STATE OF NEW YORK

5627

2017-2018 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. WALKER, BARRON, BLAKE, JEAN-PIERRE, BICHOTTE, HYNDMAN, MOSLEY, GANTT, CUSICK, KAVANAGH, RICHARDSON, LIFTON, COOK, SEPULVEDA, HOOPER, RAMOS, PEOPLES-STOKES, PERRY, HARRIS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to modernizing voter registration, promoting access to voting for individuals with disabilities, protecting the ability of individuals to exercise the right to vote in elections for local and state office; and making an appropriation therefor

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

Section 1. This act shall be known and may be cited as the "modernized voter registration act of New York".

§ 2. The election law is amended by adding ten new sections 5-200, 5-232, 5-234, 5-236, 5-238, 5-240, 5-242, 5-244, 5-246 and 5-248 to read as follows:

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

2. The state board of elections or county board of elections shall register to vote or update the registration record of any person in the state qualified to vote pursuant to section 5-102 of this article who consents to the registration or update and does any of the following:

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

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

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

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

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

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

(f) completes an application for unemployment insurance;

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

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

3. (a) The term "source agency" includes the department of motor vehicles, any government agency designated pursuant to section 5-211 of this title, the state university of New York and 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, the department of labor, the New York division of military and naval affairs and any agency designated by the state board of elections pursuant to paragraph (b) of this subdivision.

(b) The state board of elections may designate additional state agencies to serve as sources for voter registration. In designating an agency under this paragraph, the state board of elections shall consider:

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

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

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

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

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

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

(b) mailing address and residential address;

(c) date of birth;

(d) citizenship;

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

(f) political party enrollment, if any;

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

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

In the event that any transmission of data pursuant to this section fails to include an image of an individual's signature, the absence of a

signature shall not preclude the registration of an eligible citizen. The board of elections shall develop procedures to enable an eligible citizen, whose information is transmitted pursuant to this section and whose information lacks an electronic signature, to provide a signature at the polling place or with an application for an absentee ballot before voting. The board may require an elector who has not provided a signature before arriving at the polling place or submitting an absentee ballot to present a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

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

6. The state board of elections shall prepare and distribute to participating agencies written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees of source agencies listed in this section. Training shall include requirements that employees of any source agency communicate to each individual identified in subdivision two of this section that the source agency maintains strict neutrality with respect to a person's party enrollment and all persons seeking voter registration forms and information shall be advised that government services are not conditioned on being registered to vote, or eligibility to register to vote. No statement shall be made nor any action taken to discourage the applicant from registering to vote.

7. The agreements between the state board of elections and the source agencies shall include the format in which information will be transmitted, whether and how each entity will collect, in addition to the mandatory information listed in subdivision four of this section, additional information on a voluntary basis from persons for the purpose of facilitating voter registration, the frequency of data transmissions, the procedures and other measures that will be used to ensure the security and privacy of the information transmitted, and any other matter necessary or helpful to implement the requirements of this section.

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

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

10. Upon receiving information from a source agency with respect to an individual, the state board of elections shall determine whether the individual is included in the computerized statewide voter registration list.

(a) If an individual for whom information is received from a source agency is eligible to vote in elections for federal office in the state

and is not on the computerized statewide voter registration list, the state board of elections shall: (i) ensure that the individual is registered to vote in such elections not later than five days after receiving the information, without regard to whether or not the information provided by the source agency includes the individual's signature; (ii) update the statewide computerized voter registration list to include the individual; and (iii) notify the individual that the individual is registered to vote in elections for federal office in the state.

(b) If a source agency provides the state board of elections with information with respect to an individual who did not consent to be registered to vote, the state board of elections shall not take any action to register the individual to vote, except that no such individual who is already included on the computerized statewide voter registration list shall be removed from the list solely because the information was incorrectly provided.

11. If an individual who is not eligible to register to vote in elections for federal office is registered to vote in such elections by the state board of elections, the individual shall not be subject to any penalty, including the imposition of a fine or term of imprisonment, adverse treatment in any immigration or naturalization proceeding, or the denial of any status under immigration laws, under any law prohibiting an individual who is not eligible to register to vote in elections for federal office from registering to vote in such elections. Nothing in this subdivision shall be construed to waive the liability of any individual who knowingly provides false information to any person regarding the individual's eligibility to register to vote in elections for federal office.

12. No person may use the information received by the state board of elections to determine the citizenship status of any individual for immigration enforcement, criminal law enforcement (other than enforcement of this chapter), or any other purpose other than voter registration or election administration. No information relating to an individual's absence from the statewide voter registration list or an individual's declination to supply information for voter registration purposes to a source agency may be disclosed to the public for immigration enforcement, criminal law enforcement other than enforcement of laws against election crimes, or used for any purpose other than voter registration, election administration, or the enforcement of election laws.

13. Voter registration information collected under this section shall not be used for commercial purposes including for comparison with any existing commercial list or database.

