

STATE OF NEW YORK

635

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CARROLL, NIOU, COLTON, PHEFFER AMATO, BICHOTTE, SEAWRIGHT, GOTTFRIED, HYNDMAN, RICHARDSON, J. RIVERA, STIRPE, DE LA ROSA, DINOWITZ, WALKER, SIMON, BARRON, HEVESI, THIELE, RODRIGUEZ, PICHARDO, PEOPLES-STOKES, TAYLOR, EPSTEIN, KIM -- read once and referred to the Committee on Election Law

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

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

1 Section 1. Subdivision 1 of section 5-102 of the election law is
2 amended to read as follows:
3 1. No person shall be qualified to register for and vote at any
4 election unless [~~he~~] such person is a citizen of the United States and
5 is or will be, on the day of such election, [~~eighteen~~] sixteen years of
6 age or over, and a resident of this state and of the county, city or
7 village for a minimum of thirty days next preceding such election.
8 § 2. Paragraph (g) of subdivision 5 of section 5-210 of the election
9 law, as amended by chapter 2 of the laws of 2019, is amended to read as
10 follows:
11 (g) Notice that the applicant must be a citizen of the United States,
12 is or will be at least sixteen years old [~~when he or she submits an~~
13 ~~application to register to vote which will be effective for elections~~
14 ~~occurring on or after the applicant turns eighteen years of age~~] not
15 later than December thirty-first of the calendar year in which he or she
16 registers and a resident of the county or city to which application is
17 made.
18 § 3. Subdivision 3 of section 8-504 of the election law, as renumbered
19 by chapter 373 of the laws of 1978, is amended to read as follows:

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

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3 challenge is withdrawn, permit him or her to vote.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

20 § 4. Subdivision 1 of section 801 of the education law, as amended by
21 section 27 of part A of chapter 56 of the laws of 2020, is amended and a
22 new subdivision 6 is added to read as follows:

23 1. In order to promote a spirit of patriotic and civic service and
24 obligation and to foster in the children of the state moral and intel-
25 lectual qualities which are essential in preparing to meet the obli-
26 gations of citizenship in peace or in war, the regents of The University
27 of the State of New York shall prescribe courses of instruction in
28 patriotism, citizenship, civic education and values, our shared history
29 of diversity, the role of religious tolerance in this country, and human
30 rights issues, with particular attention to the study of the inhumanity
31 of genocide, slavery (including the freedom trail and underground rail-
32 road), the Holocaust, and the mass starvation in Ireland from 1845 to
33 1850, to be maintained and followed in all the schools of the state. The
34 boards of education and trustees of the several cities and school
35 districts of the state shall require instruction to be given in such
36 courses, by the teachers employed in the schools therein. All pupils
37 attending such schools, over the age of eight years, shall attend upon
38 such instruction. All pupils in the ninth and higher grades shall
39 receive civic education for at least eight full class periods, in
40 accordance with the department's 9-12 social studies framework.

41 Similar courses of instruction shall be prescribed and maintained in
42 private schools in the state, and all pupils in such schools over eight
43 years of age shall attend upon such courses. If such courses are not so
44 established and maintained in a private school, attendance upon instruc-
45 tion in such school shall not be deemed substantially equivalent to
46 instruction given to pupils of like age in the public schools of the
47 city or district in which such pupils reside.

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

54 b. The first form to be distributed pursuant to this subdivision shall
55 be a standard voter registration form as prescribed by section 5-210 of
56 the election law. Such form shall be completed for each eligible pupil,

1 by school administrators who shall complete each field of the registra-
2 tion form except the fields pertaining to citizenship status, party
3 affiliation, signature and date. The content of the registration form
4 shall be explained to all pupils to whom forms are distributed and
5 pupils shall be directed to correct any incorrect information previously
6 completed by school administrators.

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

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

21 § 5. This act shall take effect on the same date as a concurrent
22 resolution amending the constitution, entitled "CONCURRENT RESOLUTION OF
23 THE SENATE AND ASSEMBLY proposing amendments to section 1 of article 2
24 of the constitution, in relation to the voting age"; provided, however,
25 that the amendments made to paragraph (g) of subdivision 5 of section
26 5-210 of the election law made by section two of this act, shall take
27 effect immediately.