

STATE OF NEW YORK

8752--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 vehi-~~
13 ~~cles, "application for services or assistance at such agency" refers~~
14 ~~only to an application for a motor vehicle driver's license, a driver's~~
15 ~~license renewal or an identification card if such card is issued by the~~
16 ~~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

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

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1 purposes of this section, "agency" shall mean any state or local agency,
2 department, division, office, institution or other entity designated in
3 subdivision thirteen of this section or designated by the governor
4 pursuant to subdivision fourteen of this section. For purposes of this
5 section, registration shall also include pre-registration pursuant to
6 section 5-507 of this article.

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

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

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

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

33 13. [~~Beginning January first, two thousand twenty-three, designated~~
34 ~~agencies for purposes of this section shall include the department of~~
35 ~~motor vehicles.~~] Beginning January first, two thousand twenty-four,
36 designated agencies for the purposes of this section shall [~~also~~]
37 include the department of health, the office of temporary and disability
38 assistance, the department of labor, the office of adult career and
39 continuing education services - vocational rehabilitation, county and
40 city departments of social services, and the New York city housing
41 authority, as well as any other agency designated by the governor.
42 Provided that, any transactions with the department of health or county
43 and city departments of social services involving Medicaid enrollment
44 shall be processed pursuant to section 5-901-a of this title, in place
45 of this section. Beginning January first, two thousand twenty-five,
46 designated agencies for the purposes of this section shall also include
47 the state university of New York. Each designated agency shall enter
48 into an agreement with the state board of elections finalizing the
49 format and content of electronic transmissions required by this section.
50 The state board of elections shall prepare and distribute to designated
51 agencies written instructions as to the implementation of the program
52 and shall be responsible for establishing training programs for employ-
53 ees of designated agencies listed in this section. Such instructions and
54 such training shall ensure usability of the integrated application for
55 low English proficiency voters. Any such designated agency shall take
56 all actions that are necessary and proper for the implementation of this

1 section, including facilitating technological capabilities to allow
2 transmission of data through an interface with the electronic voter
3 registration transmittal system in a secure manner.

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

6 § 5-901. Procedures specific to the department of motor vehicles. 1.
7 Beginning June thirtieth, two thousand twenty-seven, the department of
8 motor vehicles shall utilize the automatic voter registration procedures
9 established by this section for each person who submits an application
10 for a motor vehicle driver's license, a driver's license renewal, or an
11 identification card, or any renewal, recertification, or reexamination
12 transaction for such documents, or any change of address or name form
13 for such documents. Prior to June thirtieth, two thousand twenty-seven,
14 the department of motor vehicles shall utilize the procedures required
15 under section 5-900 of this title for such transactions.

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

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

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

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

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

55 (e) (i) Upon receiving information pursuant to paragraph (d) of this
56 subdivision, a county or city board of elections shall register or pre-

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

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

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

52 (ii) Notwithstanding subdivision two of section 5-304 of this article,
53 if a person returns the notice provided under subparagraph (i) of para-
54 graph (e) of this subdivision and elects to enroll in a party, such
55 enrollment shall take effect immediately. However, any pre-registrant's

1 registration shall remain classified as "pending" until the voter
2 reaches the age of eligibility.

3 (iii) If a person returns the notice provided under subparagraph (i)
4 of paragraph (e) of this subdivision but does not select any options,
5 the returned notice shall be of no force and effect, and such person
6 shall remain registered to vote, or pre-registered to vote, if applica-
7 ble.

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

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

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

35 (d) The integrated voter registration opportunity shall:

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

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

41 (A) voter eligibility requirements;

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

43 (C) that the office where such applicant applies for registration
44 shall remain confidential and the voter registration information shall
45 be used only for voter registration purposes;

46 (D) that if such applicant applies to register to vote electronically,
47 such applicant thereby consents to the use of an electronic copy of such
48 applicant's manual signature that is in the custody of the department of
49 motor vehicles, as such applicant's voter registration exemplar signa-
50 ture;

51 (E) if such applicant signs the application and affirmatively selects
52 the voter registration option, such applicant thereby consents to the
53 use of any information required to complete the voter registration
54 application; and

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

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

8 (iv) include the following warning statement, or its substantial
9 equivalent, in prominent type, "IF YOU ARE NOT A CITIZEN OF THE UNITED
10 STATES, DO NOT SELECT THE OPTION TO REGISTER TO VOTE. NON-CITIZENS WHO
11 REGISTER OR PRE-REGISTER TO VOTE MAY BE SUBJECT TO CRIMINAL PENALTIES
12 AND SUCH VOTER REGISTRATION OR PRE-REGISTRATION MAY RESULT IN DEPORA-
13 TION OR REMOVAL, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR
14 DENIAL OF NATURALIZATION.";

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

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

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

44 (f) An integrated voter registration application submitted to the
45 department of motor vehicles in an electronic format shall be transmit-
46 ted to the state board of elections through the electronic voter regis-
47 tration transmittal system and shall include all of the voter registra-
48 tion data elements, including electronic signature, as applicable, and
49 record of attestation of the accuracy of the voter registration informa-
50 tion and any relevant document images.

