

STATE OF NEW YORK

4884

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the election law, in relation to modernizing voter registration, promoting access to voting for individuals with disabilities, protecting the ability of individuals to exercise the right to vote in elections for local and state office; and making an appropriation therefor

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

1 Section 1. This act shall be known and may be cited as the "modernized
2 voter registration act of New York".

3 § 2. The election law is amended by adding ten new sections 5-200,
4 5-232, 5-234, 5-236, 5-238, 5-240, 5-242, 5-244, 5-246 and 5-248 to read
5 as follows:

6 § 5-200. Automated voter registration. 1. Notwithstanding any other
7 manner of registration required by this article, each person in the
8 state qualified to vote pursuant to section 5-102 of this article, shall
9 be automatically registered to vote as provided in this section,
10 provided that the person consents to voter registration.

11 2. The state board of elections or county board of elections shall
12 register to vote or update the registration record of any person in the
13 state qualified to vote pursuant to section 5-102 of this article who
14 consents to the registration or update and does any of the following:

15 (a) completes an application for a new or renewed driver's license,
16 non-driver identification card, pre-licensing course certificate,
17 learner's permit or certification of supervised driving with the depart-
18 ment of motor vehicles, or notifies such department in writing of a
19 change of his or her name or address;

20 (b) completes an application for services, renewal or recertification
21 for services, or change of address relating to such services from agen-
22 cies designated in section 5-211 of this title;

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

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1 (c) completes an application for services, renewal or recertification
2 for services, or change of address relating to such services from any
3 municipal housing authority as set forth in article thirteen of the
4 public housing law;

5 (d) registers for classes at institutions of the state university of
6 New York or the city university of New York;

7 (e) completes a maximum sentence of imprisonment or is discharged from
8 parole;

9 (f) completes an application for unemployment insurance;

10 (g) becomes a member or employee of the New York division of military
11 and naval affairs; or

12 (h) completes an application with any other state or federal agency
13 designated as a source agency pursuant to paragraph (b) of subdivision
14 three of this section.

15 3. (a) The term "source agency" includes the department of motor vehi-
16 cles, any government agency designated pursuant to section 5-211 of this
17 title, the state university of New York and the city university of New
18 York, all public housing authorities listed in article thirteen of the
19 public housing law, the department of corrections and community super-
20 vision, the department of labor, the New York division of military and
21 naval affairs and any agency designated by the state board of elections
22 pursuant to paragraph (b) of this subdivision.

23 (b) The state board of elections may designate additional state agen-
24 cies to serve as sources for voter registration. In designating an agen-
25 cy under this paragraph, the state board of elections shall consider:

26 (i) the likelihood that source records reflect a large number of
27 eligible citizens;

28 (ii) the extent to which source records reflect eligible citizens who
29 would not otherwise be registered under the act to modernize voter
30 registration;

31 (iii) the accuracy of personal identification data in source records;
32 and

33 (iv) any additional factors designated by the chief election official
34 as reasonably related to accomplishing the purposes of the act to
35 modernize voter registration.

36 4. The state board of elections and the source agencies shall enter
37 into agreements to ensure that for each person described in subdivision
38 two of this section, each source agency electronically transmits to the
39 state or local boards of elections the following information in a format
40 that can be read by the computerized statewide voter registration list:

41 (a) given name or names and surname or surnames;

42 (b) mailing address and residential address;

43 (c) date of birth;

44 (d) citizenship;

45 (e) driver's license or non-driver identification card number, last
46 four digits of the person's social security number, or a space for the
47 person to indicate that he or she does not have any such number;

48 (f) political party enrollment, if any;

49 (g) an indication that the person intends to apply for an absentee
50 ballot, if any; and

51 (h) an image of the person's signature.

52 In the event that any transmission of data pursuant to this section
53 fails to include an image of an individual's signature, the absence of a
54 signature shall not preclude the registration of an eligible citizen.
55 The board of elections shall develop procedures to enable an eligible
56 citizen, whose information is transmitted pursuant to this section and

1 whose information lacks an electronic signature, to provide a signature
2 at the polling place or with an application for an absentee ballot
3 before voting. The board may require an elector who has not provided a
4 signature before arriving at the polling place or submitting an absentee
5 ballot to present a current and valid photo identification or a copy of
6 a current utility bill, bank statement, government check, paycheck, or
7 other government document that shows the name and address of the voter.

8 5. If an agency does not routinely request information concerning the
9 citizenship status of individuals, it shall maintain records sufficient
10 to transmit to the board of elections indications of United States citi-
11 zenship for each person described in subdivision two of this section,
12 but shall not retain, use, or share any such information relating to an
13 individual's citizenship for any other purpose.

14 6. The state board of elections shall prepare and distribute to
15 participating agencies written instructions as to the implementation of
16 the program and shall be responsible for establishing training programs
17 for employees of source agencies listed in this section. Training shall
18 include requirements that employees of any source agency communicate to
19 each individual identified in subdivision two of this section that the
20 source agency maintains strict neutrality with respect to a person's
21 party enrollment and all persons seeking voter registration forms and
22 information shall be advised that government services are not condi-
23 tioned on being registered to vote, or eligibility to register to vote.
24 No statement shall be made nor any action taken to discourage the appli-
25 cant from registering to vote.

26 7. The agreements between the state board of elections and the source
27 agencies shall include the format in which information will be transmit-
28 ted, whether and how each entity will collect, in addition to the manda-
29 tory information listed in subdivision four of this section, additional
30 information on a voluntary basis from persons for the purpose of facili-
31 tating voter registration, the frequency of data transmissions, the
32 procedures and other measures that will be used to ensure the security
33 and privacy of the information transmitted, and any other matter neces-
34 sary or helpful to implement the requirements of this section.

35 8. Each source agency shall cooperate with the state board of
36 elections and county board of elections to facilitate the voter regis-
37 tration of each person described in subdivision two of this section, and
38 to electronically transmit the information needed to register each such
39 person to vote or to update each such person's voter registration
40 record.

41 9. Each source agency shall enter into an agreement with the state
42 board of elections finalizing the format and content of electronic tran-
43 smissions required by this section no later than September first, two
44 thousand twenty-one; provided, that each source agency shall be able to
45 comply fully with all requirements of this section, including the
46 collection and transmission of all data required to register individuals
47 to vote, by January first, two thousand twenty-two.

48 10. Upon receiving information from a source agency with respect to an
49 individual, the state board of elections shall determine whether the
50 individual is included in the computerized statewide voter registration
51 list.

52 (a) If an individual for whom information is received from a source
53 agency is eligible to vote in elections for federal office in the state
54 and is not on the computerized statewide voter registration list, the
55 state board of elections shall: (i) ensure that the individual is regis-
56 tered to vote in such elections not later than five days after receiving

1 the information, without regard to whether or not the information
2 provided by the source agency includes the individual's signature; (ii)
3 update the statewide computerized voter registration list to include the
4 individual; and (iii) notify the individual that the individual is
5 registered to vote in elections for federal office in the state.