§ 5-232. Availability of online registration. 1. Every election district shall ensure that the following services are available to the public at any time on the official public websites of the appropriate local election officials in the state: online application for voter registration, online assistance to applications in applying to register to vote, online completion and submission by applications of the mail voter registration application form pursuant to section 5-210, including assistance with providing a signature in electronic form as required under section 5-234 of this title, and online receipt of completed voter registration applications.

2. Any county or municipality shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the state, if (a) the individual meets the same voter registration requirements applicable

to individuals who register to vote by mail in accordance with law using the mail voter registration application form, and (b) the individual provides a signature in electronic form pursuant to section 5-234 of this title.

3. (a) Upon the online submission of a completed voter registration application by an individual under this section, the appropriate state or local election official shall send the individual a notice confirming the state's receipt of the application and providing instructions on how the individual may check the status of the application, and

(b) as soon as the appropriate election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

§ 5-234. Signatures in electronic form. An individual provides a signature in electronic form by executing a computerized mark in the signature field on an online voter registration application; or submitting with the application an electronic copy of the individual's handwritten signature through electronic means.

§ 5-236. Nonpartisan manner. The services made available under this title shall be provided in a manner that ensures that the online application does not seek to influence an applicant's political preference or party registration and there is no display on the website promoting any political preference or party allegiance, except that nothing in this section may be construed to prohibit an applicant from registering to vote as a member of a political party.

§ 5-238. Protection of security information. The state board of elections shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under section 5-232 of this title.

§ 5-240. Use of additional telephone-based system. The board of elections shall make the services made available online under section 5-232 of this title available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

§ 5-242. Use of internet to update registration information. 1. The appropriate state or local election official shall ensure that any registered voter on the computerized list may at any time update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form.

2. If a registered voter updates registration information, the appropriate state or local election official shall revise any information on the computerized list to reflect the update made by the voter; and if the updated registration information affects the voter's eligibility to vote in an election, ensure that the information is processed with respect to the election if the voter updates the information not later than seven days before the election.

3. Upon the online submission of updated registration information by an individual under this section, the appropriate state or local election official shall send the individual a notice confirming receipt

of the updated information and providing instructions on how the individual may check the status of the update.

4. As soon as the appropriate state or local election official has accepted or rejected updated information submitted by an individual under this section, the official shall send the individual a notice of the disposition of the update.

5. The appropriate state or local election official shall send the notices required under this section by regular mail, and, in the case of an individual who has requested that the state provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.

§ 5-244. List maintenance, privacy and security. 1. The state board of elections shall publish on their website all standards established under this section. The state board of elections shall establish standards governing the comparison of data on the statewide computerized voter registration list, the data provided by various source agencies under section 5-200 of this title, including the specific data elements and data matching rules to be used for purposes of determining: (a) whether a data record from any source agency represents the same individual as a record in another source agency or on the statewide list; (b) whether a data record from any source agency represents an individual already registered to vote in the state; (c) whether two data records in the statewide computerized voter registration list represent duplicate records for the same individual; (d) whether a data record supplied by any list maintenance source represents an individual already registered to vote in the state; and (e) which information will be treated as more current and reliable when data records from multiple sources present information for the same individual.

2. The state board of elections shall establish uniform and non-discriminatory standards describing the specific conditions under which an individual will be determined for list maintenance purposes to be ineligible to vote in an election.

3. The state board of elections shall publish and enforce a privacy and security policy specifying each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each such class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy and security of the information on the list. Such policy shall include security safeguards to protect personal information in the data transfer process, the online or telephone interface, the maintenance of the voter registration database, and audit procedures to track individual access to the system.

4. The state board of elections shall establish policies and enforcement procedures to prevent unauthorized access to or use of the computerized statewide voter registration list, any list or other information provided by a source agency, or any maintenance source for the list. Nothing in this subdivision shall be construed to prohibit access to information required for official purposes for purposes of voter registration, election administration, and the enforcement of election laws.

5. The state board of elections shall establish policies and enforcement procedures to maintain security during inter-agency transfers of information required or permitted under this chapter. Each state agency and third party participating in such inter-agency transfers of information shall facilitate and comply with such policies. Nothing in this subdivision shall prevent a source agency from establishing and enforcing additional security measures to protect the confidentiality and

integrity of inter-agency data transfers. No state or local election official shall transfer or facilitate the transfer of information from the computerized statewide voter registration list to any source agency.

6. Nothing in this section shall be construed to prevent a source agency from contracting with a third party to assist in the transmission of data to the state board of elections, so long as the data transmission complies with the applicable requirements of this chapter.

7. The state board of elections shall establish standards and procedures to maintain all election records required for purposes of this section. Records for individuals who have been retained on the computerized statewide registration list but identified as ineligible to vote in an election or removed from the list due to ineligibility, shall be maintained and kept available until at least the date of the second general election for federal office that occurs after the date that the individual was identified as ineligible.

