STATE OF NEW YORK

3288--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CARROLL, GALEF, COLTON, BENEDETTO, MOSLEY, D'URSO, BLAKE, NIOU, BICHOTTE, RICHARDSON, PHEFFER AMATO, JONES -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HYNDMAN -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to providing for automatic voter registration at the department of motor vehicles and certain other state agencies, and allowing for the later implementation of automatic voter registration at other state agencies in the future

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

Section 1. Section 5-212 of the election law, as added by chapter 659 of the laws of 1994 and subdivisions 6 and 9 as amended by chapter 200 of the laws of 1996, is amended to read as follows:

§ 5-212. Motor vehicle registration. 1. In addition to any other method of voter registration provided for in this article, any qualified person [~~may apply for registration and enrollment by application made simultaneously and integrated with~~] **who completes** an application for a motor vehicle driver's license, a driver's license renewal or an identification card if such a card is issued by the department of motor vehicles in its normal course of business**, shall automatically be registered to vote unless the person declines. Every qualified person who completes such an application shall be provided the opportunity to decline registration during the application process**.

2. The department of motor vehicles, with the approval of the state board of elections, shall design [~~a~~] **an electronic** form or forms which shall, in addition to eliciting such information as may be required by the department of motor vehicles for a driver's license, a driver's license renewal, a change of address notification or an identification card, serve as an application for registration and enrollment, or a

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

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registration necessitated by a change of residence. The cost of such forms shall be borne by the department of motor vehicles.

3. The voter registration portion of such forms:

(a) shall not require any information that duplicates the information required on the application for the driver license portion and shall require only such additional information, including the applicant's signature, as will enable election officials to assess the applicant's eligibility to register to vote, prevent duplicate registration and to administer voter registration and other parts of the election process.

(b) shall include a statement of the eligibility requirements for voter registration and shall require the applicant to attest by his signature that he meets those requirements under penalty of perjury.

(c) shall inform the applicant, in print identical to that used in the attestation section of the following:

(i) voter eligibility requirements;

(ii) penalties for submission of false registration application;

(iii) that the office where applicant registers shall remain confidential and the information be used only for voter registration purposes;

(iv) if the applicant declines to register, his declination shall remain confidential and be used only for voter registration purposes;

4. Included on the form [~~or on a separate form~~] shall be:

(a) [~~the question, "If you are not registered to vote where you live now, would you like to apply to register here today?"~~] a notice that if the applicant is eligible to register to vote, the information provided on the application will be used to register the applicant to vote, or to update the applicant's registration, unless the applicant declines.

(b) [~~boxes~~] a box for the applicant to check to indicate [~~whether~~] if the applicant would like to [~~register or~~] decline to register to vote.

(c) [~~the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."~~

~~(d)~~] the statement, "If you would like help in filling out the [~~voter registration~~] application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

[~~(e)~~] (d) the statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the state board of elections (address and toll free telephone number)."

[~~(f)~~] (e) a toll free number at the state board of elections that can be called for answers to registration questions.

(f) a notice that an applicant who is a victim of domestic violence or stalking may decline the automatic voter registration and contact the state board of elections for assistance in voting without disclosing their address.

5. The form containing the declination to register to vote shall be retained by the department of motor vehicles for the same period of time as such department retains the accompanying application for services or for such shorter period of time as may be approved by the state board of elections.

6. The department of motor vehicles shall promptly transmit electronically that portion of the form which constitutes the completed application for registration or change of address form to the [~~appropriate~~] state board of elections [~~not later than ten days after receipt except~~

~~that all such completed applications and forms received by the department between the thirtieth and twenty-fifth day before an election shall be transmitted in such manner and at such time as to assure their receipt by such board of elections not later than the twentieth day before such election~~]. All transmittals shall include [~~original signatures~~] **an image of the applicant's signature**.

