

STATE OF NEW YORK

3304

2017-2018 Regular Sessions

IN SENATE

January 20, 2017

Introduced by Sens. GIANARIS, ADDABBO, AVELLA, BROOKS, COMRIE, DILAN, HAMILTON, HOYLMAN, KENNEDY, KRUEGER, MONTGOMERY, PARKER, PERALTA, PERKINS, RIVERA, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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 § 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. Accordin-
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 § 3. The election law is amended by adding a new section 5-200 to read
18 as follows:

19 § 5-200. Automatic voter registration. 1. Notwithstanding any other
20 manner of registration required by this article, each person in the
21 state qualified to vote pursuant to section 5-102 of this article, shall
22 be automatically registered to vote as provided in this section,

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

LBD03066-01-7

1 provided that the person does not elect to decline registration to vote
2 at the point of service.

3 2. The state board of elections or county board of elections shall
4 register to vote or update the registration record of any person in the
5 state qualified to vote pursuant to section 5-102 of this article who
6 does not elect to decline registration to vote or update the registra-
7 tion record at the point of service and does any of the following:

8 (a) completes an application for a new or renewed driver's license,
9 non-driver identification card, pre-licensing course certificate,
10 learner's permit or certification of supervised driving with the depart-
11 ment of motor vehicles, or notifies such department in writing of a
12 change of his or her name or address;

13 (b) completes an application for services, renewal or recertification
14 for services, or change of address relating to such services from agen-
15 cies designated in section 5-211 of this title;

16 (c) completes an application for services, renewal or recertification
17 for services, or change of address relating to such services from any
18 municipal housing authority as set forth in article thirteen of the
19 public housing law;

20 (d) registers for classes at institutions of the state university of
21 New York and the city university of New York;

22 (e) completes a maximum sentence of imprisonment or is discharged from
23 parole;

24 (f) completes an application for unemployment insurance;

25 (g) becomes a member or employee of the New York division of military
26 and naval affairs; or

27 (h) completes an application with any other state or federal agency
28 designated as a source agency pursuant to paragraph (b) of subdivision
29 three of this section.

30 3. (a) The term "source agency" includes the department of motor vehi-
31 cles, any government agency designated pursuant to section 5-211 of this
32 title, the state university of New York and the city university of New
33 York, all public housing authorities listed in article thirteen of the
34 public housing law, the department of corrections and community super-
35 vision, the department of labor, the New York division of military and
36 naval affairs and any agency designated by the state board of elections
37 pursuant to paragraph (b) of this subdivision.

38 (b) The state board of elections may designate additional state agen-
39 cies to serve as sources for voter registration. In designating an agen-
40 cy under this paragraph, the state board of elections shall consider:

41 (i) the likelihood that source records reflect a large number of
42 eligible citizens;

43 (ii) the extent to which source records reflect eligible citizens who
44 would not otherwise be registered under the act to modernize voter
45 registration;

46 (iii) the accuracy of personal identification data in source records;
47 and

48 (iv) any additional factors designated by the chief election official
49 as reasonably related to accomplishing the purposes of the act to
50 modernize voter registration.

51 4. The state board of elections and the source agencies shall enter
52 into agreements to ensure that for each person described in subdivision
53 two of this section, each source agency electronically transmits to the
54 state or local boards of elections the following information in a format
55 that can be read by the computerized statewide voter registration list:

56 (a) given name or names and surname or surnames;

1 (b) mailing address and residential address;
2 (c) date of birth;
3 (d) citizenship;
4 (e) driver's license or non-driver identification card number, last
5 four digits of the person's social security number, or a space for the
6 person to indicate that he or she does not have any such number;
7 (f) political party enrollment, if any;
8 (g) an indication that the person intends to apply for an absentee
9 ballot, if any; and
10 (h) an image of the person's signature.

11 In the event that any transmission of data pursuant to this section
12 fails to include an image of an individual's signature, the absence of a
13 signature shall not preclude the registration of an eligible citizen.
14 The board of elections shall develop procedures to enable an eligible
15 citizen, whose information is transmitted pursuant to this section and
16 whose information lacks an electronic signature, to provide a signature
17 at the polling place or with an application for an absentee ballot
18 before voting. The board may require an elector who has not provided a
19 signature before arriving at the polling place or submitting an absentee
20 ballot to present a current and valid photo identification or a copy of
21 a current utility bill, bank statement, government check, paycheck, or
22 other government document that shows the name and address of the voter.

23 5. If an agency does not routinely request information concerning the
24 citizenship status of individuals, it shall maintain records sufficient
25 to transmit to the board of elections indications of United States citi-
26 zenship for each person described in subdivision two of this section,
27 but shall not retain, use, or share any such information relating to an
28 individual's citizenship for any other purpose.

