "voter empowerment act of New York".  
3 S 2. Section 5-104 of the election law is amended by adding a new  
4 subdivision 3 to read as follows:  
5 3. THE PROVISIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION REGARD-  
6 ING THE RIGHT OF STUDENTS TO REGISTER AND VOTE SHALL BE INTERPRETED IN A  
7 MANNER CONSISTENT WITH THE CONSTITUTIONAL REQUIREMENT THAT EACH CITIZEN  
8 MUST BE PERMITTED TO VOTE IN THAT COMMUNITY WHICH IS THE "LOCUS OF ...  
9 PRIMARY CONCERN" TO THAT CITIZEN AT THE TIME OF THE ELECTION. ACCORDING-  
10 LY, A STUDENT ATTENDING A COLLEGE OR UNIVERSITY IN THIS STATE SHALL BE  
11 PERMITTED TO RETAIN HIS OR HER PARENTAL RESIDENCE FOR VOTING PURPOSES IF  
12 THE PARENTAL COMMUNITY REMAINS THE LOCUS OF THE STUDENT'S PRIMARY  
13 CONCERN OR, IN THE ALTERNATIVE, A STUDENT SHALL BE PERMITTED TO REGISTER  
14 AND VOTE FROM HIS OR HER RESIDENCE WITHIN THE COLLEGE OR UNIVERSITY  
15 COMMUNITY IF HE OR SHE REGARDS THE COLLEGE OR UNIVERSITY AS THE COMMUNI-  
16 TY OF PRIMARY CONCERN.  
17 S 3. The election law is amended by adding a new section 5-201 to read  
18 as follows:

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

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1 S 5-201. AUTOMATIC VOTER REGISTRATION. 1. FOR THE PURPOSES OF THIS  
2 SECTION, "SOURCE AGENCY" MEANS ANY GOVERNMENT AGENCY DESIGNATED PURSUANT  
3 TO SECTION 5-211 OF THIS TITLE, THE STATE UNIVERSITY OF NEW YORK AND THE  
4 CITY UNIVERSITY OF NEW YORK, ALL PUBLIC HOUSING AUTHORITIES LISTED IN  
5 ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW, THE DEPARTMENT OF  
6 CORRECTIONS AND COMMUNITY SUPERVISION, THE DEPARTMENT OF LABOR AND THE  
7 NEW YORK DIVISION OF MILITARY AND NAVAL AFFAIRS.

8 2. NOTWITHSTANDING ANY OTHER MANNER OF REGISTRATION REQUIRED BY THIS  
9 ARTICLE, EACH PERSON WHO IS QUALIFIED TO VOTE PURSUANT TO SECTION 5-102  
10 OF THIS ARTICLE, AND WHO HOLDS A DRIVER'S LICENSE OR NON-DRIVER IDEN-  
11 TIFICATION CARD ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES, OR WHO  
12 APPLIES FOR SUCH A LICENSE OR CARD, OR WHO COMPLETES AN APPLICATION FOR  
13 SERVICES, RENEWAL OR RECERTIFICATION FOR SERVICES, OR CHANGE OF ADDRESS  
14 RELATING TO SUCH SERVICES FROM A SOURCE AGENCY, SHALL BE AUTOMATICALLY  
15 REGISTERED TO VOTE AS PROVIDED IN THIS SECTION.

16 3. THE STATE BOARD OF ELECTIONS OR COUNTY BOARD OF ELECTIONS SHALL  
17 REGISTER TO VOTE OR UPDATE THE REGISTRATION RECORD OF EACH PERSON IN THE  
18 STATE QUALIFIED TO VOTE PURSUANT TO SECTION 5-102 OF THIS ARTICLE WHO  
19 HOLDS A DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE  
20 DEPARTMENT OF MOTOR VEHICLES OR APPLIES FOR ANY SUCH LICENSE OR CARD, OR  
21 NOTIFIES SUCH DEPARTMENT OF A CHANGE OF HIS OR HER NAME OR ADDRESS, OR  
22 WHO COMPLETES AN APPLICATION FOR SERVICES, RENEWAL OR RECERTIFICATION  
23 FOR SERVICES, OR CHANGE OF ADDRESS RELATING TO SUCH SERVICES FROM A  
24 SOURCE AGENCY.

25 4. THE STATE BOARD OF ELECTIONS, THE DEPARTMENT OF MOTOR VEHICLES AND  
26 SOURCE AGENCIES SHALL ENTER INTO AGREEMENTS TO ENSURE THAT FOR EACH  
27 PERSON DESCRIBED IN SUBDIVISION THREE OF THIS SECTION, SUCH DEPARTMENT  
28 ELECTRONICALLY TRANSMITS TO THE STATE AND LOCAL BOARDS OF ELECTIONS THE  
29 FOLLOWING INFORMATION IN A FORMAT THAT CAN BE READ BY THE COMPUTERIZED  
30 STATEWIDE MOTOR VOTER REGISTRATION LIST;

31 (A) GIVEN NAME OR NAMES AND SURNAME OR SURNAMES;

32 (B) MAILING ADDRESS AND RESIDENTIAL ADDRESS;

33 (C) DATE OF BIRTH;

34 (D) CITIZENSHIP;

35 (E) DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD NUMBER, OR THE  
36 LAST FOUR DIGITS OF THE PERSON'S SOCIAL SECURITY NUMBER, IF KNOWN; AND

37 (F) AN IMAGE OF SUCH PERSON'S SIGNATURE.

38 IN THE EVENT THAT ANY TRANSMISSION OF DATA PURSUANT TO THIS SECTION  
39 FAILS TO INCLUDE AN IMAGE OF AN INDIVIDUAL'S SIGNATURE, THE ABSENCE OF A  
40 SIGNATURE SHALL NOT PRECLUDE THE REGISTRATION OF AN ELIGIBLE CITIZEN.  
41 EACH BOARD OF ELECTIONS SHALL DEVELOP PROCEDURES TO ENABLE AN ELIGIBLE  
42 CITIZEN, WHOSE INFORMATION IS TRANSMITTED PURSUANT TO THIS SECTION AND  
43 WHOSE INFORMATION LACKS AN ELECTRONIC SIGNATURE, TO PROVIDE A SIGNATURE  
44 AT THE POLLING PLACE OR WITH AN APPLICATION FOR AN ABSENTEE BALLOT  
45 BEFORE VOTING. THE BOARD MAY REQUIRE AN ELECTOR FOR WHOM A SIGNATURE HAS  
46 NOT BEEN PROVIDED BEFORE ARRIVING AT THE POLLING PLACE OR SUBMITTING AN  
47 ABSENTEE BALLOT TO PRESENT A CURRENT AND VALID PHOTO IDENTIFICATION OR A  
48 COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK,  
49 PAYCHECK OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF  
50 THE VOTER.

51 5. THE DEPARTMENT OF MOTOR VEHICLES AND SOURCE AGENCIES SHALL INCLUDE  
52 ON EACH APPLICATION FOR A DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION  
53 CARD, OR RENEWAL THEREOF, AND ON EACH APPLICATION FOR SERVICES, RENEWAL  
54 OR RECERTIFICATION FOR SERVICES, OR CHANGE OF ADDRESS RELATING TO  
55 SERVICES FROM A SOURCE AGENCY, A STATEMENT THAT, UPON SUBMISSION OF SUCH  
56 APPLICATION, THE APPLICANT SHALL BE REGISTERED TO VOTE, IF HE OR SHE IS

1 NOT ALREADY SO REGISTERED, AND THAT HE OR SHE WILL RECEIVE, BY FIRST  
2 CLASS MAIL, CONFIRMATION OF HIS OR HER REGISTRATION TO VOTE, AND BE  
3 GRANTED THE OPTION TO REMOVE HIMSELF OR HERSELF FROM THE VOTER REGISTRA-  
4 TION LISTS BY FILING A FORM WITH THE BOARD OF ELECTIONS OR PERSONALLY  
5 APPEARING AT THE COUNTY BOARD OF ELECTIONS.

6 6. THE DEPARTMENT OF MOTOR VEHICLES AND SOURCE AGENCIES SHALL MAINTAIN  
7 RECORDS, RELATING TO THE UNITED STATES CITIZENSHIP OF HOLDERS OF AND  
8 APPLICANTS FOR DRIVER'S LICENSES AND NON-DRIVER IDENTIFICATION CARDS,  
9 AND INDIVIDUALS WHO COMPLETE AN APPLICATION FOR SERVICES, RENEWAL OR  
10 RECERTIFICATION FOR SERVICES, OR CHANGE OF ADDRESS RELATING TO SUCH  
11 SERVICES, SUFFICIENT TO TRANSMIT TO THE BOARD OF ELECTIONS INFORMATION  
12 INCLUDING THE NAMES OF SUCH HOLDERS AND APPLICANTS WHO ARE ELIGIBLE TO  
13 VOTE, BUT SHALL NOT RETAIN, USE OR SHARE ANY SUCH INFORMATION RELATING  
14 TO AN INDIVIDUAL'S CITIZENSHIP FOR ANY OTHER PURPOSE.

