STATE OF NEW YORK

3409

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to enacting the "Modernized Voter Registration Act of New York"

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 four new sections 5-200, 5-201, 5-205 and 5-207 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;

(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;

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

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(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 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 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 of 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 her or she doesn't 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 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.

§ 5-201. 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.

§ 5-205. Internet registration. 1. The board shall ensure that the following services are available to the public at any time on the official public websites of the appropriate county or municipality, in the same manner and subject to the same terms and conditions as the services provided by voter registration regulations: (a) online application for voter registration; (b) online assistance to applicants in applying to register to vote; (c) online completion and submission by applicants of the mail voter registration application including assistance with

providing a signature in electronic form; and (d) 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 the law using the mail voter registration application form and (b) the individual provides a signature in electronic form.

3. For purposes of this section, an individual provides a signature in electronic form by (a) executing a computerized mark in the signature field on an online voter registration application; or

(b) submitting with the application an electronic copy of the individual's handwritten signature through electronic means.

4. (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. Any county or municipality shall make the services made available online under subdivision one of this section 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.

§ 5-207. Updating registration information through the internet. 1. The board 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 in the same manner required under the law.

2. Applications for voter registration shall provide an option for voters to receive voter information and future registration information and correspondence by email.

3. The board of elections shall notify every registered voter of the option to register and make changes to their voter information electronically.

§ 3. 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 elections 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.

§ 4. This act shall take effect immediately.