29 6. Each source agency shall include for each person described in
30 subdivision two of this section a statement that he or she shall be
31 registered to vote, if he or she is not already so registered, provided,
32 however, that each source agency shall provide each person described in
33 subdivision two of this section the opportunity to elect to decline
34 registration to vote at the point of service, and upon such election, he
35 or she shall not be registered to vote pursuant to the procedures in
36 this section at that time.

37 7. The state board of elections shall prepare and distribute to
38 participating agencies written instructions as to the implementation of
39 the program and shall be responsible for establishing training programs
40 for employees of source agencies listed in this section. Training shall
41 include requirements that employees of any source agency communicate to
42 each individual identified in subdivision two of this section that the
43 source agency maintains strict neutrality with respect to a person's
44 party enrollment and all persons seeking voter registration forms and
45 information shall be advised that government services are not condi-
46 tioned on being registered to vote, or eligibility to register to vote.
47 No statement shall be made nor any action taken to discourage the appli-
48 cant from registering to vote.

49 8. The agreements between the state board of elections and the source
50 agencies shall include the format in which information will be transmit-
51 ted, whether and how each entity will collect, in addition to the manda-
52 tory information listed in subdivision four of this section, additional
53 information on a voluntary basis from persons for the purpose of facili-
54 tating voter registration, the frequency of data transmissions, the
55 procedures, and other measures that will be used to ensure the security

1 and privacy of the information transmitted, and any other matter neces-
2 sary or helpful to implement the requirements of this section.

3 9. Each source agency shall cooperate with the state board of
4 elections and county board of elections to facilitate the voter regis-
5 tration of each person described in subdivision two of this section, and
6 to electronically transmit the information needed to register each such
7 person to vote or to update each such person's voter registration
8 record.

9 10. Each source agency shall enter into an agreement with the state
10 board of elections finalizing the format and content of electronic tran-
11 smisions required by this section no later than September first, two
12 thousand eighteen; provided, that each source agency shall be able to
13 comply fully with all requirements of this section, including the
14 collection and transmission of all data required to register individuals
15 to vote, by January first, two thousand nineteen.

16 § 4. Subdivisions 1 and 6 of section 5-208 of the election law, subdivi-
17 sion 1 as amended by chapter 200 of the laws of 1996 and subdivision 6
18 as added by chapter 659 of the laws of 1994, are amended to read as
19 follows:

20 1. The board of elections shall transfer the registration and enroll-
21 ment of any voter for whom it receives a notice of change of address to
22 another address in the [~~same county or city~~] state, or for any voter who
23 [~~casts~~] submits a ballot in an affidavit ballot envelope which sets
24 forth such a new address. Such notices shall include, but not be limit-
25 ed to, notices received from any state agency which conducts a voter
26 registration program pursuant to the provisions of sections 5-211 and
27 5-212 of this title or which transmit information, that the voter has
28 notified such agency of a change of address in the [~~same city or county~~]
29 state unless the voter has indicated that such change of address is not
30 for voter registration purposes, notices of change of address from the
31 United States Postal Service through the National Change of Address
32 System, any notices of a forwarding address on mail sent to a voter by
33 the board of elections and returned by the postal service, national or
34 state voter registration forms, confirmation mailing response cards,
35 United States Postal Service notices to correspondents of change of
36 address, applications for registration from persons already registered
37 [~~in such county or city~~], or any other notices to correspondents sent to
38 the board of elections by such voters.

39 6. If a notice sent pursuant to [~~subdivision five of~~] this section is
40 returned [~~by the postal service~~] as undeliverable and without a forward-
41 ing address, the board of elections shall return the registration of
42 such voter to the original address, send such voter a confirmation
43 notice pursuant to the provisions of subdivision one of section 5-712 of
44 this [~~title~~] article and place such voter in inactive status.

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

47 3. If such a notice is received at least [~~twenty~~] ten days before a
48 primary, special or general election, such change of address must be
49 completed before such election. If such a notice is not received at
50 least ten days before a primary, special or general election, then a
51 voter may vote in accordance with subdivision three-d of section 8-302
52 of this chapter.

53 § 6. Subdivision 1 of section 4-117 of the election law, as amended by
54 chapter 44 of the laws of 2016, is amended to read as follows:

55 1. The board of elections, between August first and August fifth of
56 each year, shall send by mail on which is endorsed such language desig-

nated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter of the days and hours of the ensuing primary and general elections, the place where he appears by his registration records to be entitled to vote, the fact that voters who have moved or will have moved from the address where they were last registered must ~~[re-register or, that if such move was to another address in the same county or city, that such voter may]~~ either notify the board of elections of his new address or vote by paper ballot at the polling place for his new address even if such voter has not re-registered, or otherwise notified the board of elections of the change of address. If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also indicate whether the polling place is accessible to physically disabled voters, that a voter who will be out of the city or county on the day of the primary or general election or a voter who is ill or physically disabled may obtain an absentee ballot, that a physically disabled voter whose polling place is not accessible may request that his registration record be moved to an election district which has a polling place which is accessible, the phone number to call for applications to move a registration record or for absentee ballot applications, the phone number to call for the location of registration and polling places, the phone number to call to indicate that the voter is willing to serve on election day as an election inspector, poll clerk, interpreter or in other capacities, the phone number to call to obtain an application for registration by mail, and such other information concerning the elections or registration as the board may include. In lieu of sending such communication to every registered voter, the board of elections may send a single communication to a household containing more than one registered voter, provided that the names of all such voters appear as part of the address on such communication.