8. The identity of the specific source agency through which an individual consented to register to vote shall not be disclosed to the public and shall not be retained after the individual is added to the computerized statewide voter registration list.

9. The state board of elections shall establish policies and enforcement procedures to ensure that personal information provided by source agencies or otherwise transmitted under this section is kept confidential and is available only to authorized users. For purposes of these policies and procedures, the term "personal information" means any of the following:

(a) any portion of an individual's social security number;

(b) any portion of an individual's motor vehicle driver's license number or state identification card number;

(c) an individual's signature;

(d) an individual's personal residence and contact information;

(e) sensitive information relating to persons in categories designated confidential by federal or state law, including victims of domestic violence or stalking, prosecutors and law enforcement personnel, and participants in a witness protection program;

(f) an individual's phone number;

(g) an individual's email address;

(h) any indication of an individual's status as a citizen or noncitizen of the United States; and

(i) such other information as the state board of the elections may designate as confidential to the extent reasonably necessary to prevent identity theft or impersonation, except that such board may not designate as confidential under this subdivision the name, address, or date of registration of an individual, or where applicable, the self-identified racial or ethnic category of the individual.

10. The state board of elections shall ensure that, with respect to any individual who declines the opportunity to register to vote, the individual's information is not included on the computerized statewide voter registration list and is not provided to a third party (except to the extent required under other law). Nothing in this subdivision shall be construed to preclude an individual who has previously declined the opportunity to register to vote from subsequently registering to vote.

§ 5-246. Accuracy of statewide voter registration lists. 1. Not later than twenty-four hours after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of the department of

motor vehicles has been changed, such department shall transmit such form or other information to the state board of elections, unless:

(a) the records of the department include information indicating that the individual is not eligible to register to vote in the state; or

(b) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.

2. Not later than twenty-four after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of a voter registration agency has been changed, the appropriate official of such agency shall transmit such form or other information to the state board of elections, unless:

(a) the records of the department include information indicating that the individual is not eligible to register to vote in the state; or

(b) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.

3. Not later than twenty-four hours after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of a source agency has been changed, the appropriate official of such agency shall transmit such form or other information to the state board of elections, unless:

(a) the records of the department include information indicating that the individual is not eligible to register to vote in the state; or

(b) the individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.

4. If the department of motor vehicles, a voter registration agency, or a source agency transmits to the state board of elections a change of address form or any other information indicating that identifying information with respect to an individual has been changed the appropriate state or local election official shall:

(a) determine whether the individual appears on the computerized list; and

(b) if the individual appears on the list, revise the information relating to the individual on the list to reflect the individual's new address or other changed identifying information.

5. If an election official revises any voter registration information on the computerized list with respect to any voter (including removing the voter from the list), immediately after revising the information, the official shall send the individual a written notice of the revision which includes the following information:

(a) the voter's name, date of birth, and address, as reflected in the revised information on the computerized list;

(b) a statement that the voter's registration information has been updated;

(c) information on how to correct information on the computerized list;

(d) a statement of the eligibility requirements for registered voters;

(e) a statement (in larger font size than the other statements on the notice) that it is illegal for an individual who does not meet the eligibility requirements for registered voters in the state to vote in such state; and

(f) a statement that the voter may terminate the voter's status as registered in the state, or request a change in the voter's voter registration information at any time by contacting the appropriate state or local election official, together with contact information for such official (including any website through which the voter may contact the official or obtain information on voter registration in the state).

6. If an election official has an electronic mail address for any voter to whom the official is required to send notice under this section, the official may meet the requirements of this section by sending the notice to the voter in electronic form at that address, but only if prior to sending the notice, the official sends a test electronic mail to the voter at that address and receives confirmation that the address is current and valid.

§ 5-248. Same day registration. Each county shall allow any eligible individual on the day of an election and on any day when voting, including early voting, to register to vote in such election at the polling place and to cast a vote in such election.

§ 3. Section 5-210 of the election law is amended by adding three new subdivisions 16, 17 and 18 to read as follows:

16. The board of elections shall accept an online voter registration application provided by an individual and ensure that individual is registered to vote in the state if (a) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with this section; and (b) the individual provided a signature in electronic form in accordance with section 5-234 of this title.

17. Upon the online submission of a completed voter registration application by an individual, an appropriate election personnel shall send the individual a notice confirming the board of elections receipt of the application and providing instructions on how the individual may check on the status of the application. As soon as the appropriate election personnel has approved or rejected an application submitted by an individual, the personnel shall send the individual a notice of the disposition of the application by regular mail unless the individual has requested voter information to be sent through electronic mail, in which case a copy should be sent through both regular and electronic mail.

18. If an individual who is a registered voter had provided the state or local election official with an electronic mail address for purposes of receiving voting information, the county board of elections, through electronic mail transmitted not later than seven days before the date of the election involved, shall provide the individual with information on how to obtain the following information by electronic means: (a) the name and address of the polling place at which the individual is assigned to vote in the election; (b) the hours of operation for the polling place; and (c) a description of any identification or other information the individual may be required to present at the polling place.