15 7. EACH AGREEMENT BETWEEN THE STATE BOARD OF ELECTIONS AND THE DEPART-  
16 MENT OF MOTOR VEHICLES OR A SOURCE AGENCY SHALL INCLUDE THE FORMAT IN  
17 WHICH INFORMATION WILL BE TRANSMITTED, THE FREQUENCY OF DATA TRANS-  
18 MISSIONS, THE PROCEDURES, SUCH OTHER MEASURES THAT WILL BE USED TO  
19 ENSURE THE SECURITY AND PRIVACY OF THE INFORMATION TRANSMITTED, AND ANY  
20 OTHER MATTER NECESSARY OR HELPFUL TO IMPLEMENT THE REQUIREMENTS OF THIS  
21 SECTION.

22 8. THE DEPARTMENT OF MOTOR VEHICLES AND ALL SOURCE AGENCIES SHALL  
23 COOPERATE WITH THE STATE BOARD OF ELECTIONS AND LOCAL BOARDS OF  
24 ELECTIONS TO FACILITATE THE VOTER REGISTRATION OF EACH PERSON DESCRIBED  
25 IN THIS SECTION, AND TO ELECTRONICALLY TRANSMIT THE INFORMATION NEEDED  
26 TO REGISTER EACH SUCH PERSON TO VOTE OR TO UPDATE EACH SUCH PERSON'S  
27 VOTER REGISTRATION RECORD.

28 9. THE DEPARTMENT OF MOTOR VEHICLES AND ALL SOURCE AGENCIES SHALL  
29 ENTER INTO AN AGREEMENT WITH THE STATE BOARD OF ELECTIONS FINALIZING THE  
30 FORMAT AND CONTENT OF ELECTRONIC TRANSMISSIONS REQUIRED BY THIS SECTION  
31 NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN; PROVIDED THAT THE  
32 DEPARTMENT OF MOTOR VEHICLES AND ALL SOURCE AGENCIES SHALL BE ABLE TO  
33 COMPLY FULLY WITH ALL REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY  
34 FIRST, TWO THOUSAND NINETEEN.

35 10. WITHIN TEN DAYS AFTER THE STATE BOARD OF ELECTIONS OR COUNTY BOARD  
36 OF ELECTIONS RECEIVES VOTER REGISTRATION INFORMATION PURSUANT TO THIS  
37 SECTION, FOR ANY PERSON, SUCH PERSON SHALL RECEIVE A NOTICE BY FIRST  
38 CLASS MAIL INFORMING SUCH PERSON THAT HE OR SHE HAS BEEN AUTOMATICALLY  
39 REGISTERED TO VOTE PURSUANT TO THIS CHAPTER, THE LOCATION OF HIS OR HER  
40 POLLING PLACE, AND THAT HE OR SHE MAY RETURN A PORTION OF SUCH NOTICE TO  
41 THE STATE BOARD OF ELECTIONS OR COUNTY BOARD OF ELECTIONS, WITH POSTAGE  
42 PAID BY THE STATE, TO INDICATE HIS OR HER CHOICE OF POLITICAL PARTY  
43 ENROLLMENT, OR TO INDICATE THAT HE OR SHE REQUESTS THAT HIS OR HER NAME  
44 BE REMOVED FROM THE VOTER REGISTRATION LISTS. IN ADDITION, SUCH NOTICE  
45 SHALL INFORM THE PERSON THAT HE OR SHE MAY, AT ANY TIME, REQUEST THAT  
46 HIS OR HER NAME BE REMOVED FROM THE VOTER REGISTRATION LISTS BY FILING  
47 WITH THE STATE BOARD OF ELECTIONS A FORM DEVELOPED BY SUCH BOARD FOR  
48 SUCH PURPOSE, OR PERSONALLY APPEARING AT THE COUNTY BOARD OF ELECTIONS  
49 AND MAKING SUCH REQUEST.

50 S 4. Subdivisions 1 and 6 of section 5-208 of the election law, subdi-  
51 vision 1 as amended by chapter 200 of the laws of 1996 and subdivision 6  
52 as added by chapter 659 of the laws of 1994, are amended to read as  
53 follows:

54 1. The board of elections shall transfer the registration and enroll-  
55 ment of any voter for whom it receives a notice of change of address to  
56 another address in the [same county or city] STATE, or for any voter who

1 [casts] SUBMITS a ballot in an affidavit ballot envelope which sets  
2 forth such a new address. Such notices shall include, but not be limit-  
3 ed to, notices received from any state agency which conducts a voter  
4 registration program pursuant to the provisions of sections 5-211 and  
5 5-212 of this title OR WHICH TRANSMIT INFORMATION, that the voter has  
6 notified such agency of a change of address in the [same city or county]  
7 STATE unless the voter has indicated that such change of address is not  
8 for voter registration purposes, notices of change of address from the  
9 United States Postal Service through the National Change of Address  
10 System, any notices of a forwarding address on mail sent to a voter by  
11 the board of elections and returned by the postal service, national or  
12 state voter registration forms, confirmation mailing response cards,  
13 United States Postal Service notices to correspondents of change of  
14 address, applications for registration from persons already registered  
15 in such county or city, or any other notices to correspondents sent to  
16 the board of elections by such voters.

17 6. If a notice sent pursuant to [subdivision five of] this section is  
18 returned [by the postal service] as undeliverable and without a forward-  
19 ing address, the board of elections shall return the registration of  
20 such voter to the original address, send such voter a confirmation  
21 notice pursuant to the provisions of subdivision one of section 5-712 of  
22 this [title] ARTICLE and place such voter in inactive status.

23 S 5. Subdivision 3 of section 5-208 of the election law, as added by  
24 chapter 659 of the laws of 1994, is amended to read as follows:

25 3. If such a notice is received at least [twenty] TEN days before a  
26 primary, special or general election, such change of address must be  
27 completed before such election. IF SUCH A NOTICE IS NOT RECEIVED AT  
28 LEAST TEN DAYS BEFORE A PRIMARY, SPECIAL OR GENERAL ELECTION, THEN A  
29 VOTER MAY VOTE IN ACCORDANCE WITH SUBDIVISION THREE-D OF SECTION 8-302  
30 OF THIS CHAPTER.

31 S 6. Subdivision 1 of section 4-117 of the election law, as amended by  
32 chapter 288 of the laws of 2009, is amended to read as follows:

33 1. The board of elections, between August first and August fifth of  
34 each year, shall send by first class mail on which is endorsed "ADDRESS  
35 CORRECTION REQUESTED" and which contains a request that any such mail  
36 received for persons not residing at the address be dropped back in the  
37 mail, a communication, in a form approved by the state board of  
38 elections, to every registered voter who has been registered without a  
39 change of address since the beginning of such year, except that the  
40 board of elections shall not be required to send such communications to  
41 voters in inactive status. The communication shall notify the voter of  
42 the days and hours of the ensuing primary and general elections, the  
43 place where he appears by his registration records to be entitled to  
44 vote, the fact that voters who have moved or will have moved from the  
45 address where they were last registered must [re-register or, that if  
46 such move was to another address in the same county or city, that such  
47 voter may] either notify the board of elections of his new address or  
48 vote by paper ballot at the polling place for his new address even if  
49 such voter has not re-registered, or otherwise notified the board of  
50 elections of the change of address. If the location of the polling place  
51 for the voter's election district has been moved, the communication  
52 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS  
53 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also  
54 indicate whether the polling place is accessible to physically disabled  
55 voters, that a voter who will be out of the city or county on the day of  
56 the primary or general election or a voter who is ill or physically

1 disabled may obtain an absentee ballot, that a physically disabled voter  
2 whose polling place is not accessible may request that his registration  
3 record be moved to an election district which has a polling place which  
4 is accessible, the phone number to call for applications to move a  
5 registration record or for absentee ballot applications, the phone  
6 number to call for the location of registration and polling places, the  
7 phone number to call to indicate that the voter is willing to serve on  
8 election day as an election inspector, poll clerk, interpreter or in  
9 other capacities, the phone number to call to obtain an application for  
10 registration by mail, and such other information concerning the  
11 elections or registration as the board may include. In lieu of sending  
12 such communication to every registered voter, the board of elections may  
13 send a single communication to a household containing more than one  
14 registered voter, provided that the names of all such voters appear as  
15 part of the address on such communication.

