

# STATE OF NEW YORK

7348

2019-2020 Regular Sessions

## IN ASSEMBLY

April 25, 2019

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

AN ACT to amend the election law, in relation to enacting the "New York automatic voter registration act of 2019"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York automatic voter registration act of 2019".

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

5 § 5-200. Automated voter registration. 1. Notwithstanding any other  
6 manner of registration required by this article, each person in the  
7 state qualified to vote pursuant to section 5-102 of this article, shall  
8 be automatically registered to vote as provided in this section,  
9 provided that the person does not elect to decline to register to vote.

10 2. The state board of elections or county board of elections shall  
11 register to vote or update the registration record of any person in the  
12 state qualified to vote pursuant to section 5-102 of this article who  
13 does not elect to decline to register to vote or to update the voter's  
14 registration 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;

23 (c) completes an application for services, renewal or recertification  
24 for services, or change of address relating to such services from any

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

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1 municipal housing authority as set forth in article thirteen of the  
2 public housing law;

3 (d) registers for classes at institutions of the state university of  
4 New York and the city university of New York;

5 (e) completes a maximum sentence of imprisonment or is discharged from  
6 parole;

7 (f) completes an application for unemployment insurance;

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

10 (h) completes an application with any state agency designated as a  
11 source agency pursuant to paragraph (b) of subdivision three of this  
12 section.

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

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

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

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

29 (iii) the accuracy of personal identification data in source records;  
30 and

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

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

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

41 (b) mailing address and residential address;

42 (c) date of birth;

43 (d) citizenship or attestation of eligibility;

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

47 (f) political party enrollment, if any;

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

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

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

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

7 5. If a source agency does not routinely request information from an  
8 individual that would demonstrate proof of eligibility to register to  
9 vote including age, citizenship and residency, the agency shall provide  
10 a voter registration form on which such individual may either decline to  
11 register to vote or consent to register to vote and inform the individ-  
12 ual:

13 (a) that the individual shall be registered to vote unless the indi-  
14 vidual declines to register to vote or if the individual is not eligible  
15 to vote;

16 (b) of the qualifications to register to vote;

17 (c) that the individual should not register to vote if the individual  
18 does not meet all the qualifications;

19 (d) of the penalties for submission of a false application;

20 (e) that voter registration is voluntary and that neither registering  
21 nor declining to register to vote will in any way affect the availabili-  
22 ty of services or benefits; and

23 (f) that by failing to affirmatively decline to register to vote the  
24 individual is attesting that they meet all of the qualifications to  
25 register to vote.

26 6. (a) The board of elections shall:

27 (i) identify all individuals whose information is transmitted by a  
28 source agency pursuant to this section and who are eligible to be, but  
29 are not currently, registered to vote in the state;

30 (ii) promptly send each such individual written notice which shall not  
31 identify the source agency that transmitted the information but shall  
32 include:

33 (1) an explanation that voter registration is voluntary, but if the  
34 individual does not decline registration, the individual will be regis-  
35 tered to vote;

36 (2) a statement offering the opportunity to decline to register to  
37 vote;

38 (3) a statement offering the individual the opportunity to enroll with  
39 a political party or to decline to enroll with a political party;

40 (4) the voter eligibility requirements and a statement that the indi-  
41 vidual must decline registration if they do not meet these requirements;

42 (5) penalties for submission of false information for registration to  
43 vote;

44 (6) a statement that if the individual declines to register, that  
45 declination shall remain confidential and shall be used only for voter  
46 registration purposes; and

47 (7) instructions for correcting erroneous information.

48 (b) The notice required by subparagraph (ii) of paragraph (a) of this  
49 subdivision shall include a form that offers the individual the opportu-  
50 nity to elect to decline to register to vote and, in a separate section,  
51 the opportunity to enroll with a political party or to decline to enroll  
52 with a political party and a postage pre-paid envelope to return the  
53 form.

54 (c) If a person notified under this section does not decline to be  
55 registered to vote within twenty-one days after the board of elections  
56 sends the notice, the individual shall be registered to vote.

1 7. The state board of elections shall prepare and distribute to  
2 participating agencies written instructions as to the implementation of  
3 the program and shall be responsible for establishing training programs  
4 for employees of source agencies listed in this section.