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

(a) Moved his or her residence outside the ~~[city or county in which he is registered]~~ state.

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

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

(c) A notice signed by the registrant which states that such registrant has moved to an address outside the ~~[city or county]~~ state and that such change of address is for voter registration purposes.

(d) A notice from a board of elections or other voter registration officer or agency that such person has registered to vote from an address outside ~~[such city or county]~~ the state.

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

3. Completed application forms, when received by any board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the ~~[twenty-fifth]~~ tenth day before the next ensuing primary, general or special election, and received no later than the ~~[twentieth]~~ fifth day before such election, or delivered in person to such board of elections not later than the tenth day before a special election, shall entitle the applicant to vote in such election, if he or she is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until his or her identity is verified. Any board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall forthwith forward such application form to the proper board of elections. Each board of elections shall make an entry on each such form of the date it is received by such board.

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

(g) Notice that the applicant must be a citizen of the United States, is ~~[or will be at least eighteen years old not later than December thirty-first of the calendar year in which he or she registers]~~ at least sixteen years old when he or she submits an application to register to vote and a resident of the county or city to which application is made.

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

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

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

(iii) The date of birth of the applicant.

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

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

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

~~(vii)~~ A statement informing the applicant that if the form is submitted by mail and the applicant is registering for the first time, certain

1 information or documents must be submitted with the mail-in registration
 2 form in order to avoid additional identification requirements upon
 3 voting for the first time. Such information and documents are:

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

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

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

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

12 [~~(viii)~~] (vii) The gender of the applicant (optional).

13 [~~(ix)~~] (viii) A space for the applicant to indicate his or her choice
 14 of party enrollment, with a clear alternative provided for the applicant
 15 to decline to affiliate with any party.

16 [~~(x)~~] (ix) The telephone number of the applicant (optional).

17 [~~(xi)~~] (x) A place for the applicant to execute the form on a line
 18 which is clearly labeled "signature of applicant" preceded by the
 19 following specific form of affirmation:

20 AFFIDAVIT: I swear or affirm that:

21 * I am a citizen of the United States.

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

24 * I meet all the requirements to register to vote in New York
 25 State.

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

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

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

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

35 (xii) The email address of the applicant (optional).

36 (n) Agreements adopted pursuant to section 5-200 of this title between
 37 source agencies and the state or county boards of elections are not
 38 required to include the collection or transmission of the information
 39 requested in paragraph (j) or subparagraph (i), (vii), (ix) or (xi) of
 40 paragraph (k) of this subdivision, and no board of election shall refuse
 41 to register to vote or update the registration record of any person in
 42 the state whose information is transmitted pursuant to section 5-200 of
 43 this title for the reason that such information does not include the
 44 information requested by paragraph (j) or subparagraph (i), (vii),
 45 (viii), (ix) or (xi) of paragraph (k) of this subdivision.

46 § 11. Subdivisions 9, 11 and 14 of section 5-210 of the election law,
 47 subdivision 9 as amended by chapter 44 of the laws of 2016 and subdivi-
 48 sions 11 and 14 as amended by chapter 179 of the laws of 2005, are
 49 amended to read as follows:

50 9. The county board of elections shall, promptly and in any event, not
 51 later than twenty-one days after receipt by it of the application, veri-
 52 fy the identity of the applicant, except if such board receives the
 53 application within twenty-one days of a special, primary or general
 54 election, the board shall verify the identity of the applicant within
 55 five days or before such election, whichever shall be sooner. In order
 56 to do so, the county board of elections shall utilize the information

