

STATE OF NEW YORK

8752

IN SENATE

March 7, 2024

Introduced by Sen. GIANARIS -- 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 providing for automatic voter registration and preregistration for persons applying for certain department of motor vehicles documentation, and for Medicaid enrollees

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

1 Section 1. Subdivision 1, paragraphs (c), (d) and (e) of subdivision 6
2 and subdivisions 10 and 13 of section 5-900 of the election law, as
3 amended by chapter 37 of the laws of 2021, are amended to read as
4 follows:

5 1. In addition to any other method of voter registration provided for
6 by this chapter, state and local agencies designated in subdivisions
7 thirteen and fourteen of this section shall provide to the state board
8 of elections voter registration qualification information associated
9 with each person who submits an application for services or assistance
10 at such agency, including a renewal, recertification, or reexamination
11 transaction at such agency, and each person who submits a change of
12 address or name form. [~~For the purposes of the department of motor vehicles, "application for services or assistance at such agency" refers only to an application for a motor vehicle driver's license, a driver's license renewal or an identification card if such card is issued by the department of motor vehicles in its normal course of business.~~] For
17 purposes of the New York city housing authority "application for
18 services or assistance at such agency" refers only to applications that
19 reach an eligibility interview and reexamination transactions. Such
20 designated agencies shall ensure agency applications substantially
21 include all of the elements required by section 5-210 of this article,
22 including the appropriate attestation, so that persons completing such
23 applications shall be able to also submit an application to register to
24 vote through the electronic voter registration transmittal system. For
25 purposes of this section, "agency" shall mean any state or local agency,
26 department, division, office, institution or other entity designated in

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

LBD14805-01-4

subdivision thirteen of this section or designated by the governor pursuant to subdivision fourteen of this section. For purposes of this section, registration shall also include pre-registration pursuant to section 5-507 of this article.

(c) include a box for the applicant to check to indicate whether the applicant would like to decline to register to vote along with the following statement, or its substantial equivalent, in prominent type, "IF YOU DO NOT CHECK THIS BOX, AND YOU PROVIDE YOUR SIGNATURE ON THE SPACE BELOW, YOU WILL HAVE APPLIED TO REGISTER OR PRE-REGISTER TO VOTE, AND YOU WILL HAVE ATTESTED TO YOUR ELIGIBILITY TO REGISTER OR PRE-REGISTER TO VOTE."

(d) include the following warning statement, or its substantial equivalent, in prominent type, "IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, YOU MUST CHECK THE BOX BELOW. NON-CITIZENS WHO REGISTER OR PRE-REGISTER TO VOTE MAY BE SUBJECT TO CRIMINAL PENALTIES AND SUCH VOTER REGISTRATION OR PRE-REGISTRATION MAY RESULT IN DEPORTATION OR REMOVAL, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION.";

(e) include a space for the applicant to indicate the applicant's choice of party enrollment, with a clear alternative provided for the applicant to decline to affiliate with any party and the following statement, or its substantial equivalent, in prominent type "ONLY ENROLLED MEMBERS OF A POLITICAL PARTY MAY VOTE IN THAT PARTY'S PRIMARIES".

10. A voter shall be able to decline to register to vote using an integrated application by selecting a single check box, or equivalent, which shall include the following statement, or its substantial equivalent: "I DECLINE USE OF THIS FORM FOR VOTER REGISTRATION AND PRE-REGISTRATION PURPOSES. DO NOT FORWARD MY INFORMATION TO THE BOARD OF ELECTIONS."

