

# STATE OF NEW YORK

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5382--A

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2017-2018 Regular Sessions

## IN ASSEMBLY

February 8, 2017

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Introduced by M. of A. CUSICK, SEPULVEDA, LIFTON, CARROLL, GALEF, ORTIZ, ABINANTI, COLTON, SEAWRIGHT, RAMOS, HARRIS, SIMON, VANEL, OTIS, LUPARDO -- Multi-Sponsored by -- M. of A. BRONSON -- read once and referred to the Committee on Election Law -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2018; in relation to establishing the electronic personal voter registration process

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known as and may be cited as  
2 the "Voter Enfranchisement Modernization Act of 2018 (VEMA)".  
3 § 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

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

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1 effort modernizes voter registration and supplements the methods of  
2 voter registration provided under current law.

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

5 TITLE VIII

6 ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

7 Section 5-800. Electronic voter registration transmittal system.

8 5-802. Online voter registration application.

9 5-804. Failure to provide exemplar signature not to prevent  
10 registration.

11 § 5-800. Electronic voter registration transmittal system. In addition  
12 to any other means of voter registration provided for by this chapter,  
13 the state board of elections shall establish and maintain an electronic  
14 voter registration transmittal system through which applicants may apply  
15 to register to vote online. The state board of elections shall elec-  
16 tronically transmit such applications to the applicable board of  
17 elections of each county or the city of New York for filing, processing  
18 and verification consistent with this chapter. In accordance with tech-  
19 nical specifications provided by the state board of elections, each  
20 board of elections shall maintain a voter registration system capable of  
21 receiving and processing voter registration application information,  
22 including electronic signatures, from the electronic voter registration  
23 transmittal system established by the state board of elections. Notwith-  
24 standing any other inconsistent provision of this chapter, applications  
25 filed using such system shall be considered filed with the applicable  
26 board of elections on the calendar date the application is initially  
27 transmitted by the voter through the electronic voter registration tran-  
28 smittal system.

29 § 5-802. Online voter registration application. 1. A voter shall be  
30 able to apply to register to vote using a personal online voter regis-  
31 tration application submitted through the electronic voter registration  
32 transmittal system when the voter:

33 (a) completes an electronic voter registration application promulgated  
34 by the state board of elections which shall include all of the voter  
35 registration information required by section 5-210 of this article; and

36 (b) affirms, subject to penalty of perjury, by means of electronic or  
37 manual signature, that the information contained in the voter registra-  
38 tion application is true and that the applicant meets all of the quali-  
39 fications to become a registered voter; and

40 (c) consents to the use of an electronic copy of the individual's  
41 manual signature that is in the custody of the department of motor vehi-  
42 cles, the state board of elections, or other agency designated by  
43 sections 5-211 or 5-212 of this article, as the individual's voter  
44 registration exemplar signature, or provides such a signature by direct  
45 upload in a manner that complies with the New York state electronic  
46 signature and records act and the rules and regulations promulgated by  
47 the state board of elections.

48 2. The board of elections shall provide the personal online voter  
49 registration application in any language required by the federal Voting  
50 Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

51 3. The online voter registration application process shall provide  
52 reasonable accommodations to improve accessibility for persons with  
53 disabilities, and shall be compatible for use with standard online  
54 accessibility assistance tools for persons with visual, physical or  
55 perceptive disabilities.

1 4. The state board of elections shall promulgate rules and regulations  
2 for the creation and administration of an online voter registration  
3 system pursuant to this section.

4 § 5-804. Failure to provide exemplar signature not to prevent regis-  
5 tration. If a voter registration exemplar signature is not provided by  
6 an applicant who submits a voter registration application pursuant to  
7 this title and such signature exemplar is not otherwise available from  
8 the statewide voter registration database or a state or local agency,  
9 the local board of elections shall, absent another reason to reject the  
10 application, proceed to register and, as applicable, enroll the appli-  
11 cant. Within ten days of such action, the board of elections shall send  
12 a standard form promulgated by the state board of elections to the voter  
13 whose record lacks an exemplar signature, requiring such voter to submit  
14 a signature for identification purposes. The voter shall submit to the  
15 board of elections a voter registration exemplar signature by any one of  
16 the following methods: in person, by mail with return postage paid  
17 provided by the board of elections, by electronic mail, or by electronic  
18 upload to the board of elections through the electronic voter registra-  
19 tion transmittal system. If such voter does not provide the required  
20 exemplar signature, when the voter appears to vote the voter shall be  
21 entitled to vote in the same manner as a voter with a notation indicat-  
22 ing the voter's identity has not yet been verified in the manner  
23 provided by section 8-302 of this chapter.

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