

# STATE OF NEW YORK

3304--A

2017-2018 Regular Sessions

## IN SENATE

January 20, 2017

Introduced by Sens. GIANARIS, ADDABBO, ALCANTARA, AVELLA, BAILEY, BENJAMIN, BROOKS, COMRIE, DILAN, HAMILTON, HOYLMAN, KAMINSKY, KENNEDY, KRUEGER, MONTGOMERY, PARKER, PERALTA, RIVERA, SERRANO, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- 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 § 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. Accord-  
10 ingly, 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:

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

LBD03066-02-7

1 § 5-200. Automatic voter registration. 1. Notwithstanding any other  
2 manner of registration required by this article, each person in the  
3 state qualified to vote pursuant to section 5-102 of this article, shall  
4 be automatically registered to vote as provided in this section,  
5 provided that the person does not elect to decline registration to vote  
6 at the point of service.

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

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

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

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

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

26 (e) completes a maximum sentence of imprisonment or is discharged from  
27 parole;

28 (f) completes an application for unemployment insurance;

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

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

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

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

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

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

50 (iii) the accuracy of personal identification data in source records;  
51 and

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

55 4. The state board of elections and the source agencies shall enter  
56 into agreements to ensure that for each person described in subdivision

1 two of this section, each source agency electronically transmits to the  
2 state or local boards of elections the following information in a format  
3 that can be read by the computerized statewide voter registration list:

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

5 (b) mailing address and residential address;

6 (c) date of birth;

7 (d) citizenship;

8 (e) driver's license or non-driver identification card number, last  
9 four digits of the person's social security number, or a space for the  
10 person to indicate that he or she does not have any such number;

11 (f) political party enrollment, if any;

12 (g) an indication that the person intends to apply for an absentee  
13 ballot, if any; and

14 (h) an image of the person's signature.

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

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

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

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

53 8. The agreements between the state board of elections and the source  
54 agencies shall include the format in which information will be transmit-  
55 ted, whether and how each entity will collect, in addition to the manda-  
56 tory information listed in subdivision four of this section, additional

1 information on a voluntary basis from persons for the purpose of facili-  
2 tating voter registration, the frequency of data transmissions, the  
3 procedures, and other measures that will be used to ensure the security  
4 and privacy of the information transmitted, and any other matter neces-  
5 sary or helpful to implement the requirements of this section.

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

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

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

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

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

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

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

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

3 1. The board of elections, between August first and August fifth of  
4 each year, shall send by mail on which is endorsed such language desig-  
5 nated by the state board of elections to ensure postal authorities do  
6 not forward such mail but return it to the board of elections with  
7 forwarding information, when it cannot be delivered as addressed and  
8 which contains a request that any such mail received for persons not  
9 residing at the address be dropped back in the mail, a communication, in  
10 a form approved by the state board of elections, to every registered  
11 voter who has been registered without a change of address since the  
12 beginning of such year, except that the board of elections shall not be  
13 required to send such communications to voters in inactive status. The  
14 communication shall notify the voter of the days and hours of the ensu-  
15 ing primary and general elections, the place where he appears by his  
16 registration records to be entitled to vote, the fact that voters who  
17 have moved or will have moved from the address where they were last  
18 registered must [~~re-register or, that if such move was to another~~  
19 ~~address in the same county or city, that such voter may~~] either notify  
20 the board of elections of his new address or vote by paper ballot at the  
21 polling place for his new address even if such voter has not re-regis-  
22 tered, or otherwise notified the board of elections of the change of  
23 address. If the location of the polling place for the voter's election  
24 district has been moved, the communication shall contain the following  
25 legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE  
26 AT.....". The communication shall also indicate whether the poll-  
27 ing place is accessible to physically disabled voters, that a voter who  
28 will be out of the city or county on the day of the primary or general  
29 election or a voter who is ill or physically disabled may obtain an  
30 absentee ballot, that a physically disabled voter whose polling place is  
31 not accessible may request that his registration record be moved to an  
32 election district which has a polling place which is accessible, the  
33 phone number to call for applications to move a registration record or  
34 for absentee ballot applications, the phone number to call for the  
35 location of registration and polling places, the phone number to call to  
36 indicate that the voter is willing to serve on election day as an  
37 election inspector, poll clerk, interpreter or in other capacities, the  
38 phone number to call to obtain an application for registration by mail,  
39 and such other information concerning the elections or registration as  
40 the board may include. In lieu of sending such communication to every  
41 registered voter, the board of elections may send a single communication  
42 to a household containing more than one registered voter, provided that  
43 the names of all such voters appear as part of the address on such  
44 communication.