§ 4. The election law is amended by adding two new sections 5-108 and 5-110 to read as follows:

§ 5-108. Nondiscrimination. 1. The state shall treat a registered voter who is registered to vote online in accordance with this chapter in the same manner as the state treats a registered voter who registered to vote by mail.

2. No person may discriminate against any individual on the basis of the individual's absence from the statewide voter registration list, the information supplied by the individual for voter registration purpose to

a source agency, or the individual's declination to supply such information, except as required for purposes of voter registration, election administration, and the enforcement of election laws.

§ 5-110. Prohibiting use of electronic mail addresses for other than official purposes. The state board of elections shall ensure that any electronic mail addresses provided by an applicant under this chapter are used only for purposes of carrying out official duties of election officials and are not transmitted by any state or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a state or local election official.

§ 5. Subdivisions 1 and 2 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, are amended to read as follows:

1. In addition to local registration and veterans' absentee registration as provided in this chapter, any qualified person may apply personally for registration and enrollment, change of enrollment by mail [~~or~~], by appearing at the board of elections on any day, except a day of election, during the hours that such board of elections is open for business or by registering online.

2. (a) Application forms for use pursuant to this section shall be furnished by a county board of elections to any person requesting such form or shall be available on the county board of elections website pursuant to section 5-232 of this title. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Each county board of elections shall also cause such application forms to be as widely and freely distributed as possible.

(b) The board of elections shall mail an application for registration by mail and information on how the person may re-register to each person for whom it receives notice pursuant to the provisions of subdivision four of section 5-402 of this article that such person has moved into such city or county unless such person is already registered from the address listed in such notice.

§ 6. The election law is amended by adding a new section 17-172 to read as follows:

§ 17-172. Penalties against list maintenance, privacy and security. Any person who knowingly uses information or permits information to be used in violation of sections 5-244 or 5-108 of this chapter shall be imprisoned for not more than one year, fined not less than one hundred dollars nor more than five hundred dollars, or both such fine and imprisonment.

§ 7. 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 two new paragraphs (n) and (o) are 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 information or documents must be submitted with the mail-in registration form in order to avoid additional identification requirements upon voting for the first time. Such information and documents are:

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

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

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

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

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

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

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

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

AFFIDAVIT: I swear or affirm that:

* I am a citizen of the United States.
* I will have lived in the county, city, or village for at least 30 days before the election.
* I meet all the requirements to register to vote in New York State.
* This is my signature or mark on the line below.
* All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to $5,000 and/or jailed for up to four years.

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

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

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

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

(o) The voter registration application shall include a space for the applicant to provide (at the applicant's option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate state and local election officials shall provide to the applicant, through electronic mail sent to that address, any voting information that would otherwise be sent through the regular mail.

§ 8. The election law is amended by adding a new section 3-228 to read as follows:

§ 3-228. Board of elections, reports. 1. Not later than ninety days after the end of each year, the board shall submit to the legislature and the governor a report containing the following categories of information for the year:

(a) the number of individuals who registered;

(b) the number of voter registration application forms completed by individuals that were transmitted by the department of motor vehicles and voter registration agencies in the state to the board, broken down by each such agency;

(c) the number of such individuals whose voter registration application forms were accepted and who were registered to vote in the state and the number of such individuals whose forms were rejected and who were not registered to vote in the state, broken down by each such agency;

(d) the number of change of address forms and other forms of information indicating that an individual's identifying information has been changed that were transmitted by the department of motor vehicles and voter registration agencies to the board, broken down by such agency and type of form submitted;

(e) the number of individuals on the statewide computerized voter registration list whose voter registration information was revised by the board as a result of the forms transmitted to the board by the department of motor vehicles and voter registration agencies (as described in subdivision three of this section), broken down by each agency and the type of form submitted;

(f) the number of individuals who requested the board to revise voter registration information on such list, and the number of individuals whose information was revised as a result of such request.

2. In preparing the report under this section, the state shall, for each category of information described in subdivision one of this section, include a breakdown by race of the individuals whose information is included in the category, to the extent that information on the race of such individuals is available to the state.

3. In preparing and submitting a report under this section, the board shall ensure that no information regarding the identification of any individual is revealed.

§ 9. Section 5-202 of the election law is amended by adding a new subdivision 7 to read as follows:

7. The board of elections in each county shall establish procedures providing for absentee registration, for all elections held pursuant to the provisions of this chapter, through mail and/or electronic means for persons with a disability. Such procedures shall be subject to approval by the state board of elections. Such boards of elections shall further be responsible for providing information regarding absentee registration for persons with a disability to such persons with respect to such elections.

