STATE OF NEW YORK

3304--A

2017-2018 Regular Sessions

IN SENATE

January 20, 2017

Introduced by Sens. GIANARIS, ADDABBO, ALCANTARA, AVELLA, BAILEY, BENJAMIN, BROOKS, COMRIE, DILAN, HAMILTON, HOYLMAN, KAMINSKY, KENNEDY, KRUEGER, MONTGOMERY, PARKER, PERALTA, RIVERA, SERRANO, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to enacting the "voter empowerment act of New York"

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

Section 1. Short title. This act shall be known and may be cited as the "voter empowerment act of New York".

§ 2. Section 5-104 of the election law is amended by adding a new subdivision 3 to read as follows:

3. The provisions set forth in subdivision one of this section regarding the right of students to register and vote shall be interpreted in a manner consistent with the constitutional requirement that each citizen must be permitted to vote in that community which is the "locus of ... primary concern" to that citizen at the time of the election. Accordingly, a student attending a college or university in this state shall be permitted to retain his or her parental residence for voting purposes if the parental community remains the locus of the student's primary concern or, in the alternative, a student shall be permitted to register and vote from his or her residence within the college or university community if he or she regards the college or university as the community of primary concern.

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

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

LBD03066-02-7

§ 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;

(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 and 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. Each source agency 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 source agency 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.

7. 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.

8. 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.

9. 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.

10. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The date of birth of the applicant.

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

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

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

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

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

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

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

application within twenty-one days of a special, primary or general election, the board shall verify the identity of the applicant within five days or before such election, whichever shall be sooner. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within twenty-one days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable first class or return postage guaranteed mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when his registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which he will be eligible to vote, of the location of the polling place of the election district in which he is or will be a qualified voter, whether such polling place is accessible to physically handicapped voters, an indication that physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-d. A person appearing on election day whose name cannot be found or whose information is incomplete or incorrect on the statewide voter registration list and who affirms that that he or she interacted with a source agency listed in subdivision three of section 5-200 of this chapter and consented to voter registration shall be permitted to cast an affidavit ballot. Such affidavit ballot shall be counted if at the polling place, the person presents proof of identity and evidence of registering to vote or performing any of the activities specified in subdivision two of section 5-200 of this chapter, and there is no affirmative proof that the person is ineligible to register to vote or that the person did not register or perform any of the activities specified in subdivision two of section 5-200 of this chapter.

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

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

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

§ 21. 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. 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~~] registration information system available through a secure public website accessible from the website of the state board of elections and through a toll-free telephone number maintained by the state board of elections. The information system shall:

a. allow any voter:

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

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

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

b. provide an interface that allows any person:

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

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

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

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

The board of elections shall develop procedures to enable an eligible citizen who submits an application pursuant to this subdivision and whose application lacks an electronic signature to provide a signature at the polling place or with an application for an absentee ballot before voting. The board of elections 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.

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

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

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

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

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

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

(a) any voter's signature;

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

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

(d) any voter's telephone number; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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