

STATE OF NEW YORK

366

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, BAILEY, BENJAMIN, COMRIE, PARKER, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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:

20 3. After receiving the answers as above specified, of any applicant,
21 the board shall, if it believes the applicant to be qualified or the
22 challenge is withdrawn, permit him or her to vote. Otherwise, the board

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

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

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

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

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

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

51 b. The first form to be distributed pursuant to this subdivision shall
52 be a standard voter registration form as prescribed by section 5-210 of
53 the election law. Such form shall be completed for each eligible pupil,
54 by school administrators who shall complete each field of the registra-
55 tion form except the fields pertaining to citizenship status, party
56 affiliation, signature and date. The content of the registration form

1 shall be explained to all pupils to whom forms are distributed and
2 pupils shall be directed to correct any incorrect information previously
3 completed by school administrators.

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

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

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