16 S 7. Paragraph (a) of subdivision 1 of section 5-400 of the election  
17 law, as amended by chapter 659 of the laws of 1994, is amended to read  
18 as follows:

19 (a) Moved his OR HER residence outside the [city or county in which he  
20 is registered] STATE.

21 S 8. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of  
22 the election law, paragraphs (b) and (d) as added by section 20 and  
23 paragraph (c) as added and paragraph (d) as relettered by section 22 of  
24 chapter 659 of the laws of 1994, are amended to read as follows:

25 (b) A notice that the registrant has moved to an address outside the  
26 [city or county] STATE which is signed by the registrant and sent to the  
27 board of elections.

28 (c) A notice signed by the registrant which states that such regis-  
29 trant has moved to an address outside the [city or county] STATE and  
30 that such change of address is for voter registration purposes.

31 (d) A notice from a board of elections or other voter registration  
32 officer or agency that such person has registered to vote from an  
33 address outside [such city or county] THE STATE.

34 S 9. Subdivision 3 of section 5-210 of the election law, as amended by  
35 chapter 255 of the laws of 2015, is amended to read as follows:

36 3. (A) Completed application forms, when received by any board of  
37 elections and, with respect to application forms promulgated by the  
38 federal election commission, when received by the state board of  
39 elections, or showing a dated cancellation mark of the United States  
40 Postal Service or contained in an envelope showing such a dated cancel-  
41 lation mark which is not later than the [twenty-fifth] TENTH day before  
42 the next ensuing primary, general or special election, and received no  
43 later than the [twentieth] FIFTH day before such election, or delivered  
44 in person to such board of elections not later than the tenth day before  
45 a special election, shall entitle the applicant to vote in such  
46 election, if he or she is otherwise qualified, provided, however, such  
47 applicant shall not vote on a voting machine until his or her identity  
48 is verified. Any board of elections receiving an application form from a  
49 person who does not reside in its jurisdiction but who does reside else-  
50 where in the state of New York, shall forthwith forward such application  
51 form to the proper board of elections. Each board of elections shall  
52 make an entry on each such form of the date it is received by such  
53 board.

54 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
55 SION, UPON RECEIPT OF A REGISTRATION TO VOTE SUBMITTED PURSUANT TO  
56 SECTION 5-201 OF THIS TITLE, THE BOARD OF ELECTIONS SHALL CAUSE EACH

1 PERSON NAMED THEREIN TO BE REGISTERED AND ENTITLED TO VOTE; PROVIDED  
2 THAT WITHIN TEN DAYS OF RECEIPT OF ANY SUCH REGISTRATION THE BOARD  
3 SHALL, BY FIRST CLASS MAIL, PROVIDE NOTICE TO THE REGISTERED VOTER THAT  
4 HE OR SHE HAS BEEN REGISTERED TO VOTE, PROVIDE THE REGISTERED VOTER WITH  
5 A FORM TO HAVE HIS OR HER NAME REMOVED FROM THE ROLL OF REGISTERED  
6 VOTERS, AND PROVIDE THE REGISTERED VOTER WITH A FORM TO DESIGNATE HIS OR  
7 HER PARTY AFFILIATION.

8 S 10. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the  
9 election law, as amended by chapter 179 of the laws of 2005, subpara-  
10 graph (xii) of paragraph (k) as added by chapter 362 of the laws of  
11 2008, are amended and a new paragraph (n) is added to read as follows:

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

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

20 (i) A space for the applicant to indicate whether or not he or she has  
21 ever voted or registered to vote before and, if so, the approximate year  
22 in which such applicant last voted or registered and his or her name and  
23 address at the time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 AFFIDAVIT: I swear or affirm that:

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

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

8 \* I meet all the requirements to register to vote in New York  
9 State.

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

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

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

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

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

20 (N) AGREEMENTS ADOPTED PURSUANT TO SECTION 5-201 OF THIS TITLE BETWEEN  
21 THE DEPARTMENT OF MOTOR VEHICLES, SOURCE AGENCIES, AND THE STATE BOARD  
22 OF ELECTIONS ARE NOT REQUIRED TO INCLUDE THE COLLECTION OR TRANSMISSION  
23 OF THE INFORMATION REQUESTED IN PARAGRAPH (J) OR SUBPARAGRAPH (I),  
24 (VII), (IX) OR (XI) OF PARAGRAPH (K) OF THIS SUBDIVISION, AND NO BOARD  
25 OF ELECTION SHALL REFUSE TO REGISTER TO VOTE OR UPDATE THE REGISTRATION  
26 RECORD OF ANY PERSON IN THE STATE WHOSE INFORMATION IS TRANSMITTED  
27 PURSUANT TO SECTION 5-201 OF THIS TITLE FOR THE REASON THAT SUCH INFOR-  
28 MATION DOES NOT INCLUDE THE INFORMATION REQUESTED BY PARAGRAPH (J) OR  
29 SUBPARAGRAPH (I), (VII), (VIII), (IX) OR (XI) OF PARAGRAPH (K) OF THIS  
30 SUBDIVISION.

31 S 11. Subdivisions 9, 11 and 14 of section 5-210 of the election law,  
32 as amended by chapter 179 of the laws of 2005, are amended to read as  
33 follows:

34 9. The county board of elections shall, promptly and in any event, not  
35 later than twenty-one days after receipt by it of the application, veri-  
36 fy the identity of the applicant, EXCEPT IF SUCH BOARD RECEIVES THE  
37 APPLICATION WITHIN TWENTY-ONE DAYS OF A SPECIAL, PRIMARY OR GENERAL  
38 ELECTION, THE BOARD SHALL VERIFY THE IDENTITY OF THE APPLICANT WITHIN  
39 FIVE DAYS OR BEFORE SUCH ELECTION, WHICHEVER SHALL BE SOONER. In order  
40 to do so, the county board of elections shall utilize the information  
41 provided in the application and shall attempt to verify such information  
42 with the information provided by the department of motor vehicles,  
43 social security administration and any other lawful available informa-  
44 tion source. If the county board of elections is unable to verify the  
45 identity of the applicant within twenty-one days of the receipt of the  
46 application, it shall immediately take steps to confirm that the infor-  
47 mation provided by the applicant was accurately utilized by such county  
48 board of elections, was accurately verified with other information  
49 sources and that no data entry error, or other similar type of error,  
50 occurred. Following completion of the preceding steps, the county board  
51 of elections shall mail (a) a notice of its approval, (b) a notice of  
52 its approval which includes an indication that such board has not yet  
53 been able to verify the identity of the applicant and a request for more  
54 information so that such verification may be completed, or (c) a notice  
55 of its rejection of the application to the applicant in a form approved  
56 by the state board of elections. Notices of approval, notices of

1 approval with requests for more information or notices of rejection  
2 shall be sent by nonforwardable first class or return postage guaranteed  
3 mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which  
4 contains a request that any such mail received for persons not residing  
5 at the address be dropped back in the mail. The voter's registration and  
6 enrollment shall be complete upon receipt of the application by the  
7 appropriate county board of elections. The failure of a county board of  
8 elections to verify an applicant's identity shall not be the basis for  
9 the rejection of a voter's application, provided, however, that such  
10 verification failure shall be the basis for requiring county board of  
11 elections to take the additional verification steps provided by this  
12 chapter. The notice shall also advise the registrant of the date when  
13 his registration and enrollment is effective, of the date and the hours  
14 of the next regularly scheduled primary or general election in which he  
15 will be eligible to vote, of the location of the polling place of the  
16 election district in which he is or will be a qualified voter, whether  
17 such polling place is accessible to physically handicapped voters, an  
18 indication that physically handicapped voters or voters who are ill or  
19 voters who will be out of the city or county on the day of the primary  
20 or general election, may obtain an absentee ballot and the phone number  
21 to call for absentee ballot applications, the phone numbers to call for  
22 location of polling places, to obtain registration forms and the phone  
23 number to call to indicate that the voter is willing to serve on  
24 election day as an inspector, poll clerk or interpreter. The notice of  
25 approval, notice of approval with request for more information or notice  
26 of rejection shall also advise the applicant to notify the board of  
27 elections if there is any inaccuracy. The form of such mail notification  
28 shall be prescribed by the state board of elections and shall contain  
29 such other information and instructions as it may reasonably require to  
30 carry out the purposes of this section. The request for more information  
31 shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF  
32 ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE  
33 REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICA-  
34 TION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such  
35 notice is returned undelivered without a new address, the board shall  
36 forthwith send such applicant a confirmation notice pursuant to the  
37 provisions of section 5-712 of this article and place such applicant in  
38 inactive status. The state board of elections shall prepare uniform  
39 notices by this section as provided for in subdivision eight of section  
40 3-102 of this chapter.

