STATE OF NEW YORK

5992

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to automatic voter registration when applying for licenses through the department of motor vehicles and graduating from high school

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

Section 1. The election law is amended by adding a new section 5-200 to read as follows:

§ 5-200. Automatic 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 does not elect to decline registration to vote at the point of service.

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 does not elect to decline registration to vote or update the registration record at the point of service 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; or

(b) graduates from a New York state high school.

3. The state board of elections shall enter into agreements with the department of education and the department of motor vehicles to ensure that for each person described in subdivision two of this section, the department of education and the department of motor vehicles electronically transmits to the state or local boards of elections the following

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

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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.

4. If the department of education or the department of motor vehicles does not obtain information concerning the citizenship status of persons described in subdivision two of this section, it shall obtain information 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.

5. Each high school and the department of motor vehicles shall include for each person described in subdivision two of this section a statement that he or she shall be registered to vote, if he or she is not already so registered, provided, however, that each high school and the department of motor vehicles shall provide each person described in subdivision two of this section the opportunity to elect to decline registration to vote at the point of service, and upon such election, he or she shall not be registered to vote pursuant to the procedures in this section at that time.

6. The state board of elections shall prepare and distribute to the department of motor vehicles written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees. Training shall include requirements that employees of the department of motor vehicles communicate to each individual identified in subdivision two of this section that the department of motor vehicles 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 state board of elections and department of education shall prepare and distribute to each high school within the state written instructions as to the implementation of the program and shall be

responsible for establishing training programs for employees. Training shall include requirements that employees of the high school communicate to each student that the high school maintains strict neutrality with respect to a person's party enrollment and all students seeking voter registration forms and information shall be advised that they shall not be disciplined based on being registered to vote, party enrollment, or eligibility to register to vote. No statement shall be made nor any action taken to discourage a student from registering to vote.

8. The agreements between the state board of elections and the department of education and the department of motor vehicles 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 three 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.

9. The department of education and the department of motor vehicles 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.

10. The department of education and the department of motor vehicles 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 eighteen; provided, that the department of education and the department of motor vehicles 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 nineteen.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.