1 provided in the application and shall attempt to verify such information
2 with the information provided by the department of motor vehicles,
3 social security administration and any other lawful available informa-
4 tion source. If the county board of elections is unable to verify the
5 identity of the applicant within twenty-one days of the receipt of the
6 application, it shall immediately take steps to confirm that the infor-
7 mation provided by the applicant was accurately utilized by such county
8 board of elections, was accurately verified with other information
9 sources and that no data entry error, or other similar type of error,
10 occurred. Following completion of the preceding steps, the county board
11 of elections shall mail (a) a notice of its approval, (b) a notice of
12 its approval which includes an indication that such board has not yet
13 been able to verify the identity of the applicant and a request for more
14 information so that such verification may be completed, or (c) a notice
15 of its rejection of the application to the applicant in a form approved
16 by the state board of elections. Notices of approval, notices of
17 approval with requests for more information or notices of rejection
18 shall be sent by nonforwardable first class or return postage guaranteed
19 mail on which is endorsed such language designated by the state board of
20 elections to ensure postal authorities do not forward such mail but
21 return it to the board of elections with forwarding information, when it
22 cannot be delivered as addressed and which contains a request that any
23 such mail received for persons not residing at the address be dropped
24 back in the mail. The voter's registration and enrollment shall be
25 complete upon receipt of the application by the appropriate county board
26 of elections. The failure of a county board of elections to verify an
27 applicant's identity shall not be the basis for the rejection of a
28 voter's application, provided, however, that such verification failure
29 shall be the basis for requiring county board of elections to take the
30 additional verification steps provided by this chapter. The notice shall
31 also advise the registrant of the date when his registration and enroll-
32 ment is effective, of the date and the hours of the next regularly sche-
33 duled primary or general election in which he will be eligible to vote,
34 of the location of the polling place of the election district in which
35 he is or will be a qualified voter, whether such polling place is acces-
36 sible to physically handicapped voters, an indication that physically
37 handicapped voters or voters who are ill or voters who will be out of
38 the city or county on the day of the primary or general election, may
39 obtain an absentee ballot and the phone number to call for absentee
40 ballot applications, the phone numbers to call for location of polling
41 places, to obtain registration forms and the phone number to call to
42 indicate that the voter is willing to serve on election day as an
43 inspector, poll clerk or interpreter. The notice of approval, notice of
44 approval with request for more information or notice of rejection shall
45 also advise the applicant to notify the board of elections if there is
46 any inaccuracy. The form of such mail notification shall be prescribed
47 by the state board of elections and shall contain such other information
48 and instructions as it may reasonably require to carry out the purposes
49 of this section. The request for more information shall inform the voter
50 that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY
51 INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMA-
52 TION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO
53 CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered
54 without a new address, the board shall forthwith send such applicant a
55 confirmation notice pursuant to the provisions of section 5-712 of this
56 article and place such applicant in inactive status. The state board of

elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

11. If the county board of elections suspects or believes that for any reason the applicant is not entitled to registration and enrollment, it shall make inquiry in reference thereto. If the board of elections shall find that the applicant is not qualified to register and enroll, the application shall be rejected and the applicant notified of such rejection and the reason therefor, no later than ten days before the day of the first primary or general election occurring at least ~~twenty-five~~ ten days after the filing of the application, except that if the application was submitted between twenty-five and ten days before the day of the first primary or general election, such board shall notify the applicant at least five days before such election.

14. Notwithstanding the entry by the county board of elections on the registration poll record of the information contained on an application form prescribed by this section, such entry shall not preclude the county board of elections from subsequently rejecting the application if it is not satisfied that the applicant is entitled to register and enroll as provided by this section, provided that the applicant is notified of such rejection and reasons therefor no later than ten days before the day of the first primary or general election occurring at least ~~twenty-five~~ ten days after the filing of such application form, except that if the application was submitted between twenty-five and ten days before the day of the first primary or general election, such board shall notify the applicant at least five days before such election.

§ 12. The opening paragraph and subdivisions 11 and 12 of section 5-211 of the election law, the opening paragraph as amended by chapter 265 of the laws of 2013, subdivision 11 as amended by chapter 200 of the laws of 1996 and subdivision 12 as added by chapter 659 of the laws of 1994, are amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office ~~of mental retardation and~~ for people with developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional ~~state~~ agencies designated as voter registration offices are the department of state ~~and~~, the division of workers' compensation, the state university of New York, the city university of New York, all public housing authorities listed in article thirteen of the public housing law, the department of corrections and community supervision and the New York division of military and naval affairs. Such agencies shall be required to offer

1 voter registration forms to and provide for automatic voter registra-
2 tion, pursuant to section 5-200 of this title, for persons upon initial
3 application for services, renewal or recertification for services and
4 change of address relating to such services. Such agencies shall also be
5 responsible for providing assistance to applicants in completing voter
6 registration forms, receiving and transmitting the completed application
7 form from all applicants who wish to have such form transmitted to the
8 appropriate board of elections. The state board of elections shall,
9 together with representatives of the department of defense, develop and
10 implement procedures for including recruitment offices of the armed
11 forces of the United States as voter registration offices when such
12 offices are so designated by federal law. The state board shall also
13 make request of the United States Immigration and Naturalization Service
14 to include applications for registration by mail with any materials
15 which are given to new citizens. [~~All institutions of the state univer-~~
16 ~~sity of New York and the city university of New York, shall, at the~~
17 ~~beginning of the school year, and again in January of a year in which~~
18 ~~the president of the United States is to be elected, provide an applica-~~
19 ~~tion for registration to each student in each such institution.~~] The
20 state board of elections may, by regulation, grant a waiver from any or
21 all of the requirements of this section to any office or program of an
22 agency, if it determines that it is not feasible for such office or
23 program to administer such requirement.