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

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

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

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

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

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

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

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

27 § 10. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the  
28 election law, as amended by chapter 179 of the laws of 2005, subpara-  
29 graph (xii) of paragraph (k) as added by chapter 362 of the laws of  
30 2008, are amended and a new paragraph (n) is added to read as follows:

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

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

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

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

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

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

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

54 (vi) [~~A space for the applicant to answer the question "Will you be 18~~  
55 ~~years of age on or before election day?" and the statement "If you~~

~~1 checked "no" in response to this question, do not complete this form  
2 unless you will be 18 by the end of the year."~~

3 ~~(vii)~~ A statement informing the applicant that if the form is submit-  
4 ted by mail and the applicant is registering for the first time, certain  
5 information or documents must be submitted with the mail-in registration  
6 form in order to avoid additional identification requirements upon  
7 voting for the first time. Such information and documents are:

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

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

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

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

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

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

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

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

24 AFFIDAVIT: I swear or affirm that:

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

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

28 \* I meet all the requirements to register to vote in New York  
29 State.

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

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

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

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

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

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

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

54 9. The county board of elections shall, promptly and in any event, not  
55 later than twenty-one days after receipt by it of the application, veri-  
56 fy the identity of the applicant, except if such board receives the

1 application within twenty-one days of a special, primary or general  
2 election, the board shall verify the identity of the applicant within  
3 five days or before such election, whichever shall be sooner. In order  
4 to do so, the county board of elections shall utilize the information  
5 provided in the application and shall attempt to verify such information  
6 with the information provided by the department of motor vehicles,  
7 social security administration and any other lawful available informa-  
8 tion source. If the county board of elections is unable to verify the  
9 identity of the applicant within twenty-one days of the receipt of the  
10 application, it shall immediately take steps to confirm that the infor-  
11 mation provided by the applicant was accurately utilized by such county  
12 board of elections, was accurately verified with other information  
13 sources and that no data entry error, or other similar type of error,  
14 occurred. Following completion of the preceding steps, the county board  
15 of elections shall mail (a) a notice of its approval, (b) a notice of  
16 its approval which includes an indication that such board has not yet  
17 been able to verify the identity of the applicant and a request for more  
18 information so that such verification may be completed, or (c) a notice  
19 of its rejection of the application to the applicant in a form approved  
20 by the state board of elections. Notices of approval, notices of  
21 approval with requests for more information or notices of rejection  
22 shall be sent by nonforwardable first class or return postage guaranteed  
23 mail on which is endorsed such language designated by the state board of  
24 elections to ensure postal authorities do not forward such mail but  
25 return it to the board of elections with forwarding information, when it  
26 cannot be delivered as addressed and which contains a request that any  
27 such mail received for persons not residing at the address be dropped  
28 back in the mail. The voter's registration and enrollment shall be  
29 complete upon receipt of the application by the appropriate county board  
30 of elections. The failure of a county board of elections to verify an  
31 applicant's identity shall not be the basis for the rejection of a  
32 voter's application, provided, however, that such verification failure  
33 shall be the basis for requiring county board of elections to take the  
34 additional verification steps provided by this chapter. The notice shall  
35 also advise the registrant of the date when his registration and enroll-  
36 ment is effective, of the date and the hours of the next regularly sche-  
37 duled primary or general election in which he will be eligible to vote,  
38 of the location of the polling place of the election district in which  
39 he is or will be a qualified voter, whether such polling place is acces-  
40 sible to physically handicapped voters, an indication that physically  
41 handicapped voters or voters who are ill or voters who will be out of  
42 the city or county on the day of the primary or general election, may  
43 obtain an absentee ballot and the phone number to call for absentee  
44 ballot applications, the phone numbers to call for location of polling  
45 places, to obtain registration forms and the phone number to call to  
46 indicate that the voter is willing to serve on election day as an  
47 inspector, poll clerk or interpreter. The notice of approval, notice of  
48 approval with request for more information or notice of rejection shall  
49 also advise the applicant to notify the board of elections if there is  
50 any inaccuracy. The form of such mail notification shall be prescribed  
51 by the state board of elections and shall contain such other information  
52 and instructions as it may reasonably require to carry out the purposes  
53 of this section. The request for more information shall inform the voter  
54 that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY  
55 INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMA-  
56 TION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO



1 CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered  
2 without a new address, the board shall forthwith send such applicant a  
3 confirmation notice pursuant to the provisions of section 5-712 of this  
4 article and place such applicant in inactive status. The state board of  
5 elections shall prepare uniform notices by this section as provided for  
6 in subdivision eight of section 3-102 of this chapter.