13. ~~[Beginning January first, two thousand twenty-three, designated agencies for purposes of this section shall include the department of motor vehicles.]~~ Beginning January first, two thousand twenty-four, designated agencies for the purposes of this section shall ~~[also]~~ include the department of health, the office of temporary and disability assistance, the department of labor, the office of adult career and continuing education services - vocational rehabilitation, county and city departments of social services, and the New York city housing authority, as well as any other agency designated by the governor. Provided that, any transactions with the department of health or county and city departments of social services involving Medicaid enrollment shall be processed pursuant to section 5-901-a of this title, in place of this section. Beginning January first, two thousand twenty-five, designated agencies for the purposes of this section shall also include the state university of New York. Each designated agency shall enter into an agreement with the state board of elections finalizing the format and content of electronic transmissions required by this section. The state board of elections shall prepare and distribute to designated agencies written instructions as to the implementation of the program and shall be responsible for establishing training programs for employees of designated agencies listed in this section. Such instructions and such training shall ensure usability of the integrated application for low English proficiency voters. Any such designated agency shall take all actions that are necessary and proper for the implementation of this section, including facilitating technological capabilities to allow

1 transmission of data through an interface with the electronic voter
2 registration transmittal system in a secure manner.

3 § 2. The election law is amended by adding a new section 5-901 to read
4 as follows:

5 § 5-901. Procedures specific to the department of motor vehicles. 1.
6 The department of motor vehicles shall utilize the automatic voter
7 registration procedures established by this section for each person who
8 submits an application for a motor vehicle driver's license, a driver's
9 license renewal, or an identification card, or any renewal, recertif-
10 ication, or reexamination transaction for such documents, or any change
11 of address or name form for such documents.

12 2. (a) Except as provided in paragraph (c) of this subdivision, where
13 a person conducts a department of motor vehicles transaction pursuant to
14 subdivision one of this section and such person has provided documenta-
15 tion to the department of motor vehicles conclusively demonstrating
16 United States citizenship and is of sufficient age to register or pre-
17 register to vote, the department of motor vehicles shall promptly trans-
18 mit electronically to the state board of elections the following infor-
19 mation regarding such person:

20 (i) such person's name;
21 (ii) such person's date of birth;
22 (iii) such person's driver's license or state ID number;
23 (iv) such person's residence address, and mailing address if different
24 from such residence address;
25 (v) such person's county of residence;
26 (vi) such person's citizenship status;
27 (vii) an electronic copy of such person's manual signature that is in
28 the custody of the department of motor vehicles;
29 (viii) the date of such person's transaction with the department of
30 motor vehicles;
31 (ix) such person's gender, if available;
32 (x) such person's telephone number, if available; and
33 (xi) such person's e-mail address, if available.

34 (b) The department of motor vehicles and the state board of elections
35 shall jointly determine which documents acceptable for transactions
36 pursuant to subdivision one of this section conclusively demonstrate
37 United States citizenship.

38 (c) The department of motor vehicles shall not transmit information
39 pursuant to paragraph (a) of this subdivision for any person who is a
40 program participant in the address confidentiality program pursuant to
41 section one hundred eight of the executive law.

42 (d) Upon receiving information pursuant to paragraph (a) of this
43 subdivision for a person who is not registered to vote in New York state
44 and who is of sufficient age to register or pre-register to vote, unless
45 the state board of elections has evidence that such person is a program
46 participant in the address confidentiality program pursuant to section
47 one hundred eight of the executive law, the state board of elections
48 shall electronically forward such information to the board of elections
49 of the county or the city of the person's residence address for regis-
50 tration or pre-registration consistent with this chapter.

51 (e) (i) Upon receiving information pursuant to paragraph (d) of this
52 subdivision, a county or city board of elections shall register or pre-
53 register the person to vote pursuant to section 5-210 of this article
54 effective as of the date of such person's transaction with the depart-
55 ment of motor vehicles. The county or city board of elections shall
56 promptly send to such person's mailing address, by non-forwardable mail,

1 a notice that such person has been registered to vote, or pre-registered
2 to vote, if applicable, that contains a postage paid preaddressed return
3 form by which such person may decline to be registered or pre-regis-
4 tered. Such notice shall be combined with the notice required pursuant
5 to subdivision one of section 5-308 of this article and shall also offer
6 such person the opportunity to enroll with a party. Such notice shall
7 also include a statement that, if such person declines to register or
8 pre-register to vote, the fact that such person has declined registra-
9 tion or pre-registration will remain confidential and will be used only
10 for election administration purposes, and a statement that, if such
11 person does not decline registration or pre-registration, the office at
12 which such person was registered or pre-registered will remain confiden-
13 tial and will be used only for election administration purposes. Such
14 notice shall also provide information and procedures for anyone wishing
15 to prevent disclosure of their residence address, including information
16 regarding the address confidentiality program for victims of domestic
17 violence under section 5-508 of this article. The notice required by
18 this subparagraph may be combined with the notice provided to newly
19 registered voters pursuant to subdivision nine of section 5-210 of this
20 article.