51 (g) An integrated voter registration form submitted to the department
52 of motor vehicles in paper format shall be transmitted to the state
53 board of elections through the electronic voter registration transmittal
54 system by converting the paper form to an image file or a portable docu-
55 ment format file which shall thereafter be deemed the original form for
56 voter registration and enrollment purposes. The department shall retain

1 the complete original paper application for no less than two years. The
2 transmittal of the converted paper application may include or be accom-
3 panied by data elements and transmittal information as required by the
4 rules and regulations of the state board of elections.

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

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

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

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

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

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

52 (c) If a person returns the notice required under paragraph (b) of
53 this subdivision and indicates that the change to such person's regis-
54 tration record was in error, the appropriate boards of elections,
55 including the board of the previous county or city of residence, shall

1 promptly correct such person's previously updated information in the
2 statewide voter registration list.

3 (d) Any application pursuant to subdivision one of this section shall
4 inform the applicant that if such applicant is already registered or
5 pre-registered to vote in New York state, the name, residence address,
6 and mailing address provided on the application shall be used to update
7 such person's registration record and that such person shall receive
8 notice of any update by mail, along with information on how to correct
9 such update, if needed.

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

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

23 7. Nothing in this section shall be construed to require documentary
24 proof of citizenship for voter registration. Nothing in this section
25 shall be construed to authorize or require the department of motor vehi-
26 cles to request documentation establishing an applicant's citizenship
27 solely for the purposes of voter registration.

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

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

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

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

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

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

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

46 § 5-901-a. Procedures specific to Medicaid enrollment. 1. Subject to
47 any modifications necessary to comply with applicable federal laws and
48 regulations including such modifications under subdivision two of this
49 section, beginning June thirtieth, two thousand twenty-seven, the
50 department of health and county and city departments of social services
51 shall automatically and electronically transmit the following informa-
52 tion to the state board of elections for purposes of voter registration
53 and pre-registration for each person who applies for or re-enrolls in
54 Medicaid, who is of sufficient age to register or pre-register to vote,
55 and who is externally verified as a United States citizen as part of an
56 application for Medicaid:

- 1 (a) such person's name;
- 2 (b) such person's date of birth;
- 3 (c) the last four digits of such person's social security number;
- 4 (d) such person's residence address, and mailing address if different
- 5 from the residence address;
- 6 (e) such person's county of residence;
- 7 (f) such person's citizenship status;
- 8 (g) an electronic copy of such person's manual signature, if avail-
- 9 able;
- 10 (h) the date of such person's application or re-enrollment trans-
- 11 action;
- 12 (i) such person's gender, if available;
- 13 (j) such person's telephone number, if available; and
- 14 (k) such person's e-mail address, if available.

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

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

47 4. Prior to June thirtieth, two thousand twenty-seven, the department
48 of health and county and city departments of social services shall
49 utilize the procedures required under section 5-900 of this title for
50 Medicaid enrollment transactions.

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

53 § 5-902. Failure to receive exemplar signature not to prevent regis-
54 tration. If a voter registration exemplar signature is not received from
55 an applicant who submits a voter registration or pre-registration appli-
56 cation or is otherwise registered or pre-registered to vote pursuant to

1 this title and such signature exemplar is not otherwise available from
2 the statewide voter registration database or a state or local agency,
3 the local board of elections shall, absent another reason to reject the
4 application, proceed to register or pre-register and, as applicable,
5 enroll the applicant. Within ten days of such action, the board of
6 elections shall send a standard form promulgated by the state board of
7 elections to the voter whose record lacks an exemplar signature, requir-
8 ing such voter to submit a signature for identification purposes. The
9 voter shall submit to the board of elections a voter registration exemp-
10 lar signature by any one of the following methods: in person, by mail
11 with return postage paid provided by the board of elections, by elec-
12 tronic mail, or by electronic upload to the board of elections through
13 the electronic voter registration transmittal system. If such voter does
14 not provide the required exemplar signature, when the voter appears to
15 vote the voter shall be entitled to vote by affidavit ballot.

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

19 Notwithstanding subdivision six of section 5-210 of this article or
20 any other law to the contrary, a person who is ineligible to vote who
21 fails to decline to register or pre-register to vote in accordance with
22 the provisions of this [~~section~~] title or who is otherwise registered or
23 pre-registered to vote in accordance with the provisions of this title,
24 and who did not willfully and knowingly seek to register or pre-register
25 to vote knowing that the person is not eligible to do so:

26 Notwithstanding subdivision six of section 5-210 of this article or
27 any other law to the contrary, a person who is ineligible to vote who
28 fails to decline to register or pre-register to vote in accordance with
29 the provisions of this [~~section~~] title or who is otherwise registered or
30 pre-registered to vote in accordance with the provisions of this title,
31 and who then either votes or attempts to vote in an election held after
32 the effective date of that person's registration, and who did not will-
33 fully and knowingly seek to register or pre-register to vote knowing
34 that the person is not eligible to do so, and did not subsequently vote
35 or attempt to vote knowing that the person is not eligible to do so:

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

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

55 2. Notwithstanding subdivision two of section 5-304 of this title, if
56 a voter who registered to vote for the first time (or pre-registered)

1 pursuant to title nine of this article responds to either of the
2 [~~notice~~] notices required by subdivision one of this section and elects
3 to enroll in a party, such enrollment shall take effect immediately.
4 However, any pre-registrant's registration shall remain classified as
5 "pending" until the voter reaches the age of eligibility.
6 § 7. This act shall take effect June 30, 2027.