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

18 14. Notwithstanding the entry by the county board of elections on the  
19 registration poll record of the information contained on an application  
20 form prescribed by this section, such entry shall not preclude the coun-  
21 ty board of elections from subsequently rejecting the application if it  
22 is not satisfied that the applicant is entitled to register and enroll  
23 as provided by this section, provided that the applicant is notified of  
24 such rejection and reasons therefor no later than ten days before the  
25 day of the first primary or general election occurring at least [~~twe-~~  
26 ~~ty-five~~] ten days after the filing of such application form, except that  
27 if the application was submitted between twenty-five and ten days before  
28 the day of the first primary or general election, such board shall noti-  
29 fy the applicant at least five days before such election.

30 § 12. The opening paragraph and subdivisions 11 and 12 of section  
31 5-211 of the election law, the opening paragraph as amended by chapter  
32 265 of the laws of 2013, subdivision 11 as amended by chapter 200 of the  
33 laws of 1996 and subdivision 12 as added by chapter 659 of the laws of  
34 1994, are amended to read as follows:

35 Each agency designated as a participating agency under the provisions  
36 of this section shall implement and administer a program of distribution  
37 of voter registration forms pursuant to the provisions of this section.  
38 The following offices which provide public assistance and/or provide  
39 state funded programs primarily engaged in providing services to persons  
40 with disabilities are hereby designated as voter registration agencies:  
41 designated as the state agencies which provide public assistance are the  
42 office of children and family services, the office of temporary and  
43 disability assistance and the department of health. Also designated as  
44 public assistance agencies are all agencies of local government that  
45 provide such assistance. Designated as state agencies that provide  
46 programs primarily engaged in providing services to people with disabil-  
47 ities are the department of labor, office for the aging, division of  
48 veterans' affairs, office of mental health, office of vocational and  
49 educational services for individuals with disabilities, commission on  
50 quality of care for the mentally disabled, office [~~of mental retardation~~  
51 ~~and~~] for people with developmental disabilities, commission for the  
52 blind, office of alcoholism and substance abuse services, the office of  
53 the advocate for the disabled and all offices which administer programs  
54 established or funded by such agencies. Additional [~~state~~] agencies  
55 designated as voter registration offices are the department of state  
56 [~~and~~], the division of workers' compensation, the state university of

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

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

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

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

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

54 12. All information collected pursuant to section 5-200 of this title  
55 by a participating agency not later than the [~~twenty-fifth]~~ tenth day  
56 before the next ensuing primary, general or special election and trans-

mitted by such agency to the appropriate board of elections so that they are received by such board not later than the ~~[twentieth]~~ fifth day before such election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

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

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

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

19. The state board of elections or, in the city of New York, the New York city board of elections, shall provide to public colleges, universities, and school districts a sufficient quantity of coded voter registration applications that identify each such application as originating from either a public college, university, or school district. The state board of elections shall provide for the delivery of such coded applications by the first day of August of each year to each college, university, or school district covered by this chapter, except that the New York city board of elections shall provide and deliver such forms to each participating public university, college, or school district located in the city of New York. Every board of elections scanning voter registration forms shall capture any designated agency codes thereon and report them on a monthly basis to the state board of elections which shall make such detailed information available to the public.

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

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

1 7. [~~Completed application forms received~~] All information collected  
2 pursuant to section 5-200 of this title by the department of motor vehi-  
3 cles not later than the twenty-fifth day before the next ensuing prima-  
4 ry, general or special election and transmitted by such department to  
5 the appropriate board of elections so that they are received not later  
6 than the twentieth day before such election shall entitle the applicant  
7 to vote in such election provided the board determines that the appli-  
8 cant is otherwise qualified.