24 11. The participating agency shall transmit [~~the completed applica-~~
25 ~~tions for registration and change of address forms~~] all information
26 collected pursuant to section 5-200 of this title to the appropriate
27 board of elections not later than ten days after receipt except that all
28 such completed applications and forms received by the agency between the
29 thirtieth and twenty-fifth day before an election shall be transmitted
30 in such manner and at such time as to assure their receipt by such board
31 of elections not later than the twentieth day before such election.

32 12. [~~Completed application forms, when received~~] All information
33 collected pursuant to section 5-200 of this title by a participating
34 agency not later than the twenty-fifth day before the next ensuing
35 primary, general or special election and transmitted by such agency to
36 the appropriate board of elections so that they are received by such
37 board not later than the twentieth day before such election shall enti-
38 tle the applicant to vote in such election provided the board determines
39 that the applicant is otherwise qualified.

40 § 13. Subdivisions 11 and 12 of section 5-211 of the election law, as
41 amended by section twelve of this act, are amended to read as follows:

42 11. The participating agency shall transmit all information collected
43 pursuant to section 5-200 of this title to the appropriate board of
44 elections not later than ten days after receipt except that all such
45 completed applications and forms received by the agency between the
46 [~~thirtieth~~] fifteenth and [~~twenty-fifth~~] tenth day before an election
47 shall be transmitted in such manner and at such time as to assure their
48 receipt by such board of elections not later than the [~~twentieth~~] fifth
49 day before such election.

50 12. All information collected pursuant to section 5-200 of this title
51 by a participating agency not later than the [~~twenty-fifth~~] tenth day
52 before the next ensuing primary, general or special election and trans-
53 mitted by such agency to the appropriate board of elections so that they
54 are received by such board not later than the [~~twentieth~~] fifth day
55 before such election shall entitle the applicant to vote in such

1 election provided the board determines that the applicant is otherwise
2 qualified.

3 § 14. Subdivision 14 of section 5-211 of the election law, as amended
4 by chapter 200 of the laws of 1996, is amended and two new subdivisions
5 18 and 19 are added to read as follows:

6 14. Applications shall be processed by the board of elections in the
7 manner prescribed by ~~[section]~~ sections 5-200 and 5-210 of this title
8 or, if the applicant is already registered to vote from another address
9 in the county or city, in the manner prescribed by section 5-208 of this
10 title. The board shall send the appropriate notice of approval or
11 rejection as required by either subdivision nine of such section 5-210
12 or subdivision five of such section 5-208.

13 18. All colleges, universities and public school districts located in
14 this state shall make voter registration forms available to any students
15 eligible to register or pre-register to vote under paragraph (g) of
16 subdivision five of section 5-210 of this title in the same manner and
17 subject to the same provisions and rules and regulations as all other
18 designated agencies under this section; except that a college, universi-
19 ty or public school district that is not otherwise designated as a
20 source agency pursuant to section 5-200 of this title shall not be
21 required to collect or maintain forms containing a person's declination
22 to register to vote as required by subdivision ten of this section, or
23 to conduct a study and report thereon as required by subdivision seven-
24 teen of this section.

25 19. The state board of elections or, in the city of New York, the New
26 York city board of elections, shall provide to public colleges, univer-
27 sities, and school districts a sufficient quantity of coded voter regis-
28 tration applications that identify each such application as originating
29 from either a public college, university, or school district. The state
30 board of elections shall provide for the delivery of such coded applica-
31 tions by the first day of August of each year to each college, universi-
32 ty, or school district covered by this chapter, except that the New York
33 city board of elections shall provide and deliver such forms to each
34 participating public university, college, or school district located in
35 the city of New York. Every board of elections scanning voter registra-
36 tion forms shall capture any designated agency codes thereon and report
37 them on a monthly basis to the state board of elections which shall make
38 such detailed information available to the public.

39 § 15. Subdivisions 6 and 7 of section 5-212 of the election law,
40 subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivi-
41 sion 7 as added by chapter 659 of the laws of 1994, are amended to read
42 as follows:

43 6. The department of motor vehicles shall transmit ~~[that portion of~~
44 ~~the form which constitutes the completed application for registration or~~
45 ~~change of address form]~~ all information collected pursuant to section
46 5-200 of this title to the appropriate board of elections not later than
47 ten days after receipt except that all such completed applications and
48 forms received by the department between the thirtieth and twenty-fifth
49 day before an election shall be transmitted in such manner and at such
50 time as to assure their receipt by such board of elections not later
51 than the twentieth day before such election. All transmittals shall
52 include original signatures or an electronic image thereof as required
53 by subdivision four of section 5-200 of this title.