7. Completed application forms received by the department of motor vehicles not later than the twenty-fifth day before the next ensuing primary, general or special election [~~and transmitted by such department to the appropriate board of elections so that they are received not later than the twentieth day before such election~~] shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

8. Disclosure of voter registration information, including a declination to register, by the department of motor vehicles, its agents or employees, for other than voter registration purposes, shall be deemed an unwarranted invasion of personal privacy pursuant to the provisions of subdivision two of section eighty-nine of the public officers law and shall constitute a violation of this chapter.

9. Application forms shall be processed by the board of elections in the manner prescribed by section 5-210 of this title or, if the applicant is already registered to vote from another address in such county or city, in the manner prescribed by section 5-208 of this title. The board shall send the appropriate notice of approval or rejection as required by either subdivision nine of such section 5-210 or subdivision five of such section 5-208.

10. Strict neutrality with respect to a person's party enrollment shall be maintained and all persons seeking voter registration forms and information shall be advised that government services are not conditioned on being registered to vote.

11. No statement shall be made nor any action taken to discourage the applicant from registering to vote.

12. The department of motor vehicles shall provide to each person who chooses to register to vote the same level of assistance provided to persons in connection with the completion of the agency's own forms, unless such person refuses such assistance.

13. The state board shall adopt such rules and regulations as may be necessary to carry out the requirements of this section. The board shall also adopt such rules and regulations as may be necessary to require county boards and the department of motor vehicles to provide the state board with such information and data as the board deems necessary to assess compliance with this section and to compile such statistics as may be required by the federal elections commission.

14. The state board shall develop and distribute public information and promotional materials relating to the purposes and implementation of this program.

15. The state board shall prepare and distribute to the department of motor vehicles written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees of the department of motor vehicles involved in such program.

16. The commissioner of motor vehicles shall take all actions which are necessary and proper for the implementation of this section. The commissioner of motor vehicles shall designate one person within the agency as the agency voter registration coordinator who will, under the direction of the state board of elections, be responsible for the voter registration program in such agency.

17. If a person who is not entitled to vote becomes registered to vote pursuant to this section, that person shall be presumed to have registered with official authorization, the registration shall not be considered as evidence of a claim to citizenship, and the person shall not be deemed to have committed a crime under section 5-210 of this title. This subdivision shall not apply to a person who knowingly and willfully makes a false statement to effectuate voter registration.

§ 2. The election law is amended by adding a new section 5-209 to read as follows:

§ 5-209. Automatic voter registration. 1. In addition to any other method of voter registration provided for in this article, any qualified person who completes an application for services or assistance at an automatic voter registration agency shall automatically be registered to vote unless the person declines. Every qualified person who completes such an application shall be provided the opportunity to decline registration during the application process.

2. For purposes of this section, an automatic voter registration agency shall mean:

(a) the department of health; and

(b) any other state agency that the governor designates, provided that the governor may only designate an agency as an automatic voter registration agency after verifying that the agency collects information or documents that would provide proof of eligibility to vote.

3. For any automatic voter registration agency that is a participating agency under section 5-211 of this title, the procedures set forth in this section shall replace the procedures for registration at that agency set forth in such section. The voter registration coordinator designated by each agency shall remain responsible for voter registration in such agency.

4. Each year, the governor shall conduct a review of each participating agency under section 5-211 of this title not already designated as an automatic voter registration agency in order to determine whether such designation is appropriate. The governor shall designate each participating agency that collects information or documents that would provide proof of eligibility to vote unless the board determines that there are compelling reasons why automatic voter registration is not feasible at the agency. If the governor should determine that there are compelling reasons why automatic voter registration is not feasible at an agency, the governor shall prepare a report explaining those reasons to the legislature by the end of the calendar year in which that determination is made.

5. Automatic voter registration agencies, with the approval of the state board of elections, shall each design an electronic form or forms which shall, in addition to eliciting such information as may be required by each department for an application for services or assistance, serve as an application for registration and enrollment, or a registration necessitated by a change or residence. Each agency shall bear the cost of its own forms.