§ 10. The election law is amended by adding a new section 3-109 to read as follows:

§ 3-109. Prohibition against voter caging. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) Voter caging document means

(i) a nonforwardable document that is returned to the sender of a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

(ii) any document with instructions to an addressee that the document be returned to the sender or a third party but is not so returned, despite an attempt to deliver such document to the address of a registered voter or applicant, unless at least two election cycles have passed since the date of the attempted delivery;

(b) Voter caging list means a list of individuals compiled from voter caging documents; and

(c) Unverified match list means a list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote in the registrar's jurisdiction, by virtue of death, conviction, change of address, or otherwise; unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual.

2. Prohibition against voter caging. Notwithstanding the provisions of sections 5-220, 8-504 or 8-506 of this chapter, no election official shall prevent an individual from registering or voting in any election or permit in connection with any election a formal challenge to an individual's registration status or eligibility to vote, if the basis for such decision is evidence consisting of:

(a) a voter caging document or voter caging list;

(b) an unverified match list;

(c) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote; provided, however, that the election official may use such evidence if it is corroborated by independent evidence of the individual's ineligibility to register or vote.

3. Penalties for knowing misconduct. Whoever knowingly challenges the eligibility of one or more individuals to register or vote or knowingly causes the eligibility of such individuals to be challenged in violation of this chapter with the intent that one or more eligible voters be disqualified, shall be fined or imprisoned not more than one year, or by both such fine and imprisonment, for each such violation. Each violation shall be a separate offense.

§ 11. Section 17-154 of the election law is amended by adding a new subdivision 6 to read as follows:

6. Knowingly and willfully deprive, defraud, or attempt to deprive or defraud any other person of their free and fair exercise of the right to vote by the communication of election-related information that is known by the person to be materially false, fictitious, or fraudulent. "Election-related information" shall mean any oral or written communication regarding the time or place of an election, criminal penalties associated with voting in such an election, an individual's voter registration status or eligibility to vote in such an election, or the explicit endorsement of any person or organization of a candidate in such an election.

§ 12. Subdivision 1 of section 7-202 of the election law is amended by adding a new paragraph a-1 to read as follows:

a-1. use an individual, durable, voter-verified, paper ballot of the voter's vote that shall be marked and made available for inspection and verification by the voter before the voter's vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device; such ballots shall be the true and correct record of the votes cast and shall allow a manual audit and be preserved in accordance with the provisions of section 3-222 of this chapter. For purposes of this paragraph, the term "individual, durable, voter-verified, paper ballot" means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand;

§ 13. Paragraph j of subdivision 1 of section 7-202 of the election law, as added by chapter 181 of the laws of 2005, is amended to read as follows:

j. retain all paper ballots cast or produce and retain a voter verified permanent paper record which shall be presented to the voter from behind a window or other device before the ballot is cast, in a manner intended and designed to protect the privacy of the voter; such ballots or record shall allow a manual audit and shall be preserved in accordance with the provisions of section 3-222 of this chapter; provided, however, the voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.

§ 14. The election law is amended by adding a new section 3-508 to read as follows:

§ 3-508. Study and report on accessible paper ballot verification mechanisms. 1. The state board of elections shall make grants to not fewer than three eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used.

2. An entity is eligible to receive a grant under this section if it submits to the board (at such time and in such form as the board may require) an application containing:

(a) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verified paper ballots and presenting or transmitting the information printed or marked

on such ballots back to such individuals and voters, and casting such ballots;

(b) a certification that the entity shall complete the activities carried out with the grant not later than December thirty-first, two thousand twenty; and

(c) such other information and certifications as the board may require.

3. Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.

§ 15. Subdivision 1 of section 7-104 of the election law, as amended by chapter 165 of the laws of 2010, is amended to read as follows:

1. (a) All ballots shall be printed and/or displayed in a format and arrangement, of such uniform size and style as will fit the ballot frame, and shall be in as plain and clear a type or display as the space will reasonably permit. All voter-verified paper ballots required to be used under this chapter shall be marked or printed on durable paper. Such type or display on the ballot shall satisfy all requirements and standards set forth pursuant to the federal Help America Vote Act. For purposes of this subdivision, paper is "durable" if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of twenty-two months.

(b) All voter-verified paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other device equipped for individuals with disabilities.

§ 16. Article 9 of the election law is amended by adding a new title 3 to read as follows:

TITLE III

MANDATORY MANUAL AUDITS

Section 9-300. Requiring audits of results of elections.
9-302. Number of ballots counted under audit.
9-304. Process for administering audits.
9-306. Selection of election districts.
9-308. Publication of results.

§ 9-300. Requiring audits of results of elections. 1. In accordance with this title, the state board of elections shall administer, without advance notice to the local boards of elections selected, audits of the results of all elections for state and local offices held for each election consisting of random hand counts of the voter-verified paper ballots required to be used and preserved pursuant to this chapter.

2. The state board of elections shall not be required to administer an audit of the results of an election under this title if the winning candidate in the election:

(a) had no opposition on the ballot; or

(b) received eighty percent or more of the total number of votes cast in the election, as determined on the basis of the final unofficial vote count.

