STATE OF NEW YORK

8180

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

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

AN ACT to amend the election law, in relation to requiring voters to provide a current and valid social security number when casting a ballot to vote

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

Section 1. Subdivision 3 of section 5-212 of the election law, as added by chapter 659 of the laws of 1994, is amended to read as follows:

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 **or her** signature that he **or she** 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 **or her** declination shall remain confidential and be used only for voter registration purposes[~~;~~]**.**

(d) notwithstanding any provision of law to the contrary, shall require the applicant to provide his or her social security number.

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

LBD11211-01-1

§ 2. Section 8-303 of the election law, as added by chapter 420 of the laws of 2004, subparagraph 1 of paragraph (b) of subdivision 3 as amended by chapter 160 of the laws of 2005, is amended to read as follows:

§ 8-303. Initial voter identification. 1. Applicability. Each board of elections, in a uniform and nondiscriminatory manner, shall require a voter to meet the requirements of subdivision two of this section [~~if:~~

~~(a) the individual registered to vote in a jurisdiction by mail on or after January first, two thousand three; and~~

~~(b) the individual has not previously voted in an election for federal office in the jurisdiction of the board of elections~~].

2. Requirements. (a) In general. An individual meets the requirements of this subdivision if the individual:

(1) in the case of an individual who votes in person: (i) presents to the appropriate election inspector, clerk or coordinator a current and valid [~~photo identification~~] **government issued social security card**; or

(ii) presents to the appropriate election inspector, clerk or coordinator a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(2) in the case of an individual who votes by mail, submits in the outer envelope with the envelope containing the ballot: (i) a copy of a current and valid [~~photo identification~~] **government issued social security card**; or

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

(b) Fail-safe voting. (1) An individual who desires to vote in person, but who does not meet the requirements of subparagraph one of paragraph (a) of this subdivision, may cast an affidavit ballot, and notwithstanding this section of law, such affidavit ballot shall be duly cast and counted, even though such individual does not meet the requirements of subparagraph one of paragraph (a) of this subdivision, provided such individual casting such ballot is an otherwise eligible voter pursuant to law, provided further that such ballot otherwise complies with the requirements of law.

(2) An individual who desires to vote by mail but who does not meet the requirements of subparagraph two of paragraph (a) of this subdivision may cast such a ballot by mail and such ballot shall be duly cast and counted, notwithstanding this section, provided the voter is determined to be an eligible voter and provided further that such ballot otherwise complies with the requirements of law.

3. Inapplicability. Subdivisions one and two of this section shall not apply in the case of a person: (a) who registers to vote by mail and submits as part of such registration either:

(1) a copy of a current and valid [~~photo identification~~] **government issued social security card**; or

(2) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(b) (1) who registers to vote by mail and submits with such registration [~~either:~~

~~(i) a driver's license or a department of motor vehicles non-driver photo ID number; or~~

~~(ii)~~] at least the last four digits of the individual's social security number; and

(2) with respect to whom a local board of elections matches the information submitted under subparagraph one of this paragraph with an existing state identification record bearing the number, name and date of birth of such voter; or

(c) who is: (1) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(2) provided the right to vote otherwise than in person under section 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii)); or

(3) entitled to vote otherwise than in person under any other federal law.

§ 3. Paragraph (d) of subdivision 3 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

(d) **A copy of a current and valid social security card.**

(e) Such application shall permit the applicant to apply for an absentee ballot for either a primary election or the general election in any year and for those persons who will be continuously absent from their county of residence during the period between the fall primary election and the general election in any year to apply for ballots for both such elections in such year. A voter who applies for an absentee ballot shall be sent an absentee ballot for any special election or winter primary that occurs during the period of absence specified in the application.

§ 4. This act shall take effect immediately.