6 (b) If a source agency provides the state board of elections with
7 information with respect to an individual who did not consent to be
8 registered to vote, the state board of elections shall not take any
9 action to register the individual to vote, except that no such individ-
10 ual who is already included on the computerized statewide voter regis-
11 tration list shall be removed from the list solely because the informa-
12 tion was incorrectly provided.

13 11. If an individual who is not eligible to register to vote in
14 elections for federal office is registered to vote in such elections by
15 the state board of elections, the individual shall not be subject to any
16 penalty, including the imposition of a fine or term of imprisonment,
17 adverse treatment in any immigration or naturalization proceeding, or
18 the denial of any status under immigration laws, under any law prohibi-
19 ting an individual who is not eligible to register to vote in elections
20 for federal office from registering to vote in such elections. Nothing
21 in this subdivision shall be construed to waive the liability of any
22 individual who knowingly provides false information to any person
23 regarding the individual's eligibility to register to vote in elections
24 for federal office.

25 12. No person may use the information received by the state board of
26 elections to determine the citizenship status of any individual for
27 immigration enforcement, criminal law enforcement (other than enforce-
28 ment of this chapter), or any other purpose other than voter registra-
29 tion or election administration. No information relating to an individ-
30 ual's absence from the statewide voter registration list or an
31 individual's declination to supply information for voter registration
32 purposes to a source agency may be disclosed to the public for immi-
33 gration enforcement, criminal law enforcement other than enforcement of
34 laws against election crimes, or used for any purpose other than voter
35 registration, election administration, or the enforcement of election
36 laws.

37 13. Voter registration information collected under this section shall
38 not be used for commercial purposes including for comparison with any
39 existing commercial list or database.

40 § 5-232. Availability of online registration. 1. Every election
41 district shall ensure that the following services are available to the
42 public at any time on the official public websites of the appropriate
43 local election officials in the state: online application for voter
44 registration, online assistance to applications in applying to register
45 to vote, online completion and submission by applications of the mail
46 voter registration application form pursuant to section 5-210, including
47 assistance with providing a signature in electronic form as required
48 under section 5-234 of this title, and online receipt of completed voter
49 registration applications.

50 2. Any county or municipality shall accept an online voter registra-
51 tion application provided by an individual under this section, and
52 ensure that the individual is registered to vote in the state, if (a)
53 the individual meets the same voter registration requirements applicable
54 to individuals who register to vote by mail in accordance with law using
55 the mail voter registration application form, and (b) the individual

1 provides a signature in electronic form pursuant to section 5-234 of
2 this title.

3 3. (a) Upon the online submission of a completed voter registration
4 application by an individual under this section, the appropriate state
5 or local election official shall send the individual a notice confirming
6 the state's receipt of the application and providing instructions on how
7 the individual may check the status of the application, and

8 (b) as soon as the appropriate election official has approved or
9 rejected an application submitted by an individual under this section,
10 the official shall send the individual a notice of the disposition of
11 the application.

12 § 5-234. Signatures in electronic form. An individual provides a
13 signature in electronic form by executing a computerized mark in the
14 signature field on an online voter registration application; or submit-
15 ting with the application an electronic copy of the individual's hand-
16 written signature through electronic means.

17 § 5-236. Nonpartisan manner. The services made available under this
18 title shall be provided in a manner that ensures that the online appli-
19 cation does not seek to influence an applicant's political preference or
20 party registration and there is no display on the website promoting any
21 political preference or party allegiance, except that nothing in this
22 section may be construed to prohibit an applicant from registering to
23 vote as a member of a political party.

24 § 5-238. Protection of security information. The state board of
25 elections shall establish appropriate technological security measures to
26 prevent to the greatest extent practicable any unauthorized access to
27 information provided by individuals using the services made available
28 under section 5-232 of this title.

29 § 5-240. Use of additional telephone-based system. The board of
30 elections shall make the services made available online under section
31 5-232 of this title available through the use of an automated tele-
32 phone-based system, subject to the same terms and conditions applicable
33 under this section to the services made available online, in addition to
34 making the services available online in accordance with the requirements
35 of this section.

36 § 5-242. Use of internet to update registration information. 1. The
37 appropriate state or local election official shall ensure that any
38 registered voter on the computerized list may at any time update the
39 voter's registration information, including the voter's address and
40 electronic mail address, online through the official public website of
41 the election official responsible for the maintenance of the list, so
42 long as the voter attests to the contents of the update by providing a
43 signature in electronic form.

44 2. If a registered voter updates registration information, the appro-
45 priate state or local election official shall revise any information on
46 the computerized list to reflect the update made by the voter; and if
47 the updated registration information affects the voter's eligibility to
48 vote in an election, ensure that the information is processed with
49 respect to the election if the voter updates the information not later
50 than seven days before the election.

51 3. Upon the online submission of updated registration information by
52 an individual under this section, the appropriate state or local
53 election official shall send the individual a notice confirming receipt
54 of the updated information and providing instructions on how the indi-
55 vidual may check the status of the update.

1 4. As soon as the appropriate state or local election official has
2 accepted or rejected updated information submitted by an individual
3 under this section, the official shall send the individual a notice of
4 the disposition of the update.

5 5. The appropriate state or local election official shall send the
6 notices required under this section by regular mail, and, in the case of
7 an individual who has requested that the state provide voter registra-
8 tion and voting information through electronic mail, by both electronic
9 mail and regular mail.

10 § 5-244. List maintenance, privacy and security. 1. The state board of
11 elections shall publish on their website all standards established under
12 this section. The state board of elections shall establish standards
13 governing the comparison of data on the statewide computerized voter
14 registration list, the data provided by various source agencies under
15 section 5-200 of this title, including the specific data elements and
16 data matching rules to be used for purposes of determining: (a) whether
17 a data record from any source agency represents the same individual as a
18 record in another source agency or on the statewide list; (b) whether a
19 data record from any source agency represents an individual already
20 registered to vote in the state; (c) whether two data records in the
21 statewide computerized voter registration list represent duplicate
22 records for the same individual; (d) whether a data record supplied by
23 any list maintenance source represents an individual already registered
24 to vote in the state; and (e) which information will be treated as more
25 current and reliable when data records from multiple sources present
26 information for the same individual.

27 2. The state board of elections shall establish uniform and non-dis-
28 criminatory standards describing the specific conditions under which an
29 individual will be determined for list maintenance purposes to be ineli-
30 gible to vote in an election.

31 3. The state board of elections shall publish and enforce a privacy
32 and security policy specifying each class of users who shall have
33 authorized access to the computerized statewide voter registration list,
34 specifying for each such class the permission and levels of access to be
35 granted, and setting forth other safeguards to protect the privacy and
36 security of the information on the list. Such policy shall include secu-
37 rity safeguards to protect personal information in the data transfer
38 process, the online or telephone interface, the maintenance of the voter
39 registration database, and audit procedures to track individual access
40 to the system.