41 11. If the county board of elections suspects or believes that for any  
42 reason the applicant is not entitled to registration and enrollment, it  
43 shall make inquiry in reference thereto. If the board of elections shall  
44 find that the applicant is not qualified to register and enroll, the  
45 application shall be rejected and the applicant notified of such  
46 rejection and the reason therefor, no later than ten days before the day  
47 of the first primary or general election occurring at least [twenty-  
48 five] TEN days after the filing of the application, EXCEPT THAT IF THE  
49 APPLICATION WAS SUBMITTED BETWEEN TWENTY-FIVE AND TEN DAYS BEFORE THE  
50 DAY OF THE FIRST PRIMARY OR GENERAL ELECTION, SUCH BOARD SHALL NOTIFY  
51 THE APPLICANT AT LEAST FIVE DAYS BEFORE SUCH ELECTION.

52 14. Notwithstanding the entry by the county board of elections on the  
53 registration poll record of the information contained on an application  
54 form prescribed by this section, such entry shall not preclude the coun-  
55 ty board of elections from subsequently rejecting the application if it  
56 is not satisfied that the applicant is entitled to register and enroll



1 as provided by this section, provided that the applicant is notified of  
2 such rejection and reasons therefor no later than ten days before the  
3 day of the first primary or general election occurring at least [twen-  
4 ty-five] TEN days after the filing of such application form, EXCEPT THAT  
5 IF THE APPLICATION WAS SUBMITTED BETWEEN TWENTY-FIVE AND TEN DAYS BEFORE  
6 THE DAY OF THE FIRST PRIMARY OR GENERAL ELECTION, SUCH BOARD SHALL NOTI-  
7 FY THE APPLICANT AT LEAST FIVE DAYS BEFORE SUCH ELECTION.

8 S 12. Section 5-211 of the election law, as amended by chapter 659 of  
9 the laws of 1994, the section heading and opening paragraph as amended  
10 by chapter 265 of the laws of 2013 and subdivisions 11 and 14 as amended  
11 by chapter 200 of the laws of 1996, is amended to read as follows:

12 S 5-211. Agency assisted registration. Each agency designated as a  
13 participating agency under the provisions of this section shall imple-  
14 ment and administer a program of distribution of voter registration  
15 forms pursuant to the provisions of this section. The following offices  
16 which provide public assistance and/or provide state funded programs  
17 primarily engaged in providing services to persons with disabilities are  
18 hereby designated as voter registration agencies: designated as the  
19 state agencies which provide public assistance are the office of chil-  
20 dren and family services, the office of temporary and disability assist-  
21 ance and the department of health. Also designated as public assistance  
22 agencies are all agencies of local government that provide such assist-  
23 ance. Designated as state agencies that provide programs primarily  
24 engaged in providing services to people with disabilities are the  
25 department of labor, office for the aging, division of veterans'  
26 affairs, office of mental health, office of vocational and educational  
27 services for individuals with disabilities, commission on quality of  
28 care for the mentally disabled, office [of mental retardation and] FOR  
29 PEOPLE WITH developmental disabilities, commission for the blind, office  
30 of alcoholism and substance abuse services, the office of the advocate  
31 for the disabled and all offices which administer programs established  
32 or funded by such agencies. Additional [state] agencies designated as  
33 voter registration offices are the department of state [and], the divi-  
34 sion of workers' compensation, THE STATE UNIVERSITY OF NEW YORK, THE  
35 CITY UNIVERSITY OF NEW YORK, ALL PUBLIC HOUSING AUTHORITIES LISTED IN  
36 ARTICLE THIRTEEN OF THE PUBLIC HOUSING LAW, THE DEPARTMENT OF  
37 CORRECTIONS AND COMMUNITY SUPERVISION AND THE NEW YORK DIVISION OF MILI-  
38 TARY AND NAVAL AFFAIRS. Such agencies shall be required to [offer voter  
39 registration forms to] PROVIDE FOR AUTOMATIC VOTER REGISTRATION, PURSU-  
40 ANT TO SECTION 5-201 OF THIS TITLE, FOR persons upon initial application  
41 for services, renewal or recertification for services and change of  
42 address relating to such services. [Such agencies shall also be respon-  
43 sible for providing assistance to applicants in completing voter regis-  
44 tration forms, receiving and transmitting the completed application form  
45 from all applicants who wish to have such form transmitted to the appro-  
46 priate board of elections.] The state board of elections shall, together  
47 with representatives of the department of defense, develop and implement  
48 procedures for including recruitment offices of the armed forces of the  
49 United States as voter registration offices when such offices are so  
50 designated by federal law. The state board shall also make request of  
51 the United States Immigration and Naturalization Service to include  
52 applications for registration by mail with any materials which are given  
53 to new citizens. [All institutions of the state university of New York  
54 and the city university of New York, shall, at the beginning of the  
55 school year, and again in January of a year in which the president of  
56 the United States is to be elected, provide an application for registra-

1 tion to each student in each such institution.] The state board of  
2 elections may, by regulation, grant a waiver from any or all of the  
3 requirements of this section to any office or program of an agency, if  
4 it determines that it is not feasible for such office or program to  
5 administer such requirement.

6 1. The state board of elections shall adopt such rules and regulations  
7 as may be necessary to carry out the requirements of this section and  
8 shall prepare and distribute to participating agencies written  
9 instructions as to the implementation of the program and shall be  
10 responsible for establishing training programs for employees of partic-  
11 ipating agencies involved in such program. The state board of elections  
12 shall provide a toll free telephone to answer registration questions.

13 2. [Strict neutrality with respect to a person's party enrollment  
14 shall be maintained and all persons seeking voter registration forms and  
15 information shall be advised that government services are not condi-  
16 tioned on being registered to vote. No statement shall be made nor any  
17 action taken to discourage the applicant from registering to vote.

18 3. If a participating agency provides services to a person with a  
19 disability at the person's place of residence, the agency shall offer  
20 the opportunity to complete a voter registration form at such place of  
21 residence.

22 4. Each participating agency shall provide to each applicant who does  
23 not decline to register to vote the same degree of assistance with  
24 regard to the completion of the registration application form as is  
25 provided by the agency with regard to the completion of its own form  
26 unless the applicant refuses such assistance.

27 5. Employees of a voter registration agency who provide voter regis-  
28 tration assistance shall not:

29 (a) seek to influence an applicant's political preference or party  
30 designation;

31 (b) display any political preference or party allegiance;

32 (c) make any statement to an applicant or take any action the purpose  
33 or effect of which is to discourage the applicant from registering to  
34 vote; or

35 (d) make any statement to an applicant or take any action the purpose  
36 or effect of which is to lead the applicant to believe that a decision  
37 to register or not to register has any bearing on the availability of  
38 services or benefits.

39 6.] The state board of elections shall coordinate and monitor the  
40 [distribution of] IMPLEMENTATION OF AUTOMATIC voter registration  
41 [forms], PURSUANT TO SECTION 5-201 OF THIS TITLE, by those state agen-  
42 cies, departments, divisions and offices selected to participate in the  
43 program to maximize the efficient [and non partisan distribution of  
44 voter] registration [information and forms] OF THE USERS OF PARTICIPAT-  
45 ING AGENCY SERVICES. The board shall also adopt such rules and regu-  
46 lations as may be necessary to require county boards and participating  
47 agencies to provide the state board with such information and data as  
48 the board deems necessary to assess compliance with this section and to  
49 compile such statistics as may be required by the federal elections  
50 commission.

51 [7. Each participating agency, department, division and office that  
52 makes available voter registration forms shall prominently display  
53 promotional materials designed and approved by the state board of  
54 elections, informing the public of the existence of voter registration  
55 services.

1 8. Each participating agency, department, division or office that  
2 makes available voter registration forms pursuant to this section shall  
3 offer with each application for the services or assistance of such agen-  
4 cy, department, division or office and with each recertification,  
5 renewal or change of address form relating to such service or assist-  
6 ance, a registration form together with instructions relating to eligi-  
7 bility to register and for completing the form except that forms used by  
8 the department of social services for the initial application for  
9 services, renewal or recertification for services and change of address  
10 relating to such services shall physically incorporate a voter registra-  
11 tion application in a fashion that permits the voter registration  
12 portion of the agency form to be detached therefrom. Such voter regis-  
13 tration application shall be designed so as to ensure the confidentiali-  
14 ty of the source of the application. Included on each participating  
15 agency's application for services or assistance or on a separate form  
16 shall be:

17 (a) the question, "If you are not registered to vote where you live  
18 now, would you like to apply to register here today?"

19 (b) The statement, "applying to register or declining to register to  
20 vote will not affect the amount of assistance that you will be provided  
21 by this agency."

