STATE OF NEW YORK

3339--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CARROLL, NIOU, D'URSO, ORTIZ, COLTON, PHEFFER AMATO, BICHOTTE, SEAWRIGHT, GOTTFRIED, HYNDMAN, RICHARDSON, RIVERA, MOSLEY, STIRPE, DE LA ROSA, DINOWITZ, WALKER, WRIGHT, BLAKE, SIMON, M. G. MILLER, BARRON, HEVESI, THIELE, RODRIGUEZ, PICHARDO, PEOPLES-STOKES, TAYLOR, JAFFEE, EPSTEIN -- Multi-Sponsored by -- M. of A. BUCHWALD, LENTOL -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to the qualifications of voters; and to amend the education law, in relation to civic education and student voter registration

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

Section 1. Subdivision 1 of section 5-102 of the election law is amended to read as follows:

1. No person shall be qualified to register for and vote at any election unless [~~he~~] **such person** is a citizen of the United States and is or will be, on the day of such election, [~~eighteen~~] **sixteen** years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.

§ 2. Paragraph (g) of subdivision 5 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

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

§ 2-a. Paragraph (g) of subdivision 5 of section 5-210 of the election law, as amended by chapter 2 of the laws of 2019, is amended to read as follows:

(g) Notice that the applicant must be a citizen of the United States, is **or will be** at least sixteen years old [~~when he or she submits an application to register to vote which will be effective for elections occurring on or after the applicant turns eighteen years of age~~] **not**

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

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later than December thirty-first of the calendar year in which he or she registers and a resident of the county or city to which application is made.

§ 3. Subdivision 3 of section 8-504 of the election law, as renumbered by chapter 373 of the laws of 1978, is amended to read as follows:

3. After receiving the answers as above specified, of any applicant, the board shall, if it believes the applicant to be qualified or the challenge is withdrawn, permit him or her to vote. Otherwise, the board shall point out to him or her the qualifications, if any, in respect of which he or she shall appear deficient. If, after such deficiencies have been so indicated, the applicant shall persist in his or her claim to vote, an inspector shall administer to him or her the following oath, which shall be known as "The Qualification Oath": "You do swear (or affirm) that you are [~~eighteen~~] sixteen years of age, that you are a citizen of the United States and that you have been a resident of this state, and of this county (of the city of New York) (village) for thirty days next preceding this election, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement. That all the statements you have made to the board have been true and that you understand that a false statement is perjury and you will be guilty of a misdemeanor."

§ 4. Subdivisions 1 and 3 of section 801 of the education law, as amended by chapter 574 of the laws of 1997, are amended and a new subdivision 6 is added to read as follows:

1. In order to promote a spirit of patriotic and civic service and obligation and to foster in the children of the state moral and intellectual qualities which are essential in preparing to meet the obligations of citizenship in peace or in war, the regents of The University of the State of New York shall prescribe courses of instruction in patriotism, citizenship and civics, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850, to be maintained and followed in all the schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools, over the age of eight years, shall attend upon such instruction. All pupils in the ninth and higher grades shall receive civic education for at least eight full class periods, in accordance with the department's 9-12 social studies framework.

Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools in grades or classes corresponding to the instruction in the eighth and higher grades of the public schools shall attend upon such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils in the public schools of the city or district in which such pupils reside.

3. The regents shall determine the subjects to be included in such courses of instruction in patriotism, citizenship and civics, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground rail-

road), the Holocaust, and the mass starvation in Ireland from 1845 to 1850, and in the history, meaning, significance and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the objects and purposes of this section. The commissioner shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a non-compliance with the rules of the regents adopted as herein provided.

6. a. The regents, in collaboration with the state board of elections, shall make available to each high school two forms to be distributed to all pupils who shall be sixteen years of age on or before December thirty-first of each year. Such forms shall be distributed on one date between the second and fifth school day in the month of January of each year.

b. The first form to be distributed pursuant to this subdivision shall be a standard voter registration form as prescribed by section 5-210 of the election law. Such form shall be completed for each eligible pupil, by school administrators who shall complete each field of the registration form except the fields pertaining to citizenship status, party affiliation, signature and date. The content of the registration form shall be explained to all pupils to whom forms are distributed and pupils shall be directed to correct any incorrect information previously completed by school administrators.

c. The second form to be distributed pursuant to this subdivision shall be entitled "Voter Registration Opt-Out Form" and shall contain the following statement: "I, the undersigned, decline to register as a voter in the State of New York at this time, and defer my choice of registration in the State of New York to a future date of my choosing." Such form shall be created by the regents in collaboration with the state board of elections.

d. Pupils shall be given classroom time to have the opportunity to complete either the standard voter registration form or the voter registration opt-out form. After pupils have had time to complete both forms, school administrators shall collect both forms from all pupils to whom the forms were distributed. School administrators shall be required to dispose of all voter registration forms for pupils who elect to not register to vote.

§ 5. This act shall take effect on the same date as a concurrent resolution amending the constitution, entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to section 1 of article 2 of the constitution, in relation to the voting age"; provided, however, that the amendments made to paragraph (g) of subdivision 5 of section 5-210 of the election law made by section two-a of this act, shall take effect on the same date and same manner as section 2 of chapter 2 of the laws of 2019 takes effect.