21 (ii) Notwithstanding any other provision of this article, a person of
22 sufficient age to register to vote whose information is transmitted to a
23 county or city board pursuant to subparagraph (i) of this paragraph
24 shall be registered to vote for an election if the date of such person's
25 transaction with the department of motor vehicles pursuant to subdivi-
26 sion one of this section occurs by the twelfth day before such election
27 and such person's information is transmitted to the county or city board
28 by the tenth day before such election. A person whose transaction with
29 the department of motor vehicles occurs within thirty days of an
30 election shall be required to affirm before voting that such person has
31 resided in such person's county, city, or village for at least thirty
32 days before such election. Such affirmation shall be available at the
33 time of voting and at the time of requesting an early mail or absentee
34 ballot. A voter who signs an affirmation pursuant to this subparagraph
35 shall not be challenged or required to vote an affidavit ballot on the
36 grounds that such voter signed such affirmation.

37 (f) (i) If a person returns the notice provided under subparagraph (i)
38 of paragraph (e) of this subdivision and declines to be registered or
39 pre-registered to vote, such person's registration or pre-registration
40 shall be canceled, and such person shall be deemed to have not regis-
41 tered or pre-registered. However, if such person has voted in an
42 election after the transmission of such person's information but before
43 the notice is returned, the returned form shall be of no effect and such
44 person shall remain registered as of the date of such person's trans-
45 action with the department of motor vehicles. Information relating to
46 the return of a notice form declining to be registered or pre-registered
47 shall not be used for any purpose other than election administration.

48 (ii) Notwithstanding subdivision two of section 5-304 of this article,
49 if a person returns the notice provided under subparagraph (i) of para-
50 graph (e) of this subdivision and elects to enroll in a party, such
51 enrollment shall take effect immediately. However, any pre-registrant's
52 registration shall remain classified as "pending" until the voter
53 reaches the age of eligibility.

54 (iii) If a person returns the notice provided under subparagraph (i)
55 of paragraph (e) of this subdivision but does not select any options,
56 the returned notice shall be of no force and effect, and such person

1 shall remain registered to vote, or pre-registered to vote, if applica-
2 ble.

3 3. (a) The department of motor vehicles shall not provide an opportu-
4 nity to register or pre-register to vote or transmit any information to
5 the board of elections for purposes of voter registration for any person
6 who, when conducting a department of motor vehicles transaction pursuant
7 to subdivision one of this section, provides documentation conclusively
8 demonstrating that such person is not a United States citizen. The
9 department of motor vehicles and the state board of elections shall
10 jointly determine which documents are acceptable for a motor vehicle
11 driver's license, a driver's license renewal, or an identification card
12 to conclusively demonstrate that a person is not a United States citi-
13 zen.

14 (b) For any person who conducts a department of motor vehicles trans-
15 action pursuant to subdivision one of this section whose information is
16 not already subject to transmission to the state board of elections
17 pursuant to paragraph (a) of subdivision two of this section and who
18 does not provide documentation at the time of such person's transaction
19 conclusively demonstrating that such person is not a United States citi-
20 zen, the department of motor vehicles transaction shall provide an inte-
21 grated voter registration opportunity as part of such transaction. For
22 purposes of this paragraph, registration shall also include pre-regis-
23 tration pursuant to section 5-507 of this article.

24 (c) The department shall ensure agency applications pursuant to para-
25 graph (b) of this subdivision include all of the elements required by
26 section 5-210 of this article, including the appropriate attestation, so
27 that persons completing such applications shall be able to also submit
28 an application to register to vote through the electronic voter regis-
29 tration transmittal system.