6. The voter registration portion of such forms:

(a) shall not require any information that duplicates the information required on the application for services or assistance from the agency and shall require only such additional information as will enable election officials to assess the applicant's eligibility to register to vote, prevent duplicate registration and to administer voter registration and other parts of the election process;

(b) shall include a statement of the eligibility requirements for voter registration and shall require the applicant to attest by his signature that he meets those requirements under penalty of perjury; and

(c) shall inform the applicant, in print identical to that used in the attestation section of the following:

(i) voter eligibility requirements;

(ii) penalties for submission of false registration application;

(iii) that the office where applicant registers shall remain confidential and the information be used only for voter registration purposes; and

(iv) if the applicant declines to register, the declination shall remain confidential and be used only for voter registration purposes.

7. Included on the form shall be:

(a) a notice that if the applicant is eligible to register to vote, the information provided on the application will be used to register the applicant to vote, or to update the applicant's registration, unless the applicant declines;

(b) a box for the applicant to check to indicate that the applicant would like to decline to register to vote;

(c) the statement, "If you would like help in filling out the application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";

(d) the statement, "applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(e) the statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the state board of elections (address and toll free telephone number).";

(f) a toll free number at the state board of elections that can be called for answers to registration questions; and

(g) a notice that an applicant who is a victim of domestic violence or stalking may decline the automatic voter registration and contact the state board of elections for assistance in voting without disclosing their address.

8. The form containing the declination to register to vote shall be retained by the agency for the same period of time as such department retains the accompanying application for services or assistance or for such shorter period of time as may be approved by the state board of elections.

9. Automatic voter registration agencies shall each promptly transmit electronically that portion of the form which constitutes the completed application for registration or change of address form to the state board of elections. All transmittals shall include an image of the applicant's signature.

10. Completed application forms received by an automatic voter registration agency not later than the twenty-fifth day before the next ensuing primary, general or special election shall entitle the applicant to vote in such election provided the board determines that the applicant is otherwise qualified.

11. Disclosure of voter registration information, including a declination to register, by an automatic voter registration agency, its agents or employees, for other than voter registration purposes, shall be deemed an unwarranted invasion of personal privacy pursuant to the

provisions of subdivision two of section eighty-nine of the public officers law and shall constitute a violation of this chapter.

12. Application forms shall be processed by the board of elections in the manner prescribed by section 5-210 of this title or, if the applicant is already registered to vote from another address in such county or city, in the manner prescribed by section 5-208 of this title. The board shall send the appropriate notice of approval or rejection as required by either subdivision nine of such section 5-210 or subdivision five of such section 5-208.

13. Strict neutrality with respect to a person's party enrollment shall be maintained and all applicants for services or assistance shall be advised that government services are not conditioned on being registered to vote.

14. No statement shall be made nor any action taken to discourage the applicant from registering to vote.

15. Automatic voter registration agencies shall provide to each person who chooses to register to vote the same level of assistance provided to persons in connection with the completion of the agency's own forms, unless such person refuses such assistance.

16. The state board shall adopt such rules and regulations as may be necessary to carry out the requirements of this section. The board shall also adopt such rules and regulations as may be necessary to require county boards and automatic voter registration agencies to provide the state board with such information and data as the board deems necessary to assess compliance with this section and to compile such statistics as may be required by the federal elections commission.

17. The state board shall develop and distribute public information and promotional materials relating to the purposes and implementation of this program.

18. The state board shall prepare and distribute to the automatic voter registration agencies written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees of the automatic voter registration agencies involved in such program.

19. If a person who is not entitled to vote becomes registered to vote pursuant to this section, that person shall be presumed to have registered with official authorization, the registration shall not be considered as evidence of a claim to citizenship, and the person shall not be deemed to have committed a crime under section 5-210 of this title. This subdivision shall not apply to a person who knowingly and willfully makes a false statement to effectuate voter registration.

§ 3. This act shall take effect one year after it shall have become a law.