22 (c) boxes for the applicant to check to indicate whether the applicant  
23 would like to register or decline to register to vote.

24 (d) the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX,  
25 YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS  
26 TIME."

27 (e) the statement, "If you would like help in filling out the voter  
28 registration application form, we will help you. The decision whether to  
29 seek or accept help is yours. You may fill out the application form in  
30 private."

31 (f) the statement, "If you believe that someone has interfered with  
32 your right to register or decline to register to vote, your right to  
33 privacy in deciding whether to register or in applying to register to  
34 vote, or your right to choose your own political party or other politi-  
35 cal preference, you may file a complaint with the state board of  
36 elections (address and toll free telephone number)."

37 (g) a toll free number at the state board of elections that can be  
38 called for answers to registration questions.

39 9.] 3. Disclosure of voter registration information[, including a  
40 declination to register,] by a participating agency, its agents or  
41 employees, for other than voter registration purposes, shall be deemed  
42 an unwarranted invasion of personal privacy pursuant to the provisions  
43 of subdivision two of section eighty-nine of the public officers law and  
44 shall constitute a violation of this chapter.

45 [10. The form containing the declination to register to vote shall be  
46 retained by the recipient agency for the same period of time as such  
47 agency retains the accompanying application for services or for such  
48 shorter period of time as may be approved by the state board of  
49 elections.

50 11.] 4. The participating agency shall transmit [the completed appli-  
51 cations for registration and change of address forms] ALL INFORMATION  
52 COLLECTED PURSUANT TO SECTION 5-201 OF THIS TITLE to the appropriate  
53 board of elections not later than ten days after receipt except that all  
54 such completed applications and forms received by the agency between the  
55 thirtieth and twenty-fifth day before an election shall be transmitted

1 in such manner and at such time as to assure their receipt by such board  
2 of elections not later than the twentieth day before such election.

3 [12. Completed application forms, when received] 5. ALL INFORMATION  
4 COLLECTED PURSUANT TO SECTION 5-201 OF THIS TITLE by a participating  
5 agency not later than the twenty-fifth day before the next ensuing  
6 primary, general or special election and transmitted by such agency to  
7 the appropriate board of elections so that they are received by such  
8 board not later than the twentieth day before such election shall enti-  
9 tle the applicant to vote in such election provided the board determines  
10 that the applicant is otherwise qualified.

11 [13. The state board of elections shall provide application forms for  
12 use pursuant to this section except that any agency which uses a form  
13 other than such registration form shall be responsible for providing  
14 such form. Forms which vary in design and or content from the form  
15 approved by the state board of elections may only be used with the  
16 approval of such board.

17 14.] 6. Applications shall be processed by the board of elections in  
18 the manner prescribed by [section] SECTIONS 5-201 AND 5-210 of this  
19 title or, if the applicant is already registered to vote from another  
20 address in the county or city, in the manner prescribed by section 5-208  
21 of this title. The board shall send the appropriate notice of approval  
22 or rejection as required by either subdivision nine of such section  
23 5-210 or subdivision five of such section 5-208.

24 [15.] 7. The head of each participating agency shall take all actions  
25 which are necessary and proper for the implementation of this section.  
26 Each agency head shall designate one person within the agency as the  
27 agency voter registration coordinator who will, under the direction of  
28 the state board of elections, be responsible for the voter registration  
29 program in such agency.

30 [16.] 8. The state board shall develop and distribute public informa-  
31 tion and promotional materials relating to the purposes and implementa-  
32 tion of this program.

33 [17. Each agency designated as a participating agency under this  
34 section shall conduct a study and prepare a report to determine the  
35 feasibility, practicality and cost-effectiveness of designing their  
36 agency intake forms to serve also as voter registration forms that  
37 comply with state and federal law. Such study and report shall be  
38 completed by December 1, 1996. Copies of such reports shall be provided  
39 to the governor, the temporary president of the senate, the speaker of  
40 the assembly and the state board of elections. After submission of the  
41 report, participating agencies that determine that it is feasible, prac-  
42 tical and cost-effective to have such forms also serve as voter regis-  
43 tration forms shall do so upon the approval of the state board of  
44 elections. For each agency that determines it is feasible, practical and  
45 cost effective to use agency intake forms that serve also as voter  
46 registration forms, the state board of elections shall approve or disap-  
47 prove such use within six months of the submission of the report by the  
48 agency.]

49 S 13. Subdivisions 4 and 5 of section 5-211 of the election law, as  
50 amended by section twelve of this act, are amended to read as follows:

51 4. The participating agency shall transmit all information collected  
52 pursuant to section 5-201 of this title to the appropriate board of  
53 elections not later than ten days after receipt except that all such  
54 completed applications and forms received by the agency between the  
55 [thirtieth] FIFTEENTH and [twenty-fifth] TENTH day before an election  
56 shall be transmitted in such manner and at such time as to assure their

1 receipt by such board of elections not later than the [twentieth] FIFTH  
2 day before such election.

3 5. All information collected pursuant to section 5-201 of this title  
4 by a participating agency not later than the [twenty-fifth] TENTH day  
5 before the next ensuing primary, general or special election and trans-  
6 mitted by such agency to the appropriate board of elections so that they  
7 are received by such board not later than the [twentieth] FIFTH day  
8 before such election shall entitle the applicant to vote in such  
9 election provided the board determines that the applicant is otherwise  
10 qualified.

11 S 14. Intentionally omitted.

12 S 15. Section 5-212 of the election law, as added by chapter 659 of  
13 the laws of 1994, subdivisions 6 and 9 as amended by chapter 200 of the  
14 laws of 1996, is amended to read as follows:

15 S 5-212. Motor vehicle registration. 1. In addition to any other meth-  
16 od of voter registration provided for in this article, [any] EVERY qual-  
17 ified person [may apply] SHALL BE DEEMED TO HAVE APPLIED for registra-  
18 tion and enrollment by application made [simultaneously and integrated  
19 with an application] for a motor vehicle driver's license, a driver's  
20 license renewal [or an], A NON-DRIVER identification card [if such a  
21 card is issued by the department of motor vehicles in its normal course  
22 of business] OR A NON-DRIVER IDENTIFICATION CARD RENEWAL.

23 2. The department of motor vehicles, with the approval of the state  
24 board of elections, shall design a form or forms which shall, in addi-  
25 tion to eliciting such information as may be required by the department  
26 of motor vehicles for a driver's license, a driver's license renewal, a  
27 change of address notification [or an], A NON-DRIVER identification  
28 card[, serve as] OR A NON-DRIVER IDENTIFICATION CARD RENEWAL, CONSTITUTE  
29 an application for registration and enrollment, or a registration neces-  
30 sitated by a change of residence. The cost of such forms shall be borne  
31 by the department of motor vehicles.

32 3. The voter registration portion of such forms[:

33 (a)] shall not require any information that duplicates the information  
34 required on the application for the driver license portion and shall  
35 require only such additional information[, including the applicant's  
36 signature,] as will enable election officials to assess the applicant's  
37 eligibility to register to vote, prevent duplicate registration and to  
38 administer voter registration and other parts of the election process.

39 [(b) shall include a statement of the eligibility requirements for  
40 voter registration and shall require the applicant to attest by his  
41 signature that he meets those requirements under penalty of perjury.

42 (c) shall inform the applicant, in print identical to that used in the  
43 attestation section of the following:

44 (i) voter eligibility requirements;

45 (ii) penalties for submission of false registration application;

46 (iii) that the office where applicant registers shall remain confiden-  
47 tial and the information be used only for voter registration purposes;

48 (iv) if the applicant declines to register, his declination shall  
49 remain confidential and be used only for voter registration purposes;

50 4. Included on the form or on a separate form shall be:

51 (a) the question, "If you are not registered to vote where you live  
52 now, would you like to apply to register here today?"

53 (b) boxes for the applicant to check to indicate whether the applicant  
54 would like to register or decline to register to vote.

1 (c) the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX,  
2 YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS  
3 TIME."

4 (d) the statement, "If you would like help in filling out the voter  
5 registration application form, we will help you. The decision whether to  
6 seek or accept help is yours. You may fill out the application form in  
7 private."

8 (e) the statement, "If you believe that someone has interfered with  
9 your right to register or decline to register to vote, your right to  
10 privacy in deciding whether to register or in applying to register to  
11 vote, or your right to choose your own political party or other poli-  
12 tical preference, you may file a complaint with the state board of  
13 elections (address and toll free telephone number)."

14 (f) a toll free number at the state board of elections that can be  
15 called for answers to registration questions.

16 5. The form containing the declination to register to vote shall be  
17 retained by the department of motor vehicles for the same period of time  
18 as such department retains the accompanying application for services or  
19 for such shorter period of time as may be approved by the state board of  
20 elections.