30 (d) The integrated voter registration opportunity shall:

31 (i) include a statement of the eligibility requirements for voter
32 registration and shall require an applicant to attest that such appli-
33 cant meets such requirements under penalty of perjury;

34 (ii) inform an applicant, in print identical to that used in the
35 attestation section, of the following:

36 (A) voter eligibility requirements;

37 (B) penalties for submission of a false registration application;

38 (C) that the office where such applicant applies for registration
39 shall remain confidential and the voter registration information shall
40 be used only for voter registration purposes;

41 (D) that if such applicant applies to register to vote electronically,
42 such applicant thereby consents to the use of an electronic copy of such
43 applicant's manual signature that is in the custody of the department of
44 motor vehicles, as such applicant's voter registration exemplar signa-
45 ture;

46 (E) if such applicant signs the application and affirmatively selects
47 the voter registration option, such applicant thereby consents to the
48 use of any information required to complete the voter registration
49 application; and

50 (F) if such applicant declines to register, such applicant's declina-
51 tion shall remain confidential and be used only for voter registration
52 purposes;

53 (iii) require an applicant who attests to the eligibility requirements
54 for voter registration to either affirmatively select or affirmatively
55 decline voter registration as a necessary condition to complete the
56 application pursuant to subdivision one of this section;

1 (iv) include the following warning statement, or its substantial
2 equivalent, in prominent type, "IF YOU ARE NOT A CITIZEN OF THE UNITED
3 STATES, DO NOT SELECT THE OPTION TO REGISTER TO VOTE. NON-CITIZENS WHO
4 REGISTER OR PRE-REGISTER TO VOTE MAY BE SUBJECT TO CRIMINAL PENALTIES
5 AND SUCH VOTER REGISTRATION OR PRE-REGISTRATION MAY RESULT IN DEPORTA-
6 TION OR REMOVAL, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR
7 DENIAL OF NATURALIZATION.";

8 (v) include a space for an applicant to indicate such applicant's
9 choice of party enrollment, with a clear alternative provided for such
10 applicant to decline to affiliate with any party and the following
11 statement, or its substantial equivalent, in prominent type "ONLY
12 ENROLLED MEMBERS OF A POLITICAL PARTY MAY VOTE IN THAT PARTY'S PRIMA-
13 RIES."; and

14 (vi) include a statement that if an applicant is a victim of domestic
15 violence or stalking, such applicant may contact the state board of
16 elections before or after registering or pre-registering to vote in
17 order to receive information regarding the address confidentiality
18 program for victims of domestic violence under section 5-508 of this
19 article.

20 (e) For each person who completes an application to register to vote
21 pursuant to paragraph (d) of this subdivision, who attests to the eligi-
22 bility requirements for voter registration, and affirmatively selects
23 voter registration pursuant to subparagraph (iii) of paragraph (d) of
24 this subdivision, the department of motor vehicles shall electronically
25 transmit to the state board of elections through an interface with the
26 electronic voter registration transmittal system established and main-
27 tained by the state board of elections such portion of the application
28 that includes voter registration information. If such person is not
29 already registered to vote in New York state, the state board of
30 elections shall electronically forward such application to the applica-
31 ble board of elections of each county or the city of New York for regis-
32 tration consistent with this chapter. The department shall not transmit
33 to the state board of elections an application for registration for a
34 person who indicates on the integrated personal voter registration
35 application that such person does not meet the eligibility requirements
36 for registration.

37 (f) An integrated voter registration application submitted to the
38 department of motor vehicles in an electronic format shall be transmit-
39 ted to the state board of elections through the electronic voter regis-
40 tration transmittal system and shall include all of the voter registra-
41 tion data elements, including electronic signature, as applicable, and
42 record of attestation of the accuracy of the voter registration informa-
43 tion and any relevant document images.