54 7. ~~[Completed application forms received]~~ All information collected
55 pursuant to section 5-200 of this title by the department of motor vehi-
56 cles not later than the twenty-fifth day before the next ensuing prima-

1 ry, general or special election and transmitted by such department to
2 the appropriate board of elections so that they are received not later
3 than the twentieth day before such election shall entitle the applicant
4 to vote in such election provided the board determines that the appli-
5 cant is otherwise qualified.

6 § 16. Subdivisions 6 and 7 of section 5-212 of the election law, as
7 amended by section fifteen of this act, are amended to read as follows:

8 6. The department of motor vehicles shall transmit all information
9 collected pursuant to section 5-200 of this title to the appropriate
10 board of elections not later than ten days after receipt except that all
11 such completed applications and forms received by the department between
12 the [~~thirtieth~~ fifteenth and [~~twenty-fifth~~ tenth day before an
13 election shall be transmitted in such manner and at such time as to
14 assure their receipt by such board of elections not later than the
15 [~~twentieth~~ fifth day before such election. All transmittals shall
16 include original signatures or an electronic image thereof as required
17 by subdivision four of section 5-200 of this title.

18 7. All information collected pursuant to section 5-200 of this title
19 by the department of motor vehicles not later than the [~~twenty-fifth~~
20 tenth day before the next ensuing primary, general or special election
21 and transmitted by such department to the appropriate board of elections
22 so that they are received not later than the [~~twentieth~~ fifth day
23 before such election shall entitle the applicant to vote in such
24 election provided the board determines that the applicant is otherwise
25 qualified.

26 § 17. Subdivision 3 of section 5-213 of the election law, as amended
27 by chapter 200 of the laws of 1996, is amended to read as follows:

28 3. The board of elections shall restore the registration of any such
29 voter to active status if such voter notifies the board of elections
30 that he resides at the address from which he is registered, or the board
31 finds that such voter has validly signed a designating or nominating
32 petition which states that he resides at such address, or if such voter
33 casts a ballot in an affidavit envelope which states that he resides at
34 such address, or if the board receives notice that such voter has voted
35 in an election conducted with registration lists prepared pursuant to
36 the provisions of section 5-612 of this article. If any such notifica-
37 tion or information is received [~~twenty~~ ten days or more before a
38 primary, special or general election, the voter's name must be restored
39 to active status for such election.

40 § 18. Subdivision 3 of section 5-304 of the election law, as amended
41 by chapter 90 of the laws of 1991, is amended to read as follows:

42 3. A change of enrollment received by the board of elections, showing
43 a dated cancellation mark of the United States Postal Service or
44 contained in an envelope showing such cancellation mark which is dated,
45 not later than the twenty-fifth day before the [~~general election shall~~
46 ~~be deposited in a sealed enrollment box, which shall not be opened until~~
47 ~~the first Tuesday following such general election. Such change of~~
48 ~~enrollment shall be then removed and entered as provided in this arti-~~
49 ~~cle]~~ next ensuing primary, general or special election, and received no
50 later than the fifth day before such election or delivered in person to
51 such county board of elections not later than the tenth day before a
52 primary, general or special election, shall be effective for such
53 election. Enrollment changes shall be entered as provided in this arti-
54 cle and shall be deemed to take effect on the tenth day after such
55 change of enrollment is received by the board of elections or if the
56 change of enrollment, or the envelope containing it, bears a dated

1 cancellation mark of the United States Postal Service, such change shall
2 be entered and shall be deemed to take effect on the tenth day after the
3 date of such mark, whichever is earlier; except that no change will take
4 effect sooner than the fifth day after the receipt of such change of
5 enrollment by the board of elections.

6 § 19. The opening paragraph of paragraph (e) of subdivision 3 of
7 section 8-302 of the election law, as amended by chapter 125 of the laws
8 of 2011, is amended to read as follows:

9 Whenever a voter presents himself or herself and offers to cast a
10 ballot, and he or she claims to live in the election district in which
11 he or she seeks to vote but no registration poll record can be found for
12 him or her in the poll ledger or his or her name does not appear on the
13 computer generated registration list or his or her signature does not
14 appear next to his or her name on such computer generated registration
15 list or his or her registration poll record or the computer generated
16 registration list does not show him or her to be enrolled in the party
17 in which he or she claims to be enrolled and the voter is not otherwise
18 eligible to cast an affidavit ballot pursuant to subdivision three-d of
19 this section, a poll clerk or election inspector shall consult a map,
20 street finder or other description of all of the polling places and
21 election districts within the political subdivision in which said
22 election district is located and if necessary, contact the board of
23 elections to obtain the relevant information and advise the voter of the
24 correct polling place and election district for the residence address
25 provided by the voter to such poll clerk or election inspector. There-
26 after, such voter shall be permitted to vote in said election district
27 only as hereinafter provided:

28 § 20. Section 8-302 of the election law is amended by adding a new
29 subdivision 3-d to read as follows:

30 3-d. A person appearing on election day whose name cannot be found or
31 whose information is incomplete or incorrect on the statewide voter
32 registration list and who affirms that that he or she interacted with a
33 source agency listed in subdivision three of section 5-200 of this chap-
34 ter and consented to voter registration shall be permitted to cast an
35 affidavit ballot. Such affidavit ballot shall be counted if at the poll-
36 ing place, the person presents proof of identity and evidence of regis-
37 tering to vote or performing any of the activities specified in subdivi-
38 sion two of section 5-200 of this chapter, and there is no affirmative
39 proof that the person is ineligible to register to vote or that the
40 person did not register or perform any of the activities specified in
41 subdivision two of section 5-200 of this chapter.

42 (a) A person may swear to and subscribe to an affidavit stating that
43 the person has registered to vote or performed any of the activities in
44 subdivision two of section 5-200 of this chapter and consented to use
45 agency information for voter registration. That affidavit shall be
46 sufficient evidence of registering to vote or performing any of the
47 activities specified in subdivision two of section 5-200 of this chapter
48 for the purposes of this section.

49 (b) A person without identification may swear to and subscribe to an
50 affidavit stating that the person did not present documentary proof of
51 identity, but that all of the identifying information on the affidavit
52 ballot envelope is complete and accurate. That affidavit shall be suffi-
53 cient evidence of identity for the purposes of this section. Nothing in
54 this subdivision shall be deemed to override the provisions of subdivi-
55 sion two-a of this section governing the requirements for a person whose
56 name appears in the computer generated registration list with a notation

1 indicating that the voter's identity was not yet verified as required by
2 the federal Help America Vote Act.

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

5 11. The state board of elections shall establish a statewide voter
6 ~~[hotline using information available through the statewide voter regis-~~
7 ~~tration list for voters to obtain information regarding their voter~~
8 ~~registration]~~ registration information system available through a secure
9 public website accessible from the website of the state board of
10 elections and through a toll-free telephone number maintained by the
11 state board of elections. The information system shall:

12 a. allow any voter:

13 (i) to review the voter registration information represented on the
14 statewide voter registration list for that voter;

15 (ii) to submit a confidential request to correct or update the voter's
16 voter registration information, which shall be sent to the applicable
17 county board of elections; and

18 (iii) to determine the location of the polling place to which the
19 voter is assigned;

20 b. provide an interface that allows any person:

21 (i) to determine the location of the polling place associated with any
22 residential address within the state; and

23 (ii) to determine whether he or she is represented on the statewide
24 voter registration list; and

25 c. provide a secure website interface that allows any eligible citizen
26 who is not represented on the statewide voter registration list to view
27 the notices contained on an application form under section 5-210 of this
28 article and to confidentially submit, through the interface, the data
29 collected on such application form to the state board of elections. Upon
30 receipt of such data, the state board of elections shall forward the
31 information to the local board of elections of the county or city where
32 the citizen resides. Such data shall be processed as an application form
33 submitted by mail pursuant to section 5-210 of this article, subject to
34 the requirements of section 303(b) of the Help America Vote Act of 2002
35 (42 U.S.C. § 15483(b)), except that the absence of a written signature
36 shall not render the application incomplete or otherwise preclude the
37 registration of an eligible citizen.

38 For any eligible citizen attempting to use the system established
39 under this subdivision to submit information that will not be processed
40 as valid for the proximate election, the system must notify the citizen
41 at the time of the submission that the update will not take effect for
42 the proximate election. If the citizen is attempting to use the system
43 established under this subdivision to correct or update voter registra-
44 tion information under this section, the system must also notify the
45 citizen that he or she may use the election-day procedure provided in
46 subdivision three-d of section 8-302 of this chapter.

47 The board of elections shall develop procedures to enable an eligible
48 citizen who submits an application pursuant to this subdivision and
49 whose application lacks an electronic signature to provide a signature
50 at the polling place or with an application for an absentee ballot
51 before voting. The board of elections may require an elector who has not
52 provided a signature before arriving at the polling place or submitting
53 an absentee ballot to present a current and valid photo identification
54 or a copy of a current utility bill, bank statement, government check,
55 paycheck, or other government document that shows the name and address
56 of the voter.

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

3. The inspectors shall place such completed report, and each court order, if any, directing that a person be permitted to vote, and each affidavit completed pursuant to subdivision three-d of section 8-302 of this article, inside a ledger of registration records or computer generated registration lists between the front cover, and the first registration record and then shall close and seal each ledger of registration records or computer generated registration lists, affix their signature to the seal, lock such ledger in the carrying case furnished for that purpose and enclose the keys in a sealed package or seal such list in the envelope provided for that purpose.