21 6.] 4. The department of motor vehicles shall transmit [that portion  
22 of the form which constitutes the completed application for registration  
23 or change of address form] ALL INFORMATION COLLECTED PURSUANT TO SECTION  
24 5-201 OF THIS TITLE to the appropriate board of elections not later than  
25 ten days after receipt except that all such completed applications and  
26 forms received by the department between the thirtieth and twenty-fifth  
27 day before an election shall be transmitted in such manner and at such  
28 time as to assure their receipt by such board of elections not later  
29 than the twentieth day before such election. All transmittals shall  
30 include [original signatures] AN ELECTRONIC IMAGE OF THE APPLICANT'S  
31 SIGNATURE.

32 [7. Completed application forms received] 5. ALL INFORMATION COLLECTED  
33 PURSUANT TO SECTION 5-201 OF THE TITLE by the department of motor vehi-  
34 cles not later than the twenty-fifth day before the next ensuing prima-  
35 ry, general or special election and transmitted by such department to  
36 the appropriate board of elections so that they are received not later  
37 than the twentieth day before such election shall entitle the applicant  
38 to vote in such election provided the board determines that the appli-  
39 cant is otherwise qualified.

40 [8.] 6. Disclosure of voter registration information[, including a  
41 declination to register,] by the department of motor vehicles, its  
42 agents or employees, for other than voter registration purposes, shall  
43 be deemed an unwarranted invasion of personal privacy pursuant to the  
44 provisions of subdivision two of section eighty-nine of the public offi-  
45 cers law and shall constitute a violation of this chapter.

46 [9.] 7. Application forms shall be processed by the board of elections  
47 in the manner prescribed by section 5-210 of this title or, if the  
48 applicant is already registered to vote from another address in such  
49 county or city, in the manner prescribed by section 5-208 of this title.  
50 The board shall send the appropriate notice of [approval or rejection as  
51 required by either subdivision nine of such section 5-210 or subdivision  
52 five of such section 5-208] REGISTRATION.

53 [10. Strict neutrality with respect to a person's party enrollment  
54 shall be maintained and all persons seeking voter registration forms and  
55 information shall be advised that government services are not condi-  
56 tioned on being registered to vote.

1 11. No statement shall be made nor any action taken to discourage the  
2 applicant from registering to vote.

3 12. The department of motor vehicles shall provide to each person who  
4 chooses to register to vote the same level of assistance provided to  
5 persons in connection with the completion of the agency's own forms,  
6 unless such person refuses such assistance.

7 13.] 8. The state board shall adopt such rules and regulations as may  
8 be necessary to carry out the requirements of this section. The board  
9 shall also adopt such rules and regulations as may be necessary to  
10 require county boards and the department of motor vehicles to provide  
11 the state board with such information and data as the board deems neces-  
12 sary to assess compliance with this section and to compile such statis-  
13 tics as may be required by the federal elections commission.

14 [14.] 9. The state board shall develop and distribute public informa-  
15 tion and promotional materials relating to the purposes and implementa-  
16 tion of this program.

17 [15.] 10. The state board shall prepare and distribute to the depart-  
18 ment of motor vehicles written instructions as to the implementation of  
19 the program and shall be responsible for establishing training programs  
20 for employees of the department of motor vehicles involved in such  
21 program.

22 [16.] 11. The commissioner of motor vehicles shall take all actions  
23 which are necessary and proper for the implementation of this section.  
24 The commissioner of motor vehicles shall designate one person within the  
25 agency as the agency voter registration coordinator who will, under the  
26 direction of the state board of elections, be responsible for the voter  
27 registration program in such agency.

28 S 16. Subdivisions 4 and 5 of section 5-212 of the election law, as  
29 amended by section fifteen of this act, are amended to read as follows:

30 4. The department of motor vehicles shall transmit all information  
31 collected pursuant to section 5-201 of this title to the appropriate  
32 board of elections not later than ten days after receipt except that all  
33 such completed applications and forms received by the department between  
34 the [thirtieth] FIFTEENTH and [twenty-fifth] TENTH day before an  
35 election shall be transmitted in such manner and at such time as to  
36 assure their receipt by such board of elections not later than the  
37 [twentieth] FIFTH day before such election. All transmittals shall  
38 include [original signatures or] an electronic image [thereof as  
39 required by subdivision four of section 5-200 of this title] OF THE  
40 APPLICANT'S SIGNATURE.

41 5. All information collected pursuant to section 5-201 of this title  
42 by the department of motor vehicles not later than the [twenty-fifth]  
43 TENTH day before the next ensuing primary, general or special election  
44 and transmitted by such department to the appropriate board of elections  
45 so that they are received not later than the [twentieth] FIFTH day  
46 before such election shall entitle the applicant to vote in such  
47 election provided the board determines that the applicant is otherwise  
48 qualified.

49 S 17. Paragraph (a) of subdivision 2 of section 5-712 of the election  
50 law, as amended by chapter 200 of the laws of 1996, is amended to read  
51 as follows:

52 (a) The board of elections shall also send a confirmation notice to  
53 every registered voter for whom it receives a notice of change of  
54 address to an address not in such city or county which is not signed by  
55 the voter. Such change of address notices shall include, but not be  
56 limited to, notices of change of address received pursuant to subdivi-

1 sion [eleven] FOUR of section 5-211 and subdivision [six] FOUR of  
2 section 5-212 of this article, notice of change of address from the  
3 United States Postal Service through the National Change of Address  
4 System or from any other agency of the federal government or any agency  
5 of any state or local government and notice of a forwarding address on  
6 mail sent to a voter by the board of elections and returned by the  
7 postal service. Such confirmation notices shall be sent to such new  
8 address.

9 S 18. Subdivision 3 of section 5-213 of the election law, as amended  
10 by chapter 200 of the laws of 1996, is amended to read as follows:

11 3. The board of elections shall restore the registration of any such  
12 voter to active status if such voter notifies the board of elections  
13 that he resides at the address from which he is registered, or the board  
14 finds that such voter has validly signed a designating or nominating  
15 petition which states that he resides at such address, or if such voter  
16 casts a ballot in an affidavit envelope which states that he resides at  
17 such address, or if the board receives notice that such voter has voted  
18 in an election conducted with registration lists prepared pursuant to  
19 the provisions of section 5-612 of this article. If any such notifica-  
20 tion or information is received [twenty] TEN days or more before a  
21 primary, special or general election, the voter's name must be restored  
22 to active status for such election.

23 S 19. Intentionally omitted.

24 S 20. The opening paragraph of paragraph (e) of subdivision 3 of  
25 section 8-302 of the election law, as amended by chapter 125 of the laws  
26 of 2011, is amended to read as follows:

27 Whenever a voter presents himself or herself and offers to cast a  
28 ballot, and he or she claims to live in the election district in which  
29 he or she seeks to vote but no registration poll record can be found for  
30 him or her in the poll ledger or his or her name does not appear on the  
31 computer generated registration list or his or her signature does not  
32 appear next to his or her name on such computer generated registration  
33 list or his or her registration poll record or the computer generated  
34 registration list does not show him or her to be enrolled in the party  
35 in which he or she claims to be enrolled AND THE VOTER IS NOT OTHERWISE  
36 ELIGIBLE TO CAST AN AFFIDAVIT BALLOT PURSUANT TO SUBDIVISION THREE-D OF  
37 THIS SECTION, a poll clerk or election inspector shall consult a map,  
38 street finder or other description of all of the polling places and  
39 election districts within the political subdivision in which said  
40 election district is located and if necessary, contact the board of  
41 elections to obtain the relevant information and advise the voter of the  
42 correct polling place and election district for the residence address  
43 provided by the voter to such poll clerk or election inspector. There-  
44 after, such voter shall be permitted to vote in said election district  
45 only as hereinafter provided:

46 S 21. Section 8-302 of the election law is amended by adding a new  
47 subdivision 3-d to read as follows:

48 3-D. A PERSON APPEARING ON ELECTION DAY WHOSE NAME CANNOT BE FOUND OR  
49 WHOSE INFORMATION IS INCOMPLETE OR INCORRECT ON THE STATEWIDE VOTER  
50 REGISTRATION LIST AND WHO AFFIRMS THAT THAT HE OR SHE INTERACTED WITH A  
51 SOURCE AGENCY LISTED IN SUBDIVISION ONE OF SECTION 5-201 OF THIS CHAPTER  
52 AND CONSENTED TO VOTER REGISTRATION SHALL BE PERMITTED TO CAST AN AFFI-  
53 DAVIT BALLOT. SUCH AFFIDAVIT BALLOT SHALL BE COUNTED IF AT THE POLLING  
54 PLACE, THE PERSON PRESENTS PROOF OF IDENTITY AND EVIDENCE OF REGISTERING  
55 TO VOTE OR PERFORMING ANY OF THE ACTIVITIES SPECIFIED IN SUBDIVISION TWO  
56 OF SECTION 5-201 OF THIS CHAPTER, AND THERE IS NO AFFIRMATIVE PROOF THAT



1 THE PERSON IS INELIGIBLE TO REGISTER TO VOTE OR THAT THE PERSON DID NOT  
2 REGISTER OR PERFORM ANY OF THE ACTIVITIES SPECIFIED IN SUBDIVISION TWO  
3 OF SECTION 5-201 OF THIS CHAPTER.

