

# STATE OF NEW YORK

5114

2017-2018 Regular Sessions

## IN SENATE

March 8, 2017

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

AN ACT to amend the election law, in relation to establishing an electronic registration process integrated within designated agency applications

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

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

### TITLE IX

#### ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

3  
4 Section 5-900. Integrated personal voter registration application  
5 required.

6  
7 5-902. Automatic reinstatement after forfeiture.

8 5-904. Failure to provide exemplar signature not to prevent  
9 registration.

10 5-906. Presumption of innocent authorized error.

11 5-908. Forms.

12 § 5-900. Integrated personal voter registration application required.

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

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

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

3 2. For each application submitted to the agency, whether electron-  
4 ically or on paper, the agency shall transmit to the state board of  
5 elections through an interface with the electronic voter registration  
6 transmittal system established and maintained by the state board of  
7 elections that portion of the application that includes voter registra-  
8 tion information. The state board of elections shall electronically  
9 forward such application to the applicable board of elections of each  
10 county or the city of New York for filing, processing and verification  
11 consistent with this chapter.

12 3. An integrated voter registration form submitted to an agency in  
13 paper format shall be transmitted to the state board of elections  
14 through an electronic voter registration transmittal system by convert-  
15 ing the paper form to an image file or a portable document format file  
16 which shall thereafter be deemed the original form for voter registra-  
17 tion and enrollment purposes. The agency shall retain the complete  
18 original paper application for no less than two years. The transmittal  
19 of the converted paper application may include or be accompanied by data  
20 elements and transmittal information as required by the rules and regu-  
21 lations of the state board of elections.

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

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

32 6. The agency shall redact or remove from the completed integrated  
33 application to be transmitted to the state board of elections any infor-  
34 mation solely applicable to the agency application.

35 6-a. Information concerning the citizenship status of individuals,  
36 when collected and transmitted pursuant to subdivision one of this  
37 section, shall not be retained, used or shared for any other purpose  
38 except as may be required by law.

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

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

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

50 10. Designated agencies for purposes of this section shall include all  
51 agencies designated as voter registration agencies in sections 5-211 and  
52 5-212 of this article, as well as any other agency designated by the  
53 state board of elections. Any such designated agency shall take all  
54 actions that are necessary and proper for the implementation of this  
55 section, including facilitating technological capabilities to allow

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

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

15 12. The state board of elections shall promulgate rules and regu-  
16 lations for the creation and administration of an integrated electronic  
17 voter registration process as provided for by this section.

18 § 5-902. Automatic reinstatement after forfeiture. Any person whose  
19 voter registration is canceled pursuant to section 5-106 of this article  
20 shall be automatically reinstated as a voter upon becoming eligible,  
21 unless such voter shall affirmatively decline such reinstatement. The  
22 department of corrections and community supervision shall notify the  
23 board of elections through the voter registration transmittal system of  
24 the date when the forfeiture of voting rights shall end and provide an  
25 updated address for such person, if known. If no new address for such  
26 voter is available at that time, such voter shall be reinstated at the  
27 address of the previously canceled registration; provided, however, if  
28 the mailed notification of such registration shall be returned undeliv-  
29 erable to the board of elections, such returned mail shall be processed  
30 in accordance with this article.

31 § 5-904. Failure to provide exemplar signature not to prevent regis-  
32 tration. If a voter registration exemplar signature is not provided by  
33 an applicant who submits a voter registration application pursuant to  
34 this title and such signature exemplar is not otherwise available from  
35 the statewide voter registration database or a state or local agency,  
36 the local board of elections shall, absent another reason to reject the  
37 application, proceed to register and, as applicable, enroll the appli-  
38 cant. Within ten days of such action, the board of elections shall send  
39 a standard form promulgated by the state board of elections to the voter  
40 whose record lacks an exemplar signature, requiring such voter to submit  
41 a signature for identification purposes. The voter shall submit to the  
42 board of elections a voter registration exemplar signature by any one of  
43 the following methods: in person, by mail with return postage paid  
44 provided by the board of elections, by electronic mail, or by electronic  
45 upload to the board of elections through the electronic voter registra-  
46 tion transmittal system. If such voter does not provide the required  
47 exemplar signature, when the voter appears to vote the voter shall be  
48 entitled to vote in the same manner as a voter with a notation indicat-  
49 ing the voter's identity has not yet been verified in the manner  
50 provided by section 8-302 of this chapter.

51 § 5-906. Presumption of innocent authorized error. 1. If a person who  
52 is ineligible to vote becomes registered to vote pursuant to section  
53 5-902 of this title, that person's registration shall be presumed to  
54 have been effected with official authorization and not the fault of that  
55 person. Such presumption may be rebutted with evidence of knowing and  
56 willful intent to falsely register to vote.

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

9 § 5-908. Forms. The state board of elections shall promulgate rules  
10 and regulations to implement this title. All agency forms and notices  
11 required by this title shall be approved by the state board of  
12 elections. All applications and notices for use by a board of elections  
13 pursuant to this title shall be promulgated by the state board of  
14 elections, and no addition or alternation to such forms by a board of  
15 elections shall be made without approval of the state board of  
16 elections.

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