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

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

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

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

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

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

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

1 cle and shall be deemed to take effect on the tenth day after such  
2 change of enrollment is received by the board of elections or if the  
3 change of enrollment, or the envelope containing it, bears a dated  
4 cancellation mark of the United States Postal Service, such change shall  
5 be entered and shall be deemed to take effect on the tenth day after the  
6 date of such mark, whichever is earlier; except that no change will take  
7 effect sooner than the fifth day after the receipt of such change of  
8 enrollment by the board of elections.

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

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

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

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

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

52 (b) A person without identification may swear to and subscribe to an  
53 affidavit stating that the person did not present documentary proof of  
54 identity, but that all of the identifying information on the affidavit  
55 ballot envelope is complete and accurate. That affidavit shall be suffi-  
56 cient evidence of identity for the purposes of this section. Nothing in

1 this subdivision shall be deemed to override the provisions of subdivi-  
2 sion two-a of this section governing the requirements for a person whose  
3 name appears in the computer generated registration list with a notation  
4 indicating that the voter's identity was not yet verified as required by  
5 the federal Help America Vote Act.

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

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

15 a. allow any voter:

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

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

21 (iii) to determine the location of the polling place to which the  
22 voter is assigned;

23 b. provide an interface that allows any person:

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

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

28 c. provide a secure website interface that allows any eligible citizen  
29 who is not represented on the statewide voter registration list to view  
30 the notices contained on an application form under section 5-210 of this  
31 article and to confidentially submit, through the interface, the data  
32 collected on such application form to the state board of elections. Upon  
33 receipt of such data, the state board of elections shall forward the  
34 information to the local board of elections of the county or city where  
35 the citizen resides. Such data shall be processed as an application form  
36 submitted by mail pursuant to section 5-210 of this article, subject to  
37 the requirements of section 303(b) of the Help America Vote Act of 2002  
38 (42 U.S.C. § 15483(b)), except that the absence of a written signature  
39 shall not render the application incomplete or otherwise preclude the  
40 registration of an eligible citizen.

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

50 The board of elections shall develop procedures to enable an eligible  
51 citizen who submits an application pursuant to this subdivision and  
52 whose application lacks an electronic signature to provide a signature  
53 at the polling place or with an application for an absentee ballot  
54 before voting. The board of elections may require an elector who has not  
55 provided a signature before arriving at the polling place or submitting  
56 an absentee ballot to present a current and valid photo identification

1 or a copy of a current utility bill, bank statement, government check,  
2 paycheck, or other government document that shows the name and address  
3 of the voter.

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

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

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

18 § 17-138. Discrimination and harassment. No person acting under color  
19 of any provision of law may harass or discriminate against or assist  
20 others in harassing or discriminating against any person on the basis of  
21 the information supplied by the person for voter registration purposes,  
22 a person's declination to register to vote or to supply information for  
23 voter registration purposes, or a person's absence from the statewide  
24 voter registration list except as required to administer elections or  
25 enforce election laws.

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

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

37 (a) any voter's signature;

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

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

44 (d) any voter's telephone number; and

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

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

51 (c) Said annual report, as required by paragraph (a) of this subdivi-  
52 sion, shall also include:

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

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

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

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

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

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

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

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

18 [~~1-~~] (a) Registers or attempts to register as an elector in more than  
 19 one election district for the same election, or more than once in the  
 20 same election district; or,

21 [~~2-~~] (b) Registers or attempts to register as an elector, knowing that  
 22 he will not be a qualified voter in the district at the election for  
 23 which such registration is made; or

24 [~~3-~~] (c) Registers or attempts to register as an elector under any  
 25 name but his or her own; or

26 [~~4-~~] (d) Knowingly gives a false residence within the election  
 27 district when registering as an elector; or

28 [~~5-~~] (e) Knowingly permits, aids, assists, abets, procures, commands  
 29 or advises another to commit any such act, is guilty of a felony.

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

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

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

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

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

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



1 § 28. This act shall take effect immediately; provided, however, that  
2 sections two, three, four, six, seven, eight, ten, twelve, fourteen,  
3 fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of  
4 this act shall take effect January 1, 2019; provided further that  
5 sections five, nine, eleven, thirteen, sixteen, seventeen, and eighteen  
6 of this act shall take effect January 1, 2020. Effective immediately,  
7 any rules, regulations and agreements necessary to implement the  
8 provisions of this act on its effective date are authorized and directed  
9 to be completed on or before such date.