STATE OF NEW YORK

5114

2017-2018 Regular Sessions

IN SENATE

March 8, 2017

Introduced by Sen. AVELLA -- 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 establishing an electronic registration process integrated within designated agency applications

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

Section 1. Article 5 of the election law is amended by adding a new title 9 to read as follows:

TITLE IX

ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

Section 5-900. Integrated personal voter registration application required.
5-902. Automatic reinstatement after forfeiture.
5-904. Failure to provide exemplar signature not to prevent registration.
5-906. Presumption of innocent authorized error.
5-908. Forms.

§ 5-900. Integrated personal voter registration application required. 1. In addition to any other method of voter registration provided for by this chapter, state and local agencies designated in subdivision ten of this section shall provide to the state board of elections voter registration qualification information associated with each person who submits an application for services at such agency, or who notifies the agency of a change of address or name. Such designated agencies shall ensure agency applications substantially include all of the elements required by section 5-210 of this article, including the appropriate attestation, so that persons completing such applications shall be able to also submit an application to register to vote through the electronic voter registration transmittal system. For purposes of this section, "agency" shall mean any state or local agency, department, division,

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

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office, institution or other entity designated by the state board of elections pursuant to subdivision ten of this section.

2. For each application submitted to the agency, whether electronically or on paper, the agency shall transmit to the state board of elections through an interface with the electronic voter registration transmittal system established and maintained by the state board of elections that portion of the application that includes voter registration information. The state board of elections shall electronically forward such application to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with this chapter.

3. An integrated voter registration form submitted to an agency in paper format shall be transmitted to the state board of elections through an electronic voter registration transmittal system by converting the paper form to an image file or a portable document format file which shall thereafter be deemed the original form for voter registration and enrollment purposes. The agency shall retain the complete original paper application for no less than two years. The transmittal of the converted paper application may include or be accompanied by data elements and transmittal information as required by the rules and regulations of the state board of elections.

4. An integrated voter registration application submitted to an agency in an electronic format shall be transmitted to the state board of elections through the electronic voter registration transmittal system and shall include all of the voter registration data elements, including electronic signature, as applicable, and record of attestation of the accuracy of the voter registration information and any relevant document images.

5. Information from the voter relevant to both voter registration and the agency application shall be entered by the voter only once upon an application.

6. The agency shall redact or remove from the completed integrated application to be transmitted to the state board of elections any information solely applicable to the agency application.

6-a. Information concerning the citizenship status of individuals, when collected and transmitted pursuant to subdivision one of this section, shall not be retained, used or shared for any other purpose except as may be required by law.

7. A voter shall be able to decline to register to vote using an integrated application by selecting a single check box, or equivalent, which shall read "I DECLINE USE OF THIS FORM FOR VOTER REGISTRATION PURPOSES. DO NOT FORWARD MY INFORMATION TO THE BOARD OF ELECTIONS".

8. The voter shall be able to sign the voter registration application and the agency application by means of a single manual or electronic signature unless the agency requires more than one signature for other agency purposes.

9. No application for voter registration shall be submitted if the applicant declines registration or fails to sign the integrated application, whether on paper or online.

10. Designated agencies for purposes of this section shall include all agencies designated as voter registration agencies in sections 5-211 and 5-212 of this article, as well as any other agency designated by the state board of elections. Any such designated agency shall take all actions that are necessary and proper for the implementation of this section, including facilitating technological capabilities to allow

transmission of data through an interface with the electronic voter registration transmittal system in a secure manner.

11. Upon the discharge from a state correctional facility of any person whose maximum sentence of imprisonment has expired or upon a person's discharge from community supervision as defined in subdivision three of section two hundred fifty-nine of the executive law, the department of corrections and community supervision shall provide such person a voter registration form, pursuant to section seventy-five of the correction law and such form, if possible, shall be integrated with the release documents normally presented and signed upon release. The department of corrections and community supervision shall submit relevant information for such person through the voter registration transmittal system and notify the board of elections of the person's discharge.

12. The state board of elections shall promulgate rules and regulations for the creation and administration of an integrated electronic voter registration process as provided for by this section.

§ 5-902. Automatic reinstatement after forfeiture. Any person whose voter registration is canceled pursuant to section 5-106 of this article shall be automatically reinstated as a voter upon becoming eligible, unless such voter shall affirmatively decline such reinstatement. The department of corrections and community supervision shall notify the board of elections through the voter registration transmittal system of the date when the forfeiture of voting rights shall end and provide an updated address for such person, if known. If no new address for such voter is available at that time, such voter shall be reinstated at the address of the previously canceled registration; provided, however, if the mailed notification of such registration shall be returned undeliverable to the board of elections, such returned mail shall be processed in accordance with this article.

§ 5-904. Failure to provide exemplar signature not to prevent registration. If a voter registration exemplar signature is not provided by an applicant who submits a voter registration application pursuant to this title and such signature exemplar is not otherwise available from the statewide voter registration database or a state or local agency, the local board of elections shall, absent another reason to reject the application, proceed to register and, as applicable, enroll the applicant. Within ten days of such action, the board of elections shall send a standard form promulgated by the state board of elections to the voter whose record lacks an exemplar signature, requiring such voter to submit a signature for identification purposes. The voter shall submit to the board of elections a voter registration exemplar signature by any one of the following methods: in person, by mail with return postage paid provided by the board of elections, by electronic mail, or by electronic upload to the board of elections through the electronic voter registration transmittal system. If such voter does not provide the required exemplar signature, when the voter appears to vote the voter shall be entitled to vote in the same manner as a voter with a notation indicating the voter's identity has not yet been verified in the manner provided by section 8-302 of this chapter.

§ 5-906. Presumption of innocent authorized error. 1. If a person who is ineligible to vote becomes registered to vote pursuant to section 5-902 of this title, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person. Such presumption may be rebutted with evidence of knowing and willful intent to falsely register to vote.

2. If a person who is ineligible becomes registered to vote pursuant to section 5-902 of this title either votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of illegal voting or illegally attempting to vote. Such presumption may be rebutted with evidence of knowing and willful intent to vote or attempt to vote with knowledge that such person is not qualified or entitled to vote.

§ 5-908. Forms. The state board of elections shall promulgate rules and regulations to implement this title. All agency forms and notices required by this title shall be approved by the state board of elections. All applications and notices for use by a board of elections pursuant to this title shall be promulgated by the state board of elections, and no addition or alternation to such forms by a board of elections shall be made without approval of the state board of elections.

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