STATE OF NEW YORK

5007

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

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

AN ACT to amend the election law, in relation to enabling constitutionally-qualified electors to register to vote and to cast a ballot on the same day at a polling location

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

Section 1. Subdivision 3 of section 8-302 of the election law is amended by adding four new paragraphs (f), (g), (h), and (i) to read as follows:

(f) "Conditional voter registration" means a properly executed affidavit in the form described in paragraph (e) of this subdivision at an early voting or election day polling location and which may be deemed effective after the board of elections processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in paragraph (h) of this subdivision.

(g) In addition to other methods of voter registration provided under this chapter, an elector who is otherwise qualified to register to vote and to cast a ballot under sections one and three of article two of the New York state constitution may complete a conditional voter registration and cast an affidavit ballot at an early voting or election day polling location at any time permissible under section five of article two of the New York state constitution, other restrictions on the time for registration in this chapter notwithstanding.

(h) (1) A conditional voter registration shall be deemed effective if the board of elections is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the department of motor vehicles or the federal social security administration.

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

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(2) If the information provided by the registrant on the registration affidavit cannot be verified based on information contained in a database maintained by the department of motor vehicles or the federal social security administration, but the board of elections is able to determine that the registrant is otherwise eligible to vote, the registrant shall be issued a voter identification number and the conditional voter registration shall be deemed effective.

(i) The board of elections shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The board of elections shall provide conditional voter registration and voting pursuant to this article at all early voting and election day polling locations.

(2) The board of elections shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subparagraph (h) of this subdivision.

(3) The board of elections shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the board of elections shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the board of elections shall include the corresponding ballot in the official canvass.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.