41 4. The state board of elections shall establish policies and enforce-
42 ment procedures to prevent unauthorized access to or use of the comput-
43 erized statewide voter registration list, any list or other information
44 provided by a source agency, or any maintenance source for the list.
45 Nothing in this subdivision shall be construed to prohibit access to
46 information required for official purposes for purposes of voter regis-
47 tration, election administration, and the enforcement of election laws.

48 5. The state board of elections shall establish policies and enforce-
49 ment procedures to maintain security during inter-agency transfers of
50 information required or permitted under this chapter. Each state agency
51 and third party participating in such inter-agency transfers of informa-
52 tion shall facilitate and comply with such policies. Nothing in this
53 subdivision shall prevent a source agency from establishing and enforc-
54 ing additional security measures to protect the confidentiality and
55 integrity of inter-agency data transfers. No state or local election

1 official shall transfer or facilitate the transfer of information from
2 the computerized statewide voter registration list to any source agency.

3 6. Nothing in this section shall be construed to prevent a source
4 agency from contracting with a third party to assist in the transmission
5 of data to the state board of elections, so long as the data trans-
6 mission complies with the applicable requirements of this chapter.

7 7. The state board of elections shall establish standards and proce-
8 dures to maintain all election records required for purposes of this
9 section. Records for individuals who have been retained on the computer-
10 ized statewide registration list but identified as ineligible to vote in
11 an election or removed from the list due to ineligibility, shall be
12 maintained and kept available until at least the date of the second
13 general election for federal office that occurs after the date that the
14 individual was identified as ineligible.

15 8. The identity of the specific source agency through which an indi-
16 vidual consented to register to vote shall not be disclosed to the
17 public and shall not be retained after the individual is added to the
18 computerized statewide voter registration list.

19 9. The state board of elections shall establish policies and enforce-
20 ment procedures to ensure that personal information provided by source
21 agencies or otherwise transmitted under this section is kept confiden-
22 tial and is available only to authorized users. For purposes of these
23 policies and procedures, the term "personal information" means any of
24 the following:

- 25 (a) any portion of an individual's social security number;
- 26 (b) any portion of an individual's motor vehicle driver's license
27 number or state identification card number;
- 28 (c) an individual's signature;
- 29 (d) an individual's personal residence and contact information;
- 30 (e) sensitive information relating to persons in categories designated
31 confidential by federal or state law, including victims of domestic
32 violence or stalking, prosecutors and law enforcement personnel, and
33 participants in a witness protection program;
- 34 (f) an individual's phone number;
- 35 (g) an individual's email address;
- 36 (h) any indication of an individual's status as a citizen or nonciti-
37 zen of the United States; and
- 38 (i) such other information as the state board of the elections may
39 designate as confidential to the extent reasonably necessary to prevent
40 identity theft or impersonation, except that such board may not desig-
41 nate as confidential under this subdivision the name, address, or date
42 of registration of an individual, or where applicable, the self-identi-
43 fied racial or ethnic category of the individual.

44 10. The state board of elections shall ensure that, with respect to
45 any individual who declines the opportunity to register to vote, the
46 individual's information is not included on the computerized statewide
47 voter registration list and is not provided to a third party (except to
48 the extent required under other law). Nothing in this subdivision shall
49 be construed to preclude an individual who has previously declined the
50 opportunity to register to vote from subsequently registering to vote.

51 § 5-246. Accuracy of statewide voter registration lists. 1. Not later
52 than twenty-four hours after receiving a change of address form or any
53 other information indicating that identifying information with respect
54 to an individual which is included in the records of the department of
55 motor vehicles has been changed, such department shall transmit such
56 form or other information to the state board of elections, unless:

1 (a) the records of the department include information indicating that
2 the individual is not eligible to register to vote in the state; or

3 (b) the individual states on the form or otherwise indicates that the
4 change of address or other information is not for voter registration
5 purposes.

6 2. Not later than twenty-four after receiving a change of address form
7 or any other information indicating that identifying information with
8 respect to an individual which is included in the records of a voter
9 registration agency has been changed, the appropriate official of such
10 agency shall transmit such form or other information to the state board
11 of elections, unless:

12 (a) the records of the department include information indicating that
13 the individual is not eligible to register to vote in the state; or

14 (b) the individual states on the form or otherwise indicates that the
15 change of address or other information is not for voter registration
16 purposes.

17 3. Not later than twenty-four hours after receiving a change of
18 address form or any other information indicating that identifying infor-
19 mation with respect to an individual which is included in the records of
20 a source agency has been changed, the appropriate official of such agen-
21 cy shall transmit such form or other information to the state board of
22 elections, unless:

23 (a) the records of the department include information indicating that
24 the individual is not eligible to register to vote in the state; or

25 (b) the individual states on the form or otherwise indicates that the
26 change of address or other information is not for voter registration
27 purposes.

28 4. If the department of motor vehicles, a voter registration agency,
29 or a source agency transmits to the state board of elections a change of
30 address form or any other information indicating that identifying infor-
31 mation with respect to an individual has been changed the appropriate
32 state or local election official shall:

33 (a) determine whether the individual appears on the computerized list;
34 and

35 (b) if the individual appears on the list, revise the information
36 relating to the individual on the list to reflect the individual's new
37 address or other changed identifying information.

38 5. If an election official revises any voter registration information
39 on the computerized list with respect to any voter (including removing
40 the voter from the list), immediately after revising the information,
41 the official shall send the individual a written notice of the revision
42 which includes the following information:

43 (a) the voter's name, date of birth, and address, as reflected in the
44 revised information on the computerized list;

45 (b) a statement that the voter's registration information has been
46 updated;

47 (c) information on how to correct information on the computerized
48 list;

49 (d) a statement of the eligibility requirements for registered voters;

50 (e) a statement (in larger font size than the other statements on the
51 notice) that it is illegal for an individual who does not meet the
52 eligibility requirements for registered voters in the state to vote in
53 such state; and

54 (f) a statement that the voter may terminate the voter's status as
55 registered in the state, or request a change in the voter's voter regis-
56 tration information at any time by contacting the appropriate state or

1 local election official, together with contact information for such
2 official (including any website through which the voter may contact the
3 official or obtain information on voter registration in the state).

4 6. If an election official has an electronic mail address for any
5 voter to whom the official is required to send notice under this
6 section, the official may meet the requirements of this section by send-
7 ing the notice to the voter in electronic form at that address, but only
8 if prior to sending the notice, the official sends a test electronic
9 mail to the voter at that address and receives confirmation that the
10 address is current and valid.

11 § 5-248. Same day registration. Each county shall allow any eligible
12 individual on the day of an election and on any day when voting, includ-
13 ing early voting, to register to vote in such election at the polling
14 place and to cast a vote in such election.

15 § 3. Section 5-210 of the election law is amended by adding three new
16 subdivisions 16, 17 and 18 to read as follows:

17 16. The board of elections shall accept an online voter registration
18 application provided by an individual and ensure that individual is
19 registered to vote in the state if (a) the individual meets the same
20 voter registration requirements applicable to individuals who register
21 to vote by mail in accordance with this section; and (b) the individual
22 provided a signature in electronic form in accordance with section 5-234
23 of this title.

