STATE OF NEW YORK

6111

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the election law, in relation to voter identification cards

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

Section 1. 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~~] **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~~] **government issued** identification[~~; 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~~] **government issued** identification[~~; or~~

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

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~~(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~~].

(3) A current and valid government issued identification shall contain a registered voter's signature and or photo, and such identifications shall include, but not be limited to: a New York state driver's license or non-driver ID; a United States passport; an identification card issued by a United States educational institution; a United States military identification card; a government issued medical card; any identification card issued by the United States or the state of New York; or a New York state voter identification card.

(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~~] does not possess a current and valid government issued identification, may cast an affidavit ballot[~~, and notwithstanding this section of law, such~~]. 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 the individual produces to the local board of elections a current and valid government issued identification within seven days of casting that ballot and that such ballot otherwise complies with the requirements of law.

(2) An individual who desires to vote by [~~mail~~] absentee ballot but who does not [~~meet the requirements of subparagraph two of paragraph (a) of this subdivision~~] provide a copy of a current and valid government issued identification, 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 the individual produces to the local board of elections a current and valid government issued identification within seven days of casting that ballot and 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; 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.~~]

§ 2. Subdivisions 16-a and 16-b of section 3-102 of the election law, subdivision 16-a as amended by section 91 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 16-b as added by chapter 103 of the laws of 2021, are amended and a new paragraph 16-c is added to read as follows:

16-a. provide the department of corrections and community supervision with a sufficient number of voter registration forms to allow the department of corrections and community supervision to comply with the duty to provide such voter registration forms to persons upon the expiration of their maximum sentence of imprisonment. Such voter registration forms shall be addressed to the state board of elections[~~.~~]**; or**

16-b. [~~Develop~~] **develop** and implement a program to educate attorneys, judges, election officials, corrections officials, including parole and probation officers, and members of the public regarding the requirements of the chapter of the laws of two thousand twenty-one which added this subdivision[~~.~~]**; or**

16-c. promulgate rules and regulations relating to the processing and issuing of voter identification cards upon receiving completed voter registration forms.

§ 3. The election law is amended by adding a new section 3-111 to read as follows:

§ 3-111. Voter identification cards. 1. Upon receipt of a completed voter registration form and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in article five of this chapter the state board of elections shall issue to such applicant a voter identification card for the purposes of voting.

2. Voter identification cards shall contain, and prominently display, a registered voters name, address, political party affiliation, voter status, and voter signature which has been filed with the state board of elections.

3. Nothing in this section shall prohibit the identification card from containing the photograph of the holder pursuant to regulations established by the state board of elections.

4. The state board of elections shall not require, nor request, any fees for the issuance or reissuance of a voter identification card.

§ 4. Section 8-410 of the election law, as amended by chapter 228 of the laws of 2022, is amended to read as follows:

§ 8-410. Absentee voting; method of. The absentee voter shall mark an absentee ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. He or she shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. He or she shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. After marking the ballot or ballots he or she shall fold each such ballot and enclose them in the envelope and seal the envelope. He or she shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots **and a copy of a government issued identification card as prescribed in section 8-303 of this article**, shall then be mailed or delivered to the board of elections of the county or city of his or her residence.

§ 5. Paragraph (b) of subdivision 3 of section 9-209 of the election law, as added by chapter 763 of the laws of 2021, is amended to read as follows:

(b) A curable defect includes instances where the ballot envelope: (i) is unsigned; (ii) has a signature that does not correspond to the registration signature; (iii) has no required witness to a mark; (iv) is returned without a ballot affirmation envelope in the return envelope; (v) has a ballot affirmation envelope that is signed by the person that has provided assistance to the voter but is not signed or marked by the voter; [~~or~~] (vi) contains the signature of someone other than the voter and not of the voter**; or (vii) does not include a copy of a government issued identification card**.

§ 6. This act shall take effect immediately.