3. The state board of elections shall administer audits under this title through an election auditing entity selected for such purpose by the state board of elections in accordance with such criteria as the state board of elections considers appropriate consistent with the

requirements of this title, except that such entity must meet standards to ensure its independence.

§ 9-302. Number of ballots counted under audit. 1. Except as provided in subdivision two of this section, the number of voter-verified paper ballots which will be subject to a hand count administered by the election auditing entity under this title with respect to an election shall be determined as follows:

(a) In the event that the unofficial count as described in subdivision one of section 9-304 of this title reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is less than one percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least ten percent of all election districts (or alternative audit units used in accordance with the method provided for under subdivision two of this section) in the district involved or the state.

(b) In the event that the unofficial count as described in subdivision one of section 9-304 of this title reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is greater than or equal to one percent but less than two percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least five percent of all election districts (or alternative audit units used in accordance with the method provided for under subdivision two of this section) in the district involved or the state.

(c) In the event that the unofficial count as described in subdivision one of section 9-304 of this title reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is equal to or greater than two percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least three percent of all election districts (or alternative audit units used in accordance with the method provided for under subdivision two of this section) in the district involved or the state.

2. Notwithstanding subdivision one of this section, the state board of elections may adopt and apply an alternative mechanism to determine the number of voter-verified paper ballots which will be subject to the hand counts required under this title with respect to an election, so long as the alternative mechanism uses the voter-verified paper ballots to conduct the audit and the alternative mechanism is in accordance with the principles set forth in this subdivision. In approving an alternative mechanism under this subdivision, the state board of elections shall ensure that the audit procedure will have the property that for each election:

(a) the alternative mechanism will be at least as statistically effective in ensuring the accuracy of the election results as the procedures under this section; or

(b) the alternative mechanism will achieve at least a ninety-five percent confidence interval (as determined in accordance with criteria set forth by the National Institute of Standards and Technology) with respect to the outcome of the election.

§ 9-304. Process for administering audits. The election auditing entity shall administer an audit under this section of the results of an election in accordance with the following procedures:

1. Within twenty-four hours after the final unofficial vote count is released, the election auditing entity shall:

(a) determine and then announce the election districts (or alternative audit units used in accordance with the method provided under subdivision two of section 9-302 of this title) in the state in which it will administer the audits; and

(b) with respect to votes cast at the election district on or before the date of the election (other than affidavit ballots described in subdivision two of this section), begin to administer the hand count of the votes on the voter-verified paper ballots required to be used and preserved under this chapter and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the board of elections.

2. With respect to votes cast other than at the election district on the date of the election (other than votes cast before the date of the election) or votes cast by affidavit ballot on the date of the election which are certified and counted by the board of elections on or after the date of the election, including votes cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, the election auditing entity shall administer the hand count of the votes on the applicable voter-verified paper ballots required to be produced and preserved under this chapter and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the board of elections.

3. In administering the audits, the election auditing entity may utilize the services of the personnel of the state or local boards of elections, including election administration personnel and poll workers, without regard to whether or not the personnel have professional auditing experience.

4. The election auditing entity shall administer an audit of an election:

(a) at the location where the ballots cast in the election are stored and counted after the date of the election or such other appropriate and secure location agreed upon by the election auditing entity and the state board of elections; and

(b) in the presence of the personnel of the state board of elections.

5. (a) If the election auditing entity finds that any of the hand counts administered under this section do not match the final unofficial tally of the results of an election, the election auditing entity shall administer hand counts of such additional election districts (or alternative audit units) as the election auditing entity considers appropriate to resolve any concerns resulting from the audit and ensure the accuracy of the election results.

(b) Not later than August first, two thousand twenty-one, the state board of elections shall establish and publish procedures for carrying out the additional audits under this subdivision, including the means by which the state board of elections shall resolve any concerns resulting from the audit with finality and ensure the accuracy of the election results.

6. Each audit conducted under this section shall be conducted in a manner that allows public observation of the entire process.

§ 9-306. Selection of election districts. 1. The selection of the election districts or alternative audit units in the state in which the election auditing entity shall administer the hand counts under this title shall be made by the election auditing entity on a random basis except that at least one election district shall be selected at random in each county, with additional election districts selected by the election auditing entity at the election auditing entity's discretion.

2. The random selection of election districts under subdivision one of this section shall be conducted in public, at a time and place announced in advance.

§ 9-308. Publication of results. 1. As soon as practicable after the completion of an audit under this title, the election auditing entity shall submit to the state board of elections the results of the audit, and shall include in the submission a comparison of the results of the election in the election district as determined by the election auditing entity under the audit and the final unofficial vote count in the election district as announced by the board of elections and all under-votes, overvotes, blank ballots, and spoiled, voided, or cancelled ballots, as well as a list of any discrepancies discovered between the initial, subsequent, and final hand counts administered by the election auditing entity and such final unofficial vote count and any explanation for such discrepancies, broken down by the categories of votes described in subdivisions one and two of section 9-304 of this title.