24 17. Upon the online submission of a completed voter registration
25 application by an individual, an appropriate election personnel shall
26 send the individual a notice confirming the board of elections receipt
27 of the application and providing instructions on how the individual may
28 check on the status of the application. As soon as the appropriate
29 election personnel has approved or rejected an application submitted by
30 an individual, the personnel shall send the individual a notice of the
31 disposition of the application by regular mail unless the individual has
32 requested voter information to be sent through electronic mail, in which
33 case a copy should be sent through both regular and electronic mail.

34 18. If an individual who is a registered voter had provided the state
35 or local election official with an electronic mail address for purposes
36 of receiving voting information, the county board of elections, through
37 electronic mail transmitted not later than seven days before the date of
38 the election involved, shall provide the individual with information on
39 how to obtain the following information by electronic means: (a) the
40 name and address of the polling place at which the individual is
41 assigned to vote in the election; (b) the hours of operation for the
42 polling place; and (c) a description of any identification or other
43 information the individual may be required to present at the polling
44 place.

45 § 4. The election law is amended by adding two new sections 5-108 and
46 5-110 to read as follows:

47 § 5-108. Nondiscrimination. 1. The state shall treat a registered
48 voter who is registered to vote online in accordance with this chapter
49 in the same manner as the state treats a registered voter who registered
50 to vote by mail.

51 2. No person may discriminate against any individual on the basis of
52 the individual's absence from the statewide voter registration list, the
53 information supplied by the individual for voter registration purpose to
54 a source agency, or the individual's declination to supply such informa-
55 tion, except as required for purposes of voter registration, election
56 administration, and the enforcement of election laws.

§ 5-110. Prohibiting use of electronic mail addresses for other than official purposes. The state board of elections shall ensure that any electronic mail addresses provided by an applicant under this chapter are used only for purposes of carrying out official duties of election officials and are not transmitted by any state or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a state or local election official.

§ 5. Subdivisions 1 and 2 of section 5-210 of the election law, as amended by chapter 179 of the laws of 2005, are amended to read as follows:

1. In addition to local registration and veterans' absentee registration as provided in this chapter, any qualified person may apply personally for registration and enrollment, change of enrollment by mail ~~[or]~~, by appearing at the board of elections on any day, except a day of election, during the hours that such board of elections is open for business or by registering online.

2. (a) Application forms for use pursuant to this section shall be furnished by a county board of elections to any person requesting such form or shall be available on the county board of elections website pursuant to section 5-232 of this title. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Each county board of elections shall also cause such application forms to be as widely and freely distributed as possible.

(b) The board of elections shall mail an application for registration by mail and information on how the person may re-register to each person for whom it receives notice pursuant to the provisions of subdivision four of section 5-402 of this article that such person has moved into such city or county unless such person is already registered from the address listed in such notice.

§ 6. The election law is amended by adding a new section 17-172 to read as follows:

§ 17-172. Penalties against list maintenance, privacy and security. Any person who knowingly uses information or permits information to be used in violation of sections 5-244 or 5-108 of this chapter shall be imprisoned for not more than one year, fined not less than one hundred dollars nor more than five hundred dollars, or both such fine and imprisonment.

§ 7. 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 two new paragraphs (n) and (o) are 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.

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

3 (iii) The date of birth of the applicant.

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

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

12 ~~(vi) [A space for the applicant to answer the question "Will you be 18~~
13 ~~years of age on or before election day?" and the statement "If you~~
14 ~~checked "no" in response to this question, do not complete this form~~
15 ~~unless you will be 18 by the end of the year."]~~

16 ~~(vii)~~ A statement informing the applicant that if the form is submit-
17 ted by mail and the applicant is registering for the first time, certain
18 information or documents must be submitted with the mail-in registration
19 form in order to avoid additional identification requirements upon
20 voting for the first time. Such information and documents are:

21 (A) a driver's license or department of motor vehicles non-driver
22 photo ID number; or

23 (B) the last four digits of the individual's social security number;
24 or

25 (C) a copy of a current and valid photo identification; or

26 (D) a copy of a current utility bill, bank statement, government
27 check, paycheck or other government document that shows the name and
28 address of the voter.

29 ~~(viii)~~ (vii) The gender of the applicant (optional).

30 ~~(ix)~~ (viii) A space for the applicant to indicate his or her choice
31 of party enrollment, with a clear alternative provided for the applicant
32 to decline to affiliate with any party.

33 ~~(x)~~ (ix) The telephone number of the applicant (optional).

34 ~~(xi)~~ (x) A place for the applicant to execute the form on a line
35 which is clearly labeled "signature of applicant" preceded by the
36 following specific form of affirmation:

37 AFFIDAVIT: I swear or affirm that:

38 * I am a citizen of the United States.

39 * I will have lived in the county, city, or village for at least 30
40 days before the election.

41 * I meet all the requirements to register to vote in New York
42 State.

43 * This is my signature or mark on the line below.

44 * All the information contained on this application is true. I
45 understand that if it is not true I can be convicted and fined up
46 to \$5,000 and/or jailed for up to four years.

47 which form of affirmation shall be followed by a space for the date and
48 the aforementioned line for the applicant's signature.

49 ~~(xii)~~ (xi) A space for the applicant to register in the New York
50 state donate life registry for organ and tissue donations established
51 pursuant to section forty-three hundred ten of the public health law.

52 (xii) The email address of the applicant (optional).

53 (n) Agreements adopted pursuant to section 5-200 of this title between
54 source agencies and the state or county boards of elections are not
55 required to include the collection or transmission of the information
56 requested in paragraph (j) or subparagraph (i), (vii), (viii), (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.

(o) The voter registration application shall include a space for the applicant to provide (at the applicant's option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate state and local election officials shall provide to the applicant, through electronic mail sent to that address, any voting information that would otherwise be sent through the regular mail.

§ 8. The election law is amended by adding a new section 3-228 to read as follows:

§ 3-228. Board of elections, reports. 1. Not later than ninety days after the end of each year, the board shall submit to the legislature and the governor a report containing the following categories of information for the year:

(a) the number of individuals who registered;

(b) the number of voter registration application forms completed by individuals that were transmitted by the department of motor vehicles and voter registration agencies in the state to the board, broken down by each such agency;

(c) the number of such individuals whose voter registration application forms were accepted and who were registered to vote in the state and the number of such individuals whose forms were rejected and who were not registered to vote in the state, broken down by each such agency;

(d) the number of change of address forms and other forms of information indicating that an individual's identifying information has been changed that were transmitted by the department of motor vehicles and voter registration agencies to the board, broken down by such agency and type of form submitted;

(e) the number of individuals on the statewide computerized voter registration list whose voter registration information was revised by the board as a result of the forms transmitted to the board by the department of motor vehicles and voter registration agencies (as described in subdivision three of this section), broken down by each agency and the type of form submitted;

(f) the number of individuals who requested the board to revise voter registration information on such list, and the number of individuals whose information was revised as a result of such request.