44 (g) An integrated voter registration form submitted to the department
45 of motor vehicles in paper format shall be transmitted to the state
46 board of elections through the electronic voter registration transmittal
47 system by converting the paper form to an image file or a portable docu-
48 ment format file which shall thereafter be deemed the original form for
49 voter registration and enrollment purposes. The department shall retain
50 the complete original paper application for no less than two years. The
51 transmittal of the converted paper application may include or be accom-
52 panied by data elements and transmittal information as required by the
53 rules and regulations of the state board of elections.

54 (h) The department shall redact or remove from the completed inte-
55 grated application to be transmitted to the state board of elections any
56 information solely applicable to the agency application.

1 (i) Information from an applicant relevant to both voter registration
2 and the department application shall be entered by the applicant only
3 once upon an electronic application.

4 (j) Information concerning the citizenship status of individuals, when
5 collected and transmitted pursuant to this subdivision, shall not be
6 retained, used, or shared for any other purpose except as may be
7 required by law.

8 (k) For each person who attests to the eligibility requirements for
9 voter registration, but who does not affirmatively select voter regis-
10 tration pursuant to subparagraph (iii) of paragraph (d) of this subdivi-
11 sion, the department of motor vehicles shall electronically transmit to
12 the state board of elections through an interface with the electronic
13 voter registration transmittal system established and maintained by the
14 state board of elections such portion of the application that includes
15 voter registration information with a clear designation that such infor-
16 mation shall be used only for the purpose of updating existing registra-
17 tion records.

18 4. (a) If information is received by the state board of elections from
19 the department of motor vehicles pursuant to paragraph (a) of subdivi-
20 sion two or paragraph (e) or (k) of subdivision three of this section
21 for a person who is already registered or pre-registered to vote in New
22 York state, the state board of elections shall determine whether the
23 information provided to the department of motor vehicles indicates a
24 different name, residence address, or mailing address from that on such
25 person's registration record.

26 (b) If information provided to the department of motor vehicles pursu-
27 ant to paragraph (a) of subdivision two or paragraph (e) or (k) of
28 subdivision three of this section indicates a different name, residence
29 address, or mailing address for a registered or pre-registered voter
30 from that on such person's registration record, the state board of
31 elections shall electronically transmit the updated name or address for
32 such person to the appropriate board of elections for such person's
33 residence. If such person has changed residence from one county to
34 another, the state board of elections shall electronically transmit such
35 information to both the board of the previous county or city of resi-
36 dence and the new county or city of residence. The board of elections in
37 such person's county or city of residence shall use the information
38 transmitted by the board to update such person's existing voter regis-
39 tration record, transfer the person's registration, if inactive, to
40 active status, and send to such person's address of record the notice
41 required under subdivision five of section 5-208 of this article. The
42 board of elections in any previous county or city of residence shall
43 update such person's voter registration record to reflect that such
44 person has moved to a different county.

45 (c) If a person returns the notice required under paragraph (b) of
46 this subdivision and indicates that the change to such person's regis-
47 tration record was in error, the appropriate boards of elections,
48 including the board of the previous county or city of residence, shall
49 promptly correct such person's previously updated information in the
50 statewide voter registration list.

51 (d) Any application pursuant to subdivision one of this section shall
52 inform the applicant that if such applicant is already registered or
53 pre-registered to vote in New York state, the name, residence address,
54 and mailing address provided on the application shall be used to update
55 such person's registration record and that such person shall receive

1 notice of any update by mail, along with information on how to correct
2 such update, if needed.

3 5. The state board of elections shall prepare and distribute to the
4 department of motor vehicles written instructions as to the implementa-
5 tion of this section and shall be responsible for establishing training
6 programs for employees of the department of motor vehicles. Such
7 instructions and such training shall ensure usability of the integrated
8 application in subdivision three of this section for low-English profi-
9 ciency voters. The department of motor vehicles shall take all actions
10 that are necessary and proper for the implementation of this section,
11 including facilitating technological capabilities to allow transmission
12 of data through an interface with the electronic voter registration
13 transmittal system in a secure manner.