2. Immediately after receiving the submission of the results of an audit from the election auditing entity under subdivision one of this section, the state board of elections shall publicly announce and publish the information contained in the submission.

3. The results of any election which is subject to an audit under this title shall not be certified prior to:

(a) to the completion of the audit (and, if required, any additional audit conducted under subdivision five of section 9-304 of this title) and the announcement and submission of the results of each such audit to the state board of elections for publication of the information required under this section; and

(b) the completion of any procedure established by the state board of elections pursuant to subdivision five of section 9-304 of this title to resolve discrepancies and ensure the accuracy of results.

§ 17. Subdivision 3-a of section 3-100 of the election law is renumbered subdivision 3-b and a new subdivision 3-a is added to read as follows:

3-a. (a) It shall be unlawful for a member of the state board of elections to take an active part in political management or in a political campaign with respect to any election held pursuant to the provisions of this chapter or for federal office over which such official has supervisory authority. Provided, however, that this section shall not apply to such officials with respect to an election in which the official or an immediate family member of the official is a candidate.

(b) For the purposes of this section, the following terms shall have the following meanings:

(i) "Active part" shall mean service as a member of an authorized committee of a candidate for office; the use of official authority or influence for the purpose of interfering with or affecting the result of an election; and the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for office.

(ii) "Immediate family member" shall mean a candidate's father, mother, son, daughter, brother, sister, husband, wife, father-in-law or mother-in-law.

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

11. a. The state board of elections shall establish a statewide voter hotline [~~using information available through the statewide voter registration list~~] for [~~voters to obtain information regarding their voter~~

~~registration~~] responding to questions and complaints from individuals voting or seeking to vote, or registering to vote or seeking to register to vote, in elections held pursuant to this chapter or in federal elections. Such hotline shall provide same-day, and immediate assistance to such individuals, including information on how to register to vote, the location and hours of operation of polling places, and how to obtain absentee ballots, and assistance to such individuals encountering problems with registering to vote or voting, including individuals encountering intimidation or deceptive practices.

b. Such voter hotline shall operate in a manner that ensures that individuals with disabilities and individuals with limited proficiency in the English language are fully able to use the service.

c. The state board of elections shall furnish to the temporary president of the senate, the speaker of the assembly, and the governor, a bi-annual report detailing the number and type of calls received by the service, a compilation and description of the reports made to the service by individuals citing instances of voter intimidation or suppression, an assessment of the effectiveness of the service in making information available to all households with telephone service, and any recommendations to improve the service.

§ 19. Article 8 of the election law is amended by adding a new title 6 to read as follows:

TITLE VI

EARLY VOTING AND VOTING BY MAIL

Section 8-600. Early voting; general.

8-601. Early voting; length of period.

8-602. Polling place requirements.

8-603. Early voting; state board of elections.

8-604. Voting by mail.

§ 8-600. Early voting; general. A voter shall be permitted to vote in any election held pursuant to the provisions of this chapter during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.

§ 8-601. Early voting; length of period. 1. The early voting period required under section 8-600 of this title, shall consist of a period of consecutive days, including weekends, which begins on the fifteenth day before the date of the election and ends on the date of the election.

2. Such early voting period may commence prior to the fifteenth day before the date of the election.

§ 8-602. Polling place requirements. 1. Each polling place which allows voting during an early voting period under section 8-600 of this title shall:

a. allow such voting for no less than four hours on each day, except such polling place may allow such voting for fewer than four hours on Sundays; and

b. have uniform hours each day for which such voting occurs.

2. To the greatest extent practicable, each polling place which allows voting during an early voting period under section 8-600 of this title, shall be located within walking distance of a stop on a public transportation route.

§ 8-603. Early voting; state board of elections. 1. The state board of elections shall issue standards for the administration of early voting for a state or local election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

2. The standards described in subdivision one of this section shall permit the boards of elections, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.

§ 8-604. Voting by mail. A voter qualified to cast a vote in a state or local election shall not be restricted by additional conditions or requirements on the eligibility of such voter to vote in such election by mail, except to the extent the board of elections imposes a deadline for requesting the ballot and related voting materials from the appropriate election official and for returning the ballot to the appropriate official.

§ 20. Section 8-400 of the election law is amended by adding a new subdivision 6-a to read as follows:

6-a. An absentee ballot may not be accepted or processed unless the individual's identity is verified by comparing the individual's signature on the absentee ballot with the individual's signature on the official list of registered voters, in accordance with such procedures adopted by the state board of elections.

§ 21. Section 5-104 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. For the purpose of registering and voting, no spouse, domestic partner, or dependent of a person who is absent from the state in compliance with military or naval orders shall, solely by reason of that person's absence and without regard to whether or not such family member is accompanying that person be deemed to have:

a. lost a residence or domicile in this state, without regard to whether or not the person intends to return;

b. acquired a residence or domicile in any other state; or

c. become a resident in or a resident of any other state.