4 (A) A PERSON MAY SWEAR TO AND SUBSCRIBE TO AN AFFIDAVIT STATING THAT  
5 THE PERSON HAS REGISTERED TO VOTE OR PERFORMED ANY OF THE ACTIVITIES IN  
6 SUBDIVISION TWO OF SECTION 5-201 OF THIS CHAPTER DID NOT SUBMIT A  
7 REQUEST TO REMOVE HIS OR HER NAME FROM THE VOTER REGISTRATION LISTS.  
8 THAT AFFIDAVIT SHALL BE SUFFICIENT EVIDENCE OF REGISTERING TO VOTE OR  
9 PERFORMING ANY OF THE ACTIVITIES SPECIFIED IN SUBDIVISION TWO OF SECTION  
10 5-201 OF THIS CHAPTER FOR THE PURPOSES OF THIS SECTION.

11 (B) A PERSON WITHOUT IDENTIFICATION MAY SWEAR TO AND SUBSCRIBE TO AN  
12 AFFIDAVIT STATING THAT THE PERSON DID NOT PRESENT DOCUMENTARY PROOF OF  
13 IDENTITY, BUT THAT ALL OF THE IDENTIFYING INFORMATION ON THE AFFIDAVIT  
14 BALLOT ENVELOPE IS COMPLETE AND ACCURATE. THAT AFFIDAVIT SHALL BE SUFFI-  
15 CIENT EVIDENCE OF IDENTITY FOR THE PURPOSES OF THIS SECTION. NOTHING IN  
16 THIS SUBDIVISION SHALL BE DEEMED TO OVERRIDE THE PROVISIONS OF SUBDIVI-  
17 SION TWO-A OF THIS SECTION GOVERNING THE REQUIREMENTS FOR A PERSON WHOSE  
18 NAME APPEARS IN THE COMPUTER GENERATED REGISTRATION LIST WITH A NOTATION  
19 INDICATING THAT THE VOTER'S IDENTITY WAS NOT YET VERIFIED AS REQUIRED BY  
20 THE FEDERAL HELP AMERICA VOTE ACT.

21 S 22. Subdivision 11 of section 5-614 of the election law, as added by  
22 chapter 24 of the laws of 2005, is amended to read as follows:

23 11. The state board of elections shall establish a statewide voter  
24 [hotline using information available through the statewide voter regis-  
25 tration list for voters to obtain information regarding their voter  
26 registration] REGISTRATION INFORMATION SYSTEM AVAILABLE THROUGH A SECURE  
27 PUBLIC WEBSITE ACCESSIBLE FROM THE WEBSITE OF THE STATE BOARD OF  
28 ELECTIONS AND THROUGH A TOLL-FREE TELEPHONE NUMBER MAINTAINED BY THE  
29 STATE BOARD OF ELECTIONS. THE INFORMATION SYSTEM SHALL:

30 A. ALLOW ANY VOTER:

31 (I) TO REVIEW THE VOTER REGISTRATION INFORMATION REPRESENTED ON THE  
32 STATEWIDE VOTER REGISTRATION LIST FOR THAT VOTER;

33 (II) TO SUBMIT A CONFIDENTIAL REQUEST TO CORRECT OR UPDATE THE VOTER'S  
34 VOTER REGISTRATION INFORMATION, WHICH SHALL BE SENT TO THE APPLICABLE  
35 COUNTY BOARD OF ELECTIONS; AND

36 (III) TO DETERMINE THE LOCATION OF THE POLLING PLACE TO WHICH THE  
37 VOTER IS ASSIGNED;

38 B. PROVIDE AN INTERFACE THAT ALLOWS ANY PERSON:

39 (I) TO DETERMINE THE LOCATION OF THE POLLING PLACE ASSOCIATED WITH ANY  
40 RESIDENTIAL ADDRESS WITHIN THE STATE; AND

41 (II) TO DETERMINE WHETHER HE OR SHE IS REPRESENTED ON THE STATEWIDE  
42 VOTER REGISTRATION LIST; AND

43 C. PROVIDE A SECURE WEBSITE INTERFACE THAT ALLOWS ANY ELIGIBLE CITIZEN  
44 WHO IS NOT REPRESENTED ON THE STATEWIDE VOTER REGISTRATION LIST TO VIEW  
45 THE NOTICES CONTAINED ON AN APPLICATION FORM UNDER SECTION 5-210 OF THIS  
46 ARTICLE AND TO CONFIDENTIALLY SUBMIT, THROUGH THE INTERFACE, THE DATA  
47 COLLECTED ON SUCH APPLICATION FORM TO THE STATE BOARD OF ELECTIONS. UPON  
48 RECEIPT OF SUCH DATA, THE STATE BOARD OF ELECTIONS SHALL FORWARD THE  
49 INFORMATION TO THE LOCAL BOARD OF ELECTIONS OF THE COUNTY OR CITY WHERE  
50 THE CITIZEN RESIDES. SUCH DATA SHALL BE PROCESSED AS AN APPLICATION FORM  
51 SUBMITTED BY MAIL PURSUANT TO SECTION 5-210 OF THIS ARTICLE, SUBJECT TO  
52 THE REQUIREMENTS OF SECTION 303(B) OF THE HELP AMERICA VOTE ACT OF 2002  
53 (42 U.S.C. S 15483(B)), EXCEPT THAT THE ABSENCE OF A WRITTEN SIGNATURE  
54 SHALL NOT RENDER THE APPLICATION INCOMPLETE OR OTHERWISE PRECLUDE THE  
55 REGISTRATION OF AN ELIGIBLE CITIZEN.

1 FOR ANY ELIGIBLE CITIZEN ATTEMPTING TO USE THE SYSTEM ESTABLISHED  
2 UNDER THIS SUBDIVISION TO SUBMIT INFORMATION THAT WILL NOT BE PROCESSED  
3 AS VALID FOR THE PROXIMATE ELECTION, THE SYSTEM MUST NOTIFY THE CITIZEN  
4 AT THE TIME OF THE SUBMISSION THAT THE UPDATE WILL NOT TAKE EFFECT FOR  
5 THE PROXIMATE ELECTION. IF THE CITIZEN IS ATTEMPTING TO USE THE SYSTEM  
6 ESTABLISHED UNDER THIS SUBDIVISION TO CORRECT OR UPDATE VOTER REGISTRA-  
7 TION INFORMATION UNDER THIS SECTION, THE SYSTEM MUST ALSO NOTIFY THE  
8 CITIZEN THAT HE OR SHE MAY USE THE ELECTION-DAY PROCEDURE PROVIDED IN  
9 SUBDIVISION THREE-D OF SECTION 8-302 OF THIS CHAPTER.

10 THE BOARD OF ELECTIONS SHALL DEVELOP PROCEDURES TO ENABLE AN ELIGIBLE  
11 CITIZEN WHO SUBMITS AN APPLICATION PURSUANT TO THIS SUBDIVISION AND  
12 WHOSE APPLICATION LACKS AN ELECTRONIC SIGNATURE TO PROVIDE A SIGNATURE  
13 AT THE POLLING PLACE OR WITH AN APPLICATION FOR AN ABSENTEE BALLOT  
14 BEFORE VOTING. THE BOARD OF ELECTIONS MAY REQUIRE AN ELECTOR WHO HAS NOT  
15 PROVIDED A SIGNATURE BEFORE ARRIVING AT THE POLLING PLACE OR SUBMITTING  
16 AN ABSENTEE BALLOT TO PRESENT A CURRENT AND VALID PHOTO IDENTIFICATION  
17 OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK,  
18 PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND ADDRESS  
19 OF THE VOTER.