§ 23. The election law is amended by adding a new section 17-138 to read as follows:

§ 17-138. Discrimination and harassment. No person acting under color of any provision of law may harass or discriminate against or assist others in harassing or discriminating against any person on the basis of the information supplied by the person for voter registration purposes, a person's declination to register to vote or to supply information for voter registration purposes, or a person's absence from the statewide voter registration list except as required to administer elections or enforce election laws.

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

1. All registration records, certificates, lists, and inventories referred to in, or required by, this chapter shall be public records and open to public inspection under the immediate supervision of the board of elections or its employees and subject to such reasonable regulations as such board may impose, provided, however, that no data transmitted pursuant to section 5-200 of this chapter shall be considered a public record open to public inspection solely by reason of its transmission and that the following information shall not be released for public inspection:

(a) any voter's signature;

(b) the personal residence and contact information of any voter for whom any provision of law requires confidentiality;

(c) any portion of a voter's driver's license number, [~~department of motor vehicle~~] non-driver [~~photo ID~~] identification card number, social security number and facsimile number [~~shall not be released for public inspection~~];

(d) any voter's telephone number; and

(e) any voter's email address. No such records shall be handled at any time by any person other than a member of a registration board or board of inspectors of elections or board of elections except as provided by rules imposed by the board of elections.

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

(c) Said annual report, as required by paragraph (a) of this subdivision, shall also include:

(1) the number of records that have been received, transmitted, transferred, updated, or corrected pursuant to section 5-200 of this chapter, by source;

(2) the number of records received under section 5-200 of this chapter, by source, that do not relate to persons identified as eligible to vote;

1 (3) the number of persons who have contacted the board to opt out of
2 voter registration;

3 (4) the number of voters who submit voter registration forms and/or
4 requests to update or correct voter registration information using the
5 system described in section 5-614 of this chapter; and

6 (5) the number of voters who correct voter registration information
7 using the election-day procedure described in section 8-302 of this
8 chapter.

9 (d) Said annual report, as required by paragraph (a) of this subdivi-
10 sion, shall exclude any information that personally identifies any
11 person other than an election official or other government official.

12 § 26. Section 17-104 of the election law is amended to read as
13 follows:

14 § 17-104. False registration. 1. Any person who:

15 ~~[1-]~~ (a) Registers or attempts to register as an elector in more than
16 one election district for the same election, or more than once in the
17 same election district; or,

18 ~~[2-]~~ (b) Registers or attempts to register as an elector, knowing that
19 he will not be a qualified voter in the district at the election for
20 which such registration is made; or

21 ~~[3-]~~ (c) Registers or attempts to register as an elector under any
22 name but his or her own; or

23 ~~[4-]~~ (d) Knowingly gives a false residence within the election
24 district when registering as an elector; or

25 ~~[5-]~~ (e) Knowingly permits, aids, assists, abets, procures, commands
26 or advises another to commit any such act, is guilty of a felony.

27 2. Notwithstanding any other provision of this chapter, no person
28 shall be liable for an error in the statewide voter registration list
29 unless such person knowingly and willfully makes a false statement in
30 order to effectuate or perpetuate voter registration. An error in the
31 statewide voter registration list shall not constitute a fraudulent or
32 false claim to citizenship.

33 § 27. Subdivision 17 of section 3-102 of the election law, as renum-
34 bered by chapter 23 of the laws of 2005, is renumbered subdivision 21
35 and four new subdivisions 17, 18, 19 and 20 are added to read as
36 follows:

37 17. ensure that, upon receipt and verification of a person's express
38 request to opt out of voter registration, the person's name and regis-
39 tration record will not be added to the county or statewide voter regis-
40 tration lists;

41 18. ensure that election officials shall not provide the record of any
42 person who has opted out of voter registration, in whole or in part, to
43 any third party for any purpose other than the compilation of a jury
44 list;

45 19. publish and enforce a privacy and security policy specifying each
46 class of users who shall have authorized access to the statewide voter
47 registration list, preventing unauthorized access to the statewide voter
48 registration list and to any list provided by a source agency or list
49 maintenance source, and setting forth other safeguards to protect the
50 privacy and security of the information on the statewide voter registra-
51 tion list;

52 20. promulgate rules regarding the notification of voters of transfer
53 of address by electronic mail; and

54 § 28. This act shall take effect immediately; provided, however, that
55 sections two, three, four, six, seven, eight, ten, twelve, fourteen,
56 fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of

1 this act shall take effect January 1, 2018; provided further that
2 sections five, nine, eleven, thirteen, sixteen, seventeen, and eighteen
3 of this act shall take effect January 1, 2019. Effective immediately,
4 any rules, regulations and agreements necessary to implement the
5 provisions of this act on its effective date are authorized and directed
6 to be completed on or before such date.