2. In preparing the report under this section, the state shall, for each category of information described in subdivision one of this section, include a breakdown by race of the individuals whose information is included in the category, to the extent that information on the race of such individuals is available to the state.

3. In preparing and submitting a report under this section, the board shall ensure that no information regarding the identification of any individual is revealed.

§ 9. Section 5-202 of the election law is amended by adding a new subdivision 7 to read as follows:

7. The board of elections in each county shall establish procedures providing for absentee registration, for all elections held pursuant to the provisions of this chapter, through mail and/or electronic means for

1 persons with a disability. Such procedures shall be subject to approval
2 by the state board of elections. Such boards of elections shall further
3 be responsible for providing information regarding absentee registration
4 for persons with a disability to such persons with respect to such
5 elections.

6 § 10. The election law is amended by adding a new section 3-109 to
7 read as follows:

8 § 3-109. Prohibition against voter caging. 1. Definitions. For the
9 purposes of this section, the following terms shall have the following
10 meanings:

11 (a) Voter caging document means

12 (i) a nonforwardable document that is returned to the sender of a
13 third party as undelivered or undeliverable despite an attempt to deliv-
14 er such document to the address of a registered voter or applicant; or

15 (ii) any document with instructions to an addressee that the document
16 be returned to the sender or a third party but is not so returned,
17 despite an attempt to deliver such document to the address of a regis-
18 tered voter or applicant, unless at least two election cycles have
19 passed since the date of the attempted delivery;

20 (b) Voter caging list means a list of individuals compiled from voter
21 caging documents; and

22 (c) Unverified match list means a list produced by matching the infor-
23 mation of registered voters or applicants for voter registration to a
24 list of individuals who are ineligible to vote in the registrar's juris-
25 isdiction, by virtue of death, conviction, change of address, or other-
26 wise; unless one of the pieces of information matched includes a signa-
27 ture, photograph, or unique identifying number ensuring that the
28 information from each source refers to the same individual.

29 2. Prohibition against voter caging. Notwithstanding the provisions of
30 sections 5-220, 8-504 or 8-506 of this chapter, no election official
31 shall prevent an individual from registering or voting in any election
32 or permit in connection with any election a formal challenge to an indi-
33 vidual's registration status or eligibility to vote, if the basis for
34 such decision is evidence consisting of:

35 (a) a voter caging document or voter caging list;

36 (b) an unverified match list;

37 (c) an error or omission on any record or paper relating to any appli-
38 cation, registration, or other act requisite to voting, if such error or
39 omission is not material to an individual's eligibility to vote;
40 provided, however, that the election official may use such evidence if
41 it is corroborated by independent evidence of the individual's ineligi-
42 bility to register or vote.

43 3. Penalties for knowing misconduct. Whoever knowingly challenges the
44 eligibility of one or more individuals to register or vote or knowingly
45 causes the eligibility of such individuals to be challenged in violation
46 of this chapter with the intent that one or more eligible voters be
47 disqualified, shall be fined or imprisoned not more than one year, or by
48 both such fine and imprisonment, for each such violation. Each violation
49 shall be a separate offense.

50 § 11. Section 17-154 of the election law is amended by adding a new
51 subdivision 6 to read as follows:

52 6. Knowingly and willfully deprive, defraud, or attempt to deprive or
53 defraud any other person of their free and fair exercise of the right to
54 vote by the communication of election-related information that is known
55 by the person to be materially false, fictitious, or fraudulent. "Elec-
56 tion-related information" shall mean any oral or written communication

1 regarding the time or place of an election, criminal penalties associ-
2 ated with voting in such an election, an individual's voter registration
3 status or eligibility to vote in such an election, or the explicit
4 endorsement of any person or organization of a candidate in such an
5 election.

6 § 12. Subdivision 1 of section 7-202 of the election law is amended by
7 adding a new paragraph a-1 to read as follows:

8 a-1. use an individual, durable, voter-verified, paper ballot of the
9 voter's vote that shall be marked and made available for inspection and
10 verification by the voter before the voter's vote is cast and counted,
11 and which shall be counted by hand or read by an optical character
12 recognition device or other counting device; such ballots shall be the
13 true and correct record of the votes cast and shall allow a manual audit
14 and be preserved in accordance with the provisions of section 3-222 of
15 this chapter. For purposes of this paragraph, the term "individual,
16 durable, voter-verified, paper ballot" means a paper ballot marked by
17 the voter by hand or a paper ballot marked through the use of a nontabu-
18 lating ballot marking device or system, so long as the voter shall have
19 the option to mark his or her ballot by hand;

20 § 13. Paragraph j of subdivision 1 of section 7-202 of the election
21 law, as added by chapter 181 of the laws of 2005, is amended to read as
22 follows:

23 j. retain all paper ballots cast or produce and retain a voter veri-
24 fied permanent paper record which shall be presented to the voter from
25 behind a window or other device before the ballot is cast, in a manner
26 intended and designed to protect the privacy of the voter; such ballots
27 or record shall allow a manual audit and shall be preserved in accord-
28 ance with the provisions of section 3-222 of this chapter; provided,
29 however, the voting system shall not preserve the voter-verified paper
30 ballots in any manner that makes it possible, at any time after the
31 ballot has been cast, to associate a voter with the record of the
32 voter's vote without the voter's consent.

33 § 14. The election law is amended by adding a new section 3-508 to
34 read as follows:

35 § 3-508. Study and report on accessible paper ballot verification
36 mechanisms. 1. The state board of elections shall make grants to not
37 fewer than three eligible entities to study, test, and develop accessi-
38 ble paper ballot voting, verification, and casting mechanisms and
39 devices and best practices to enhance the accessibility of paper ballot
40 voting and verification mechanisms for individuals with disabilities,
41 for voters whose primary language is not English, and for voters with
42 difficulties in literacy, including best practices for the mechanisms
43 themselves and the processes through which the mechanisms are used.

44 2. An entity is eligible to receive a grant under this section if it
45 submits to the board (at such time and in such form as the board may
46 require) an application containing:

47 (a) certifications that the entity shall specifically investigate
48 enhanced methods or devices, including non-electronic devices, that will
49 assist such individuals and voters in marking voter-verified paper
50 ballots and presenting or transmitting the information printed or marked
51 on such ballots back to such individuals and voters, and casting such
52 ballots;

53 (b) a certification that the entity shall complete the activities
54 carried out with the grant not later than December thirty-first, two
55 thousand twenty-two; and

1 (c) such other information and certifications as the board may
2 require.

3 3. Any technology developed with the grants made under this section
4 shall be treated as non-proprietary and shall be made available to the
5 public, including to manufacturers of voting systems.