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

14 9. Each source agency shall cooperate with the state board of  
15 elections and county board of elections to facilitate the voter regis-  
16 tration of each person described in subdivision two of this section, and  
17 to electronically transmit the information needed to register each such  
18 person to vote or to update each such person's voter registration  
19 record.

20 10. Each source agency shall enter into an agreement with the state  
21 board of elections finalizing the format and content of electronic tran-  
22 smissions required by this section no later than September first, two  
23 thousand twenty; provided, that each source agency shall be able to  
24 comply fully with all requirements of this section, including the  
25 collection and transmission of all data required to register individuals  
26 to vote, by January first, two thousand twenty-one.

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

29 3. A change of enrollment received by the board of elections, showing  
30 a dated cancellation mark of the United States Postal Service or  
31 contained in an envelope showing such cancellation mark which is dated,  
32 not later than the twenty-fifth day before the ~~general election shall~~  
33 ~~be deposited in a sealed enrollment box, which shall not be opened until~~  
34 ~~the first Tuesday following such general election. Such change of~~  
35 ~~enrollment shall be then removed and entered as provided in this arti-~~  
36 ~~cle]~~ next ensuing primary, general or special election, and received no  
37 later than the fifth day before such election or delivered in person to  
38 such county board of elections not later than the tenth day before a  
39 primary, general or special election, shall be effective for such  
40 election. Enrollment changes shall be entered as provided in this arti-  
41 cle and shall be deemed to take effect on the tenth day after such  
42 change of enrollment is received by the board of elections or if the  
43 change of enrollment, or the envelope containing it, bears a dated  
44 cancellation mark of the United States Postal Service, such change shall  
45 be entered and shall be deemed to take effect on the tenth day after the  
46 date of such mark, whichever is earlier; except that no change will take  
47 effect sooner than the fifth day after the receipt of such change of  
48 enrollment by the board of elections.

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

51 § 17-138. Discrimination and harassment. No person acting under color  
52 of any provision of law may harass or discriminate against or assist  
53 others in harassing or discriminating against any person on the basis of  
54 the information supplied by the person for voter registration purposes,  
55 a person's declination to register to vote or to supply information for  
56 voter registration purposes, or a person's absence from the statewide

1 voter registration list except as required to administer elections or  
 2 enforce election laws.

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

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

14 (a) any voter's signature;

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

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

21 (d) any voter's telephone number; and

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

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

28 (c) Said annual report, as required by paragraph (a) of this subdivi-  
 29 sion, shall also include:

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

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

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

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

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

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

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

48 § 17-104. False registration. 1. Any person who:

49 [~~1-~~] (a) Registers or attempts to register as an elector in more than  
 50 one election district for the same election, or more than once in the  
 51 same election district; or,

52 [~~2-~~] (b) Registers or attempts to register as an elector, knowing that  
 53 he will not be a qualified voter in the district at the election for  
 54 which such registration is made; or

55 [~~3-~~] (c) Registers or attempts to register as an elector under any  
 56 name but his or her own; or

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

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

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

11 § 8. Subdivisions 16-a and 17 of section 3-102 of the election law,  
12 subdivision 16-a as amended by section 91 of subpart B of part C of  
13 chapter 62 of the laws of 2011 is amended, subdivision 17 as renumbered  
14 by chapter 23 of the laws of 2005, is renumbered subdivision 21 and four  
15 new subdivisions 17, 18, 19 and 20 are added to read as follows:

16 16-a. provide the department of corrections and community supervision  
17 with a sufficient number of voter registration forms to allow the  
18 department of corrections and community supervision to comply with the  
19 duty to provide such voter registration forms to persons upon the expi-  
20 ration of their maximum sentence of imprisonment. Such voter registra-  
21 tion forms shall be addressed to the state board of elections~~[.]~~;

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

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

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

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

39 § 9. This act shall take effect January 1, 2020. Effective immediate-  
40 ly, the addition, amendment and/or repeal of any rule or regulation  
41 necessary for the implementation of this act on its effective date are  
42 authorized to be made and completed on or before such effective date.