

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:

1 Section 1. Section 8-303 of the election law, as added by chapter 420
2 of the laws of 2004, subparagraph 1 of paragraph (b) of subdivision 3 as
3 amended by chapter 160 of the laws of 2005, is amended to read as
4 follows:

5 § 8-303. [~~Initial voter~~ Voter identification. 1. Applicability. Each
6 board of elections, in a uniform and nondiscriminatory manner, shall
7 require a voter to meet the requirements of subdivision two of this
8 section [~~if~~+

9 ~~(a) the individual registered to vote in a jurisdiction by mail on or
10 after January first, two thousand three, and~~

11 ~~(b) the individual has not previously voted in an election for federal
12 office in the jurisdiction of the board of elections].~~

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

15 (1) in the case of an individual who votes in person[~~+(i)~~], presents
16 to the appropriate election inspector, clerk or coordinator a current
17 and valid [~~photo~~] government issued identification[~~, or~~

18 ~~(ii) presents to the appropriate election inspector, clerk or coordi-
19 nator a copy of a current utility bill, bank statement, government
20 check, paycheck, or other government document that shows the name and
21 address of the voter]; or~~

22 (2) in the case of an individual who votes by mail, submits in the
23 outer envelope with the envelope containing the ballot[~~+(i)~~] a copy of
24 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~~

1 ~~(3) entitled to vote otherwise than in person under any other federal~~
2 ~~law.]~~

3 § 2. Subdivisions 16-a and 16-b of section 3-102 of the election law,
4 subdivision 16-a as amended by section 91 of subpart B of part C of
5 chapter 62 of the laws of 2011 and subdivision 16-b as added by chapter
6 103 of the laws of 2021, are amended and a new paragraph 16-c is added
7 to read as follows:

8 16-a. provide the department of corrections and community supervision
9 with a sufficient number of voter registration forms to allow the
10 department of corrections and community supervision to comply with the
11 duty to provide such voter registration forms to persons upon the expi-
12 ration of their maximum sentence of imprisonment. Such voter registra-
13 tion forms shall be addressed to the state board of elections[-]; or

14 16-b. [~~Develop~~] develop and implement a program to educate attorneys,
15 judges, election officials, corrections officials, including parole and
16 probation officers, and members of the public regarding the requirements
17 of the chapter of the laws of two thousand twenty-one which added this
18 subdivision[-]; or

19 16-c. promulgate rules and regulations relating to the processing and
20 issuing of voter identification cards upon receiving completed voter
21 registration forms.

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

24 § 3-111. Voter identification cards. 1. Upon receipt of a completed
25 voter registration form and upon being satisfied that the person
26 described is the applicant and that such applicant meets the require-
27 ments set forth in article five of this chapter the state board of
28 elections shall issue to such applicant a voter identification card for
29 the purposes of voting.

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

34 3. Nothing in this section shall prohibit the identification card from
35 containing the photograph of the holder pursuant to regulations estab-
36 lished by the state board of elections.

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

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

41 § 8-410. Absentee voting; method of. The absentee voter shall mark an
42 absentee ballot as provided for paper ballots or ballots prepared for
43 counting by ballot counting machines. He or she shall make no mark or
44 writing whatsoever upon the ballot, except as above prescribed, and
45 shall see that it bears no such mark or writing. He or she shall make no
46 mark or writing whatsoever on the outside of the ballot. In cases where
47 the express intent of the voter is unambiguous, any stray marks or writ-
48 ing shall not be a basis for voiding a ballot. After marking the ballot
49 or ballots he or she shall fold each such ballot and enclose them in the
50 envelope and seal the envelope. He or she shall then take and subscribe
51 the oath on the envelope, with blanks properly filled in. The envelope,
52 containing the ballot or ballots and a copy of a government issued iden-
53 tification card as prescribed in section 8-303 of this article, shall
54 then be mailed or delivered to the board of elections of the county or
55 city of his or her residence.

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

4 (b) A curable defect includes instances where the ballot envelope: (i)
5 is unsigned; (ii) has a signature that does not correspond to the regis-
6 tration signature; (iii) has no required witness to a mark; (iv) is
7 returned without a ballot affirmation