6 § 15. Subdivision 1 of section 7-104 of the election law, as amended
7 by chapter 165 of the laws of 2010, is amended to read as follows:

8 1. (a) All ballots shall be printed and/or displayed in a format and
9 arrangement, of such uniform size and style as will fit the ballot
10 frame, and shall be in as plain and clear a type or display as the space
11 will reasonably permit. All voter-verified paper ballots required to be
12 used under this chapter shall be marked or printed on durable paper.
13 Such type or display on the ballot shall satisfy all requirements and
14 standards set forth pursuant to the federal Help America Vote Act. For
15 purposes of this subdivision, paper is "durable" if it is capable of
16 withstanding multiple counts and recounts by hand without compromising
17 the fundamental integrity of the ballots, and capable of retaining the
18 information marked or printed on them for the full duration of a
19 retention and preservation period of twenty-two months.

20 (b) All voter-verified paper ballots completed by the voter through
21 the use of a ballot marking device shall be clearly readable by the
22 voter without assistance (other than eyeglasses or other personal vision
23 enhancing devices) and by an optical character recognition device or
24 other device equipped for individuals with disabilities.

25 § 16. Article 9 of the election law is amended by adding a new title 3
26 to read as follows:

27 TITLE III

28 MANDATORY MANUAL AUDITS

29 Section 9-300. Requiring audits of results of elections.

30 9-302. Number of ballots counted under audit.

31 9-304. Process for administering audits.

32 9-306. Selection of election districts.

33 9-308. Publication of results.

34 § 9-300. Requiring audits of results of elections. 1. In accordance
35 with this title, the state board of elections shall administer, without
36 advance notice to the local boards of elections selected, audits of the
37 results of all elections for state and local offices held for each
38 election consisting of random hand counts of the voter-verified paper
39 ballots required to be used and preserved pursuant to this chapter.

40 2. The state board of elections shall not be required to administer an
41 audit of the results of an election under this title if the winning
42 candidate in the election:

43 (a) had no opposition on the ballot; or

44 (b) received eighty percent or more of the total number of votes cast
45 in the election, as determined on the basis of the final unofficial vote
46 count.

47 3. The state board of elections shall administer audits under this
48 title through an election auditing entity selected for such purpose by
49 the state board of elections in accordance with such criteria as the
50 state board of elections considers appropriate consistent with the
51 requirements of this title, except that such entity must meet standards
52 to ensure its independence.

53 § 9-302. Number of ballots counted under audit. 1. Except as provided
54 in subdivision two of this section, the number of voter-verified paper
55 ballots which will be subject to a hand count administered by the

1 election auditing entity under this title with respect to an election
2 shall be determined as follows:

3 (a) In the event that the unofficial count as described in subdivision
4 one of section 9-304 of this title reveals that the margin of victory
5 between the two candidates receiving the largest number of votes in the
6 election is less than one percent of the total votes cast in that
7 election, the hand counts of the voter-verified paper ballots shall
8 occur in at least ten percent of all election districts (or alternative
9 audit units used in accordance with the method provided for under subdivi-
10 vision two of this section) in the district involved or the state.

11 (b) In the event that the unofficial count as described in subdivision
12 one of section 9-304 of this title reveals that the margin of victory
13 between the two candidates receiving the largest number of votes in the
14 election is greater than or equal to one percent but less than two
15 percent of the total votes cast in that election, the hand counts of the
16 voter-verified paper ballots shall occur in at least five percent of all
17 election districts (or alternative audit units used in accordance with
18 the method provided for under subdivision two of this section) in the
19 district involved or the state.

20 (c) In the event that the unofficial count as described in subdivision
21 one of section 9-304 of this title reveals that the margin of victory
22 between the two candidates receiving the largest number of votes in the
23 election is equal to or greater than two percent of the total votes cast
24 in that election, the hand counts of the voter-verified paper ballots
25 shall occur in at least three percent of all election districts (or
26 alternative audit units used in accordance with the method provided for
27 under subdivision two of this section) in the district involved or the
28 state.

29 2. Notwithstanding subdivision one of this section, the state board of
30 elections may adopt and apply an alternative mechanism to determine the
31 number of voter-verified paper ballots which will be subject to the hand
32 counts required under this title with respect to an election, so long as
33 the alternative mechanism uses the voter-verified paper ballots to
34 conduct the audit and the alternative mechanism is in accordance with
35 the principles set forth in this subdivision. In approving an alterna-
36 tive mechanism under this subdivision, the state board of elections
37 shall ensure that the audit procedure will have the property that for
38 each election:

39 (a) the alternative mechanism will be at least as statistically effec-
40 tive in ensuring the accuracy of the election results as the procedures
41 under this section; or

42 (b) the alternative mechanism will achieve at least a ninety-five
43 percent confidence interval (as determined in accordance with criteria
44 set forth by the National Institute of Standards and Technology) with
45 respect to the outcome of the election.

46 § 9-304. Process for administering audits. The election auditing enti-
47 ty shall administer an audit under this section of the results of an
48 election in accordance with the following procedures:

49 1. Within twenty-four hours after the final unofficial vote count is
50 released, the election auditing entity shall:

51 (a) determine and then announce the election districts (or alternative
52 audit units used in accordance with the method provided under subdivi-
53 sion two of section 9-302 of this title) in the state in which it will
54 administer the audits; and

55 (b) with respect to votes cast at the election district on or before
56 the date of the election (other than affidavit ballots described in

subdivision two of this section), begin to administer the hand count of the votes on the voter-verified paper ballots required to be used and preserved under this chapter and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the board of elections.

2. With respect to votes cast other than at the election district on the date of the election (other than votes cast before the date of the election) or votes cast by affidavit ballot on the date of the election which are certified and counted by the board of elections on or after the date of the election, including votes cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, the election auditing entity shall administer the hand count of the votes on the applicable voter-verified paper ballots required to be produced and preserved under this chapter and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the board of elections.

3. In administering the audits, the election auditing entity may utilize the services of the personnel of the state or local boards of elections, including election administration personnel and poll workers, without regard to whether or not the personnel have professional auditing experience.

4. The election auditing entity shall administer an audit of an election:

(a) at the location where the ballots cast in the election are stored and counted after the date of the election or such other appropriate and secure location agreed upon by the election auditing entity and the state board of elections; and

(b) in the presence of the personnel of the state board of elections.

5. (a) If the election auditing entity finds that any of the hand counts administered under this section do not match the final unofficial tally of the results of an election, the election auditing entity shall administer hand counts of such additional election districts (or alternative audit units) as the election auditing entity considers appropriate to resolve any concerns resulting from the audit and ensure the accuracy of the election results.

(b) Not later than August first, two thousand twenty-three, the state board of elections shall establish and publish procedures for carrying out the additional audits under this subdivision, including the means by which the state board of elections shall resolve any concerns resulting from the audit with finality and ensure the accuracy of the election results.

6. Each audit conducted under this section shall be conducted in a manner that allows public observation of the entire process.

§ 9-306. Selection of election districts. 1. The selection of the election districts or alternative audit units in the state in which the election auditing entity shall administer the hand counts under this title shall be made by the election auditing entity on a random basis except that at least one election district shall be selected at random in each county, with additional election districts selected by the election auditing entity at the election auditing entity's discretion.