20 S 23. Subdivision 3 of section 8-510 of the election law, as amended  
21 by chapter 43 of the laws of 1988, is amended to read as follows:

22 3. The inspectors shall place such completed report, and each court  
23 order, if any, directing that a person be permitted to vote, AND EACH  
24 AFFIDAVIT COMPLETED PURSUANT TO SUBDIVISION THREE-D OF SECTION 8-302 OF  
25 THIS ARTICLE, inside a ledger of registration records or computer gener-  
26 ated registration lists between the front cover, and the first registra-  
27 tion record and then shall close and seal each ledger of registration  
28 records or computer generated registration lists, affix their signature  
29 to the seal, lock such ledger in the carrying case furnished for that  
30 purpose and enclose the keys in a sealed package or seal such list in  
31 the envelope provided for that purpose.

32 S 24. The election law is amended by adding a new section 17-138 to  
33 read as follows:

34 S 17-138. DISCRIMINATION AND HARASSMENT. NO PERSON ACTING UNDER COLOR  
35 OF ANY PROVISION OF LAW MAY HARASS OR DISCRIMINATE AGAINST OR ASSIST  
36 OTHERS IN HARASSING OR DISCRIMINATING AGAINST ANY PERSON ON THE BASIS OF  
37 THE INFORMATION SUPPLIED BY THE PERSON FOR VOTER REGISTRATION PURPOSES,  
38 A PERSON'S DECLINATION TO REGISTER TO VOTE OR TO SUPPLY INFORMATION FOR  
39 VOTER REGISTRATION PURPOSES, OR A PERSON'S ABSENCE FROM THE STATEWIDE  
40 VOTER REGISTRATION LIST EXCEPT AS REQUIRED TO ADMINISTER ELECTIONS OR  
41 ENFORCE ELECTION LAWS.

42 S 25. Subdivision 1 of section 3-220 of the election law, as amended  
43 by chapter 104 of the laws of 2010, is amended to read as follows:

44 1. All registration records, certificates, lists, and inventories  
45 referred to in, or required by, this chapter shall be public records and  
46 open to public inspection under the immediate supervision of the board  
47 of elections or its employees and subject to such reasonable regulations  
48 as such board may impose, provided, however, that NO DATA TRANSMITTED  
49 PURSUANT TO SECTION 5-201 OF THIS CHAPTER SHALL BE CONSIDERED A PUBLIC  
50 RECORD OPEN TO PUBLIC INSPECTION SOLELY BY REASON OF ITS TRANSMISSION  
51 AND THAT THE FOLLOWING INFORMATION SHALL NOT BE RELEASED FOR PUBLIC  
52 INSPECTION:

53 (A) ANY VOTER'S SIGNATURE;

54 (B) THE PERSONAL RESIDENCE AND CONTACT INFORMATION OF ANY VOTER FOR  
55 WHOM ANY PROVISION OF LAW REQUIRES CONFIDENTIALITY;

1 (C) ANY PORTION OF a voter's driver's license number, [department of  
2 motor vehicle] non-driver [photo ID] IDENTIFICATION CARD number, social  
3 security number and facsimile number [shall not be released for public  
4 inspection];

5 (D) ANY VOTER'S TELEPHONE NUMBER; AND

6 (E) ANY VOTER'S EMAIL ADDRESS. No such records shall be handled at  
7 any time by any person other than a member of a registration board or  
8 board of inspectors of elections or board of elections except as  
9 provided by rules imposed by the board of elections.

10 S 26. Subdivision 4 of section 3-212 of the election law is amended by  
11 adding two new paragraphs (c) and (d) to read as follows:

12 (C) SAID ANNUAL REPORT, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVI-  
13 SION, SHALL ALSO INCLUDE:

14 (1) THE NUMBER OF RECORDS THAT HAVE BEEN RECEIVED, TRANSMITTED, TRANS-  
15 FERRED, UPDATED, OR CORRECTED PURSUANT TO SECTION 5-201 OF THIS CHAPTER,  
16 BY SOURCE;

17 (2) THE NUMBER OF RECORDS RECEIVED UNDER SECTION 5-201 OF THIS CHAP-  
18 TER, BY SOURCE, THAT DO NOT RELATE TO PERSONS IDENTIFIED AS ELIGIBLE TO  
19 VOTE;

20 (3) THE NUMBER OF PERSONS WHO HAVE CONTACTED THE BOARD TO OPT OUT OF  
21 VOTER REGISTRATION;

22 (4) THE NUMBER OF VOTERS WHO SUBMIT VOTER REGISTRATION FORMS AND/OR  
23 REQUESTS TO UPDATE OR CORRECT VOTER REGISTRATION INFORMATION USING THE  
24 SYSTEM DESCRIBED IN SECTION 5-614 OF THIS CHAPTER; AND

25 (5) THE NUMBER OF VOTERS WHO CORRECT VOTER REGISTRATION INFORMATION  
26 USING THE ELECTION-DAY PROCEDURE DESCRIBED IN SECTION 8-302 OF THIS  
27 CHAPTER.

28 (D) SAID ANNUAL REPORT, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVI-  
29 SION, SHALL EXCLUDE ANY INFORMATION THAT PERSONALLY IDENTIFIES ANY  
30 PERSON OTHER THAN AN ELECTION OFFICIAL OR OTHER GOVERNMENT OFFICIAL.

31 S 27. Section 17-104 of the election law is amended to read as  
32 follows:

33 S 17-104. False registration. 1. Any person who:

34 [1.] (A) Registers or attempts to register as an elector in more than  
35 one election district for the same election, or more than once in the  
36 same election district; or,

37 [2.] (B) Registers or attempts to register as an elector, knowing that  
38 he will not be a qualified voter in the district at the election for  
39 which such registration is made; or

40 [3.] (C) Registers or attempts to register as an elector under any  
41 name but his OR HER own; or

42 [4.] (D) Knowingly gives a false residence within the election  
43 district when registering as an elector; or

44 [5.] (E) Knowingly permits, aids, assists, abets, procures, commands  
45 or advises another to commit any such act, is guilty of a felony.

46 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, NO PERSON  
47 SHALL BE LIABLE FOR AN ERROR IN THE STATEWIDE VOTER REGISTRATION LIST  
48 UNLESS SUCH PERSON KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT IN  
49 ORDER TO EFFECTUATE OR PERPETUATE VOTER REGISTRATION. AN ERROR IN THE  
50 STATEWIDE VOTER REGISTRATION LIST SHALL NOT CONSTITUTE A FRAUDULENT OR  
51 FALSE CLAIM TO CITIZENSHIP.

52 S 28. Subdivision 17 of section 3-102 of the election law, as renum-  
53 bered by chapter 23 of the laws of 2005, is renumbered subdivision 21  
54 and four new subdivisions 17, 18, 19 and 20 are added to read as  
55 follows:

1 17. ENSURE THAT, UPON RECEIPT AND VERIFICATION OF A PERSON'S EXPRESS  
2 REQUEST TO OPT OUT OF VOTER REGISTRATION, THE PERSON'S NAME AND REGIS-  
3 TRATION RECORD WILL NOT BE ADDED TO THE COUNTY OR STATEWIDE VOTER REGIS-  
4 TRATION LISTS;

5 18. ENSURE THAT ELECTION OFFICIALS SHALL NOT PROVIDE THE RECORD OF ANY  
6 PERSON WHO HAS OPTED OUT OF VOTER REGISTRATION, IN WHOLE OR IN PART, TO  
7 ANY THIRD PARTY FOR ANY PURPOSE OTHER THAN THE COMPILATION OF A JURY  
8 LIST;

9 19. PUBLISH AND ENFORCE A PRIVACY AND SECURITY POLICY SPECIFYING EACH  
10 CLASS OF USERS WHO SHALL HAVE AUTHORIZED ACCESS TO THE STATEWIDE VOTER  
11 REGISTRATION LIST, PREVENTING UNAUTHORIZED ACCESS TO THE STATEWIDE VOTER  
12 REGISTRATION LIST AND TO ANY LIST PROVIDED BY A SOURCE AGENCY OR LIST  
13 MAINTENANCE SOURCE, AND SETTING FORTH OTHER SAFEGUARDS TO PROTECT THE  
14 PRIVACY AND SECURITY OF THE INFORMATION ON THE STATEWIDE VOTER REGISTRA-  
15 TION LIST;

16 20. PROMULGATE RULES REGARDING THE NOTIFICATION OF VOTERS OF TRANSFER  
17 OF ADDRESS BY ELECTRONIC MAIL; AND

18 S 29. This act shall take effect immediately; provided, however, that  
19 sections two, three, four, six, seven, eight, ten, twelve, fifteen,  
20 seventeen, twenty, twenty-one, twenty-two, twenty-three and twenty-four  
21 of this act shall take effect January 1, 2017; provided further that  
22 sections five, nine, eleven, thirteen, sixteen and eighteen of this act  
23 shall take effect January 1, 2018. Effective immediately, any rules,  
24 regulations and agreements necessary to implement the provisions of this  
25 act on its effective date are authorized and directed to be completed on  
26 or before such date.