14 6. The state board of elections may promulgate rules and regulations
15 for the administration of this section.

16 7. Nothing in this section shall be construed to require documentary
17 proof of citizenship for voter registration. Nothing in this section
18 shall be construed to authorize or require the department of motor vehi-
19 cles to request documentation establishing an applicant's citizenship
20 solely for the purposes of voter registration.

21 8. The state board of elections shall publicly release data reports,
22 as described in this subdivision, on a monthly basis. Such data reports
23 shall not include any personally identifying information, shall be
24 subcategorized by gender and age of the individuals included, and shall
25 include all of the following information:

26 (a) The number of individuals registered to vote or pre-registered to
27 vote under the procedures in subdivision two of this section.

28 (b) The number of individuals registered to vote or pre-registered to
29 vote under the procedures in subdivision three of this section.

30 (c) The number of individuals who declined voter registration or pre-
31 registration under the procedures in subdivision two of this section.

32 (d) The number of individuals who declined voter registration or pre-
33 registration under the procedures in subdivision three of this section.

34 (e) The number of individuals whose voter registration or pre-regis-
35 tration was updated pursuant to the procedures in subdivision four of
36 this section.

37 § 3. The election law is amended by adding a new section 5-901-a to
38 read as follows:

39 § 5-901-a. Procedures specific to Medicaid enrollment. 1. Subject to
40 any modifications necessary to comply with applicable federal laws and
41 regulations including such modifications under subdivision two of this
42 section, the department of health and county and city departments of
43 social services shall automatically and electronically transmit the
44 following information to the state board of elections for purposes of
45 voter registration and pre-registration for each person who applies for
46 or re-enrolls in Medicaid, who is of sufficient age to register or pre-
47 register to vote, and who is externally verified as a United States
48 citizen as part of an application for Medicaid:

49 (a) such person's name;

50 (b) such person's date of birth;

51 (c) the last four digits of such person's social security number;

52 (d) such person's residence address, and mailing address if different
53 from the residence address;

54 (e) such person's county of residence;

55 (f) such person's citizenship status;

1 (g) an electronic copy of such person's manual signature, if avail-
2 able;

3 (h) the date of such person's application or re-enrollment trans-
4 action;

5 (i) such person's gender, if available;

6 (j) such person's telephone number, if available; and

7 (k) such person's e-mail address, if available.

8 2. If necessary to comply with federal law, before transmitting a
9 person's information to the state board of elections for purposes of
10 voter registration pursuant to subdivision one of this section, the
11 department of health and county and city departments of social services
12 or their designees shall, within fifteen days of such person's applica-
13 tion or re-enrollment transaction, notify by mail such person whose data
14 is subject to transmission pursuant to subdivision one of this section
15 and provide such person an opportunity to decline transmission. Such
16 notice shall be sent to such person's mailing address by non-forwardable
17 mail, notify such person that such person's information will be shared
18 with election officials for purposes of keeping voter registration
19 records complete and accurate, and contain a postage paid preaddressed
20 return form by which such person may decline transmission of such
21 person's data to the state board of elections. If such person returns
22 such notice within seventeen days of mailing and declines transmission
23 of such person's information, such person's information shall not be
24 transmitted to the state board of elections for purposes of voter regis-
25 tration. If such person does not return the notice provided under this
26 subdivision and declines transmission of such person's information with-
27 in seventeen days of mailing, such person's information shall be trans-
28 mitted to the state board of elections within three days for purposes of
29 voter registration.

30 3. In processing information received the department of health and
31 county and city departments of social services pursuant to subdivision
32 one of this section, the state board of elections and boards of
33 elections for each county or the city of New York shall comply with the
34 requirements established in subdivisions two and four of section 5-901
35 of this title. Provided that, a person of sufficient age to register to
36 vote whose information is transmitted to a county or city board pursuant
37 to this section shall be registered to vote for an election if the
38 information is transmitted to the county or city board by the tenth day
39 before such election.