2. The random selection of election districts under subdivision one of this section shall be conducted in public, at a time and place announced in advance.

§ 9-308. Publication of results. 1. As soon as practicable after the completion of an audit under this title, the election auditing entity shall submit to the state board of elections the results of the audit,

1 and shall include in the submission a comparison of the results of the
2 election in the election district as determined by the election auditing
3 entity under the audit and the final unofficial vote count in the
4 election district as announced by the board of elections and all under-
5 votes, overvotes, blank ballots, and spoiled, voided, or cancelled
6 ballots, as well as a list of any discrepancies discovered between the
7 initial, subsequent, and final hand counts administered by the election
8 auditing entity and such final unofficial vote count and any explanation
9 for such discrepancies, broken down by the categories of votes described
10 in subdivisions one and two of section 9-304 of this title.

11 2. Immediately after receiving the submission of the results of an
12 audit from the election auditing entity under subdivision one of this
13 section, the state board of elections shall publicly announce and
14 publish the information contained in the submission.

15 3. The results of any election which is subject to an audit under this
16 title shall not be certified prior to:

17 (a) to the completion of the audit (and, if required, any additional
18 audit conducted under subdivision five of section 9-304 of this title)
19 and the announcement and submission of the results of each such audit to
20 the state board of elections for publication of the information required
21 under this section; and

22 (b) the completion of any procedure established by the state board of
23 elections pursuant to subdivision five of section 9-304 of this title to
24 resolve discrepancies and ensure the accuracy of results.

25 § 17. Subdivision 3-a of section 3-100 of the election law is renum-
26 bered subdivision 3-b and a new subdivision 3-a is added to read as
27 follows:

28 3-a. (a) It shall be unlawful for a member of the state board of
29 elections to take an active part in political management or in a poli-
30 tical campaign with respect to any election held pursuant to the
31 provisions of this chapter or for federal office over which such offi-
32 cial has supervisory authority. Provided, however, that this section
33 shall not apply to such officials with respect to an election in which
34 the official or an immediate family member of the official is a candi-
35 date.

36 (b) For the purposes of this section, the following terms shall have
37 the following meanings:

38 (i) "Active part" shall mean service as a member of an authorized
39 committee of a candidate for office; the use of official authority or
40 influence for the purpose of interfering with or affecting the result of
41 an election; and the solicitation, acceptance, or receipt of a contrib-
42 ution from any person on behalf of a candidate for office.

43 (ii) "Immediate family member" shall mean a candidate's father, moth-
44 er, son, daughter, brother, sister, husband, wife, father-in-law or
45 mother-in-law.

46 § 18. Subdivision 11 of section 5-614 of the election law, as added by
47 chapter 24 of the laws of 2005, is amended to read as follows:

48 11. a. The state board of elections shall establish a statewide voter
49 hotline [~~using information available through the statewide voter regis-~~
50 ~~tration list~~] for [~~voters to obtain information regarding their voter~~
51 ~~registration~~] responding to questions and complaints from individuals
52 voting or seeking to vote, or registering to vote or seeking to register
53 to vote, in elections held pursuant to this chapter or in federal
54 elections. Such hotline shall provide same-day, and immediate assistance
55 to such individuals, including information on how to register to vote,
56 the location and hours of operation of polling places, and how to obtain

1 absentee ballots, and assistance to such individuals encountering prob-
2 lems with registering to vote or voting, including individuals encount-
3 ering intimidation or deceptive practices.

4 b. Such voter hotline shall operate in a manner that ensures that
5 individuals with disabilities and individuals with limited proficiency
6 in the English language are fully able to use the service.

7 c. The state board of elections shall furnish to the temporary presi-
8 dent of the senate, the speaker of the assembly, and the governor, a
9 bi-annual report detailing the number and type of calls received by the
10 service, a compilation and description of the reports made to the
11 service by individuals citing instances of voter intimidation or
12 suppression, an assessment of the effectiveness of the service in making
13 information available to all households with telephone service, and any
14 recommendations to improve the service.

15 § 19. Article 8 of the election law is amended by adding a new title 6
16 to read as follows:

17 TITLE VI

18 EARLY VOTING AND VOTING BY MAIL

19 Section 8-600. Early voting; general.

20 8-601. Early voting; length of period.

21 8-602. Polling place requirements.

22 8-603. Early voting; state board of elections.

23 8-604. Voting by mail.

24 § 8-600. Early voting; general. A voter shall be permitted to vote in
25 any election held pursuant to the provisions of this chapter during an
26 early voting period which occurs prior to the date of the election, in
27 the same manner as voting is allowed on such date.

28 § 8-601. Early voting; length of period. 1. The early voting period
29 required under section 8-600 of this title, shall consist of a period of
30 consecutive days, including weekends, which begins on the fifteenth day
31 before the date of the election and ends on the date of the election.

32 2. Such early voting period may commence prior to the fifteenth day
33 before the date of the election.

34 § 8-602. Polling place requirements. 1. Each polling place which
35 allows voting during an early voting period under section 8-600 of this
36 title shall:

37 a. allow such voting for no less than four hours on each day, except
38 such polling place may allow such voting for fewer than four hours on
39 Sundays; and

40 b. have uniform hours each day for which such voting occurs.

41 2. To the greatest extent practicable, each polling place which allows
42 voting during an early voting period under section 8-600 of this title,
43 shall be located within walking distance of a stop on a public transpor-
44 tation route.

45 § 8-603. Early voting; state board of elections. 1. The state board of
46 elections shall issue standards for the administration of early voting
47 for a state or local election. Such standards shall include the nondis-
48 crimatory geographic placement of polling places at which such voting
49 occurs.

50 2. The standards described in subdivision one of this section shall
51 permit the boards of elections, upon providing adequate public notice,
52 to deviate from any requirement in the case of unforeseen circumstances
53 such as a natural disaster, terrorist attack, or a change in voter turn-
54 out.

55 § 8-604. Voting by mail. A voter qualified to cast a vote in a state
56 or local election shall not be restricted by additional conditions or

1 requirements on the eligibility of such voter to vote in such election
2 by mail, except to the extent the board of elections imposes a deadline
3 for requesting the ballot and related voting materials from the appro-
4 priate election official and for returning the ballot to the appropriate
5 official.

6 § 20. Section 8-400 of the election law is amended by adding a new
7 subdivision 6-a to read as follows:

8 6-a. An absentee ballot may not be accepted or processed unless the
9 individual's identity is verified by comparing the individual's signa-
10 ture on the absentee ballot with the individual's signature on the offi-
11 cial list of registered voters, in accordance with such procedures
12 adopted by the state board of elections.

13 § 21. Section 5-104 of the election law is amended by adding a new
14 subdivision 1-a to read as follows:

15 1-a. For the purpose of registering and voting, no spouse, domestic
16 partner, or dependent of a person who is absent from the state in
17 compliance with military or naval orders shall, solely by reason of that
18 person's absence and without regard to whether or not such family member
19 is accompanying that person be deemed to have:

20 a. lost a residence or domicile in this state, without regard to
21 whether or not the person intends to return;

22 b. acquired a residence or domicile in any other state; or

23 c. become a resident in or a resident of any other state.

24 § 22. Section 10-124 of the election law is amended by adding three
25 new subdivisions 3, 4 and 5 to read as follows:

26 3. Not later than forty-five days before any regularly scheduled
27 general election the state board of elections shall submit a report to
28 the governor and attorney general and make that report publicly avail-
29 able that same day, certifying that absentee ballots for the election
30 are or will be available for transmission to absent uniformed services
31 voters and overseas voters by no later than the amount of days prior to
32 the election as outlined in paragraph (a) of subdivision one of section
33 10-108 of this article. The report shall be in a form prescribed joint-
34 ly by the governor and attorney general and shall require certified
35 specific information about ballot availability from each unit of local
36 government which will administer the election.

37 4. Not later than twelve days before any regularly scheduled general
38 election the state board of elections shall submit a report to the
39 governor and attorney general and make that report publicly available
40 that same day, certifying whether all absentee ballots have been trans-
41 mitted by no later than the amount of days prior to the election as
42 outlined in paragraph (a) of subdivision one of section 10-108 of this
43 article to all qualified absent uniformed services and overseas voters
44 whose requests were received prior to such dates before the election.
45 The report shall be in a form prescribed jointly by the governor and
46 attorney general and shall require certified specific information about
47 ballot availability from each unit of local government which will admin-
48 ister the election.

49 5. Not later than ninety days after the date of each regularly sched-
50 uled general election the state and county boards of elections which
51 administered such election shall submit a report to the governor and
52 attorney general on the combined number of absentee ballots transmitted
53 to absent uniformed services voters and overseas voters for the election
54 and the combined number of such ballots which were returned by such
55 voters and cast in the election, and shall make such report available to
56 the general public that same day.

1 § 23. Section 10-108 of the election law is amended by adding a new
2 subdivision 2-a to read as follows:

3 2-a. (a) In the event that the board of elections in any county fails
4 to meet the requirements of paragraph (a) of subdivision one of this
5 section the board of elections in such county shall transmit the ballot
6 to the voter by express delivery or in the case of a voter who has
7 designated that absentee ballots be transmitted electronically, the
8 board of elections of such county shall transmit the ballot to the voter
9 electronically.

10 (b) If, in carrying out the provisions of paragraph (a) of this subdi-
11 vision, a county board of elections transmits an absentee ballot to an
12 absent uniformed services voter or overseas voter fewer than seven days
13 before the election, the county board of elections shall enable the
14 ballot to be returned by the voter by express delivery.

15 § 24. Section 10-106 of the election law is amended by adding a new
16 subdivision 9 to read as follows:

17 9. (a) If an application submitted by an absent uniformed services
18 voter or overseas voter has been accepted and such voter requests that
19 the application be considered an application for an absentee ballot for
20 each subsequent election, an absentee ballot shall be provided to such
21 voter for each subsequent election.

22 (b) Paragraph (a) of this subdivision shall not apply with respect to
23 a voter registered to vote in any election held after the voter notifies
24 the board of elections that the voter no longer wishes to be registered
25 to vote in this state or such county or after the board of elections
26 determines that the voter has registered to vote in another state or
27 county or is otherwise no longer eligible to vote.

28 (c) A valid voter registration application or absentee ballot applica-
29 tion submitted by an absent uniformed services voter or overseas voter
30 shall not be refused on the grounds that the voter submitted the appli-
31 cation before the first date on which such applications are accepted or
32 processed by absentee voters who are not members of the uniformed
33 services or overseas citizens.

34 § 25. Section 3-404 of the election law is amended by adding a new
35 subdivision 8 to read as follows:

36 8. (a) An employee in or under a state agency is entitled to leave,
37 without loss of or reduction in pay, leave to which otherwise entitled,
38 credit for time or service, or performance or efficiency rating, not to
39 exceed six days in a leave year, in order to provide election adminis-
40 tration assistance at a polling place on the date of any election for
41 public office or to receive any training without which such employee
42 would be ineligible to provide such assistance.

43 (b) The department of civil service may prescribe regulations for the
44 administration of this subdivision, including regulations setting forth
45 the terms and conditions of the election administration assistance an
46 employee may provide for purposes of paragraph (a) of this subdivision.

47 § 26. The election law is amended by adding a new section 3-422 to
48 read as follows:

49 § 3-422. Model poll worker training program. 1. The state board of
50 elections shall develop and provide to each county materials for a model
51 poll worker training program which the counties may use to train indi-
52 viduals to serve as poll workers in state and county elections.

53 2. The materials for the model poll worker training program developed
54 under this section shall include materials to provide training with
55 respect to the following:

1 (a) the relevant provisions of the laws which apply to the adminis-
2 tration of elections, including but not limited to the Voting Rights Act
3 of 1965 and the Help America Vote Act of 2002;

4 (b) the provision of access to voting to individuals with disabilities
5 in a manner which preserves the dignity and privacy of such individuals;

6 (c) the provision of access to voting to individuals with limited
7 English language proficiency, and to individuals who are members of
8 racial or ethnic minorities, consistent with the protections provided
9 for such individuals under relevant law, in a manner which preserves the
10 dignity of such individuals;

11 (d) practical experience in the use of voting machines which will be
12 used in the election involved, including the accessibility features of
13 such machines; and

14 (e) such other election administration subjects as the state board of
15 elections considers appropriate to ensure that poll workers are able to
16 efficiently assist with the administration of elections.

17 § 27. Section 3-212 of the election law is amended by adding a new
18 subdivision 6 to read as follows:

19 6. Before the state board of elections or any local board of elections
20 makes any changes in administration, regulations, policies, practices
21 and procedures affecting counties with at least ten percent African
22 American, Hispanic, Asian and/or Native American registered voters who
23 average fifty percent or less voter turnout over the past five general
24 elections and/or have any minority voter complaints or government
25 enforcement actions within the past ten years, must submit such changes
26 to the civil rights bureau of the attorney general's office for
27 approval. This shall not apply to any changes made pursuant to law.

28 § 28. The sum of five million dollars (\$5,000,000) is hereby appropri-
29 ated to the state board of elections out of any moneys in the state
30 treasury in the general fund to the credit of the state purposes
31 account, not otherwise appropriated, and made immediately available, for
32 the purpose of carrying out the provisions of section 3-508 of the
33 election law. Such moneys shall be payable on the audit and warrant of
34 the comptroller on vouchers certified or approved by a majority of the
35 commissioners of the state board of elections in the manner prescribed
36 by law.

37 § 29. This act shall take effect immediately and shall apply to all
38 elections conducted in 2022 and thereafter; provided, however, that
39 section twenty-six of this act shall take effect one year after this act
40 takes effect.