

STATE OF NEW YORK

6450

2021-2022 Regular Sessions

IN SENATE

April 29, 2021

Introduced by Sens. JORDAN, BORRELLO -- 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 requirements for first
time voters

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

1 Section 1. The election law is amended by adding a new section 8-303-a
2 to read as follows:

3 § 8-303-a. Voter identification for first time voters. 1. Applicabil-
4 ity. Each board of elections, in a uniform and nondiscriminatory manner,
5 shall require a voter to meet the requirements of subdivision two of
6 this section if the individual has not previously voted in an election
7 for local, state or federal office.

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

10 (1) in the case of an individual who votes in person presents to the
11 appropriate election inspector, clerk or coordinator a current and valid
12 United States passport, New York state issued REAL ID, New York state
13 Enhanced ID, social security card, birth certificate, or nationalization
14 papers; or

15 (2) in the case of an individual who votes by mail, submits in the
16 outer envelope with the envelope containing the ballot a copy of a
17 current and valid United States passport, New York state issued REAL ID,
18 New York state Enhanced ID, social security card, birth certificate, or
19 nationalization papers.

20 (b) Fail-safe voting. (1) An individual who is attempting to vote in
21 person, but who does not meet the requirements of this subdivision, may
22 cast an affidavit ballot, and notwithstanding this section of law, such
23 affidavit ballot shall be duly cast and counted, even though such indi-
24 vidual does not meet the requirements of subparagraph one of paragraph
25 (a) of this subdivision, provided such individual casting such ballot is

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

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1 an otherwise eligible voter pursuant to law, provided further that such
2 ballot otherwise complies with the requirements of law.

3 (2) An individual who is attempting to vote by mail but who does not
4 meet the requirements of paragraph (a) of this subdivision may cast such
5 ballot by mail and such ballot shall be duly cast and counted, notwith-
6 standing this section, provided the voter is determined to be an eligi-
7 ble voter, provided further that such ballot otherwise complies with the
8 requirements of law.

9 § 2. This act shall take effect immediately.