40 § 4. Section 5-902 of the election law, as amended by chapter 37 of
41 the laws of 2021, is amended to read as follows:

42 § 5-902. Failure to receive exemplar signature not to prevent regis-
43 tration. If a voter registration exemplar signature is not received from
44 an applicant who submits a voter registration or pre-registration appli-
45 cation or is otherwise registered or pre-registered to vote pursuant to
46 this title and such signature exemplar is not otherwise available from
47 the statewide voter registration database or a state or local agency,
48 the local board of elections shall, absent another reason to reject the
49 application, proceed to register or pre-register and, as applicable,
50 enroll the applicant. Within ten days of such action, the board of
51 elections shall send a standard form promulgated by the state board of
52 elections to the voter whose record lacks an exemplar signature, requir-
53 ing such voter to submit a signature for identification purposes. The
54 voter shall submit to the board of elections a voter registration exemp-
55 lar signature by any one of the following methods: in person, by mail
56 with return postage paid provided by the board of elections, by elec-

1 tronic mail, or by electronic upload to the board of elections through
2 the electronic voter registration transmittal system. If such voter does
3 not provide the required exemplar signature, when the voter appears to
4 vote the voter shall be entitled to vote by affidavit ballot.

5 § 5. The opening paragraphs of subdivisions 1 and 2 of section 5-904
6 of the election law, as amended by chapter 37 of the laws of 2021, are
7 amended to read as follows:

8 Notwithstanding subdivision six of section 5-210 of this article or
9 any other law to the contrary, a person who is ineligible to vote who
10 fails to decline to register or pre-register to vote in accordance with
11 the provisions of this ~~[section]~~ title or who is otherwise registered or
12 pre-registered to vote in accordance with the provisions of this title,
13 and who did not willfully and knowingly seek to register or pre-register
14 to vote knowing that the person is not eligible to do so:

15 Notwithstanding subdivision six of section 5-210 of this article or
16 any other law to the contrary, a person who is ineligible to vote who
17 fails to decline to register or pre-register to vote in accordance with
18 the provisions of this ~~[section]~~ title or who is otherwise registered or
19 pre-registered to vote in accordance with the provisions of this title,
20 and who then either votes or attempts to vote in an election held after
21 the effective date of that person's registration, and who did not will-
22 fully and knowingly seek to register or pre-register to vote knowing
23 that the person is not eligible to do so, and did not subsequently vote
24 or attempt to vote knowing that the person is not eligible to do so:

25 § 6. Subdivisions 1 and 2 of section 5-308 of the election law, as
26 amended by chapter 37 of the laws of 2021, are amended to read as
27 follows:

28 1. The board of elections shall, promptly and not later than twenty-
29 one days after receipt of a voter registration or pre-registration
30 application submitted pursuant to title nine of this article by a voter
31 registering or pre-registering for the first time, send any such voter
32 who did not enroll in a party a notice and a form to indicate party
33 enrollment. Such notice shall offer the voter the opportunity to enroll
34 with a party or to decline to enroll with a party and contain the
35 following statement in prominent type "ONLY ENROLLED MEMBERS OF A POLI-
36 TICAL PARTY MAY VOTE IN THAT PARTY'S PRIMARIES." Such form shall provide
37 a clear alternative for the applicant to decline to affiliate with any
38 party. If the board of elections has not received a response to the
39 party enrollment notice and form sent pursuant to this subdivision, or
40 to a notice sent pursuant to subparagraph (i) of paragraph (e) of subdi-
41 vision two of section 5-901 of this article within forty-five days of a
42 person's registration, the board shall mail a second party enrollment
43 notice and form to such person.

44 2. Notwithstanding subdivision two of section 5-304 of this title, if
45 a voter who registered to vote for the first time (or pre-registered)
46 pursuant to title nine of this article responds to either of the
47 ~~[notice]~~ notices required by subdivision one of this section and elects
48 to enroll in a party, such enrollment shall take effect immediately.
49 However, any pre-registrant's registration shall remain classified as
50 "pending" until the voter reaches the age of eligibility.

51 § 7. This act shall take effect January 1, 2026.