§ 22. Section 10-124 of the election law is amended by adding three new subdivisions 3, 4 and 5 to read as follows:

3. Not later than forty-five days before any regularly scheduled general election the state board of elections shall submit a report to the governor and attorney general and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by no later than the amount of days prior to the election as outlined in paragraph (a) of subdivision one of section 10-108 of this article. The report shall be in a form prescribed jointly by the governor and attorney general and shall require certified specific information about ballot availability from each unit of local government which will administer the election.

4. Not later than twelve days before any regularly scheduled general election the state board of elections shall submit a report to the governor and attorney general and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by no later than the amount of days prior to the election as outlined in paragraph (a) of subdivision one of section 10-108 of this article to all qualified absent uniformed services and overseas voters whose requests were received prior to such dates before the election. The report shall be in a form prescribed jointly by the governor and attorney general and shall require certified specific information about ballot availability from each unit of local government which will administer the election.

5. Not later than ninety days after the date of each regularly scheduled general election the state and county boards of elections which administered such election shall submit a report to the governor and attorney general on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.

§ 23. Section 10-108 of the election law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) In the event that the board of elections in any county fails to meet the requirements of paragraph (a) of subdivision one of this section the board of elections in such county shall transmit the ballot to the voter by express delivery or in the case of a voter who has designated that absentee ballots be transmitted electronically, the board of elections of such county shall transmit the ballot to the voter electronically.

(b) If, in carrying out the provisions of paragraph (a) of this subdivision, a county board of elections transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than seven days before the election, the county board of elections shall enable the ballot to be returned by the voter by express delivery.

§ 24. Section 10-106 of the election law is amended by adding a new subdivision 9 to read as follows:

9. (a) If an application submitted by an absent uniformed services voter or overseas voter has been accepted and such voter requests that the application be considered an application for an absentee ballot for each subsequent election, an absentee ballot shall be provided to such voter for each subsequent election.

(b) Paragraph (a) of this subdivision shall not apply with respect to a voter registered to vote in any election held after the voter notifies the board of elections that the voter no longer wishes to be registered to vote in this state or such county or after the board of elections determines that the voter has registered to vote in another state or county or is otherwise no longer eligible to vote.

(c) A valid voter registration application or absentee ballot application submitted by an absent uniformed services voter or overseas voter shall not be refused on the grounds that the voter submitted the application before the first date on which such applications are accepted or processed by absentee voters who are not members of the uniformed services or overseas citizens.

§ 25. Section 3-404 of the election law is amended by adding a new subdivision 8 to read as follows:

8. (a) An employee in or under a state agency is entitled to leave, without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, not to exceed six days in a leave year, in order to provide election administration assistance at a polling place on the date of any election for public office or to receive any training without which such employee would be ineligible to provide such assistance.

(b) The department of civil service may prescribe regulations for the administration of this subdivision, including regulations setting forth the terms and conditions of the election administration assistance an employee may provide for purposes of paragraph (a) of this subdivision.

§ 26. The election law is amended by adding a new section 3-422 to read as follows:

§ 3-422. Model poll worker training program. 1. The state board of elections shall develop and provide to each county materials for a model poll worker training program which the counties may use to train individuals to serve as poll workers in state and county elections.

2. The materials for the model poll worker training program developed under this section shall include materials to provide training with respect to the following:

(a) the relevant provisions of the laws which apply to the administration of elections, including but not limited to the Voting Rights Act of 1965 and the Help America Vote Act of 2002;

(b) the provision of access to voting to individuals with disabilities in a manner which preserves the dignity and privacy of such individuals;

(c) the provision of access to voting to individuals with limited English language proficiency, and to individuals who are members of racial or ethnic minorities, consistent with the protections provided for such individuals under relevant law, in a manner which preserves the dignity of such individuals;

(d) practical experience in the use of voting machines which will be used in the election involved, including the accessibility features of such machines; and

(e) such other election administration subjects as the state board of elections considers appropriate to ensure that poll workers are able to efficiently assist with the administration of elections.

§ 27. Section 3-212 of the election law is amended by adding a new subdivision 6 to read as follows:

6. Before the state board of elections or any local board of elections makes any changes in administration, regulations, policies, practices and procedures affecting counties with at least ten percent African American, Hispanic, Asian and/or Native American registered voters who average fifty percent or less voter turnout over the past five general elections and/or have any minority voter complaints or government enforcement actions within the past ten years, must submit such changes to the civil rights bureau of the attorney general's office for approval. This shall not apply to any changes made pursuant to law.

§ 28. The sum of five million dollars ($5,000,000) is hereby appropriated to the state board of elections out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of section 3-508 of the election law. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by a majority of the commissioners of the state board of elections in the manner prescribed by law.

§ 29. This act shall take effect immediately and shall apply to all elections conducted in 2020 and thereafter. Provided, however, that section twenty-six of this act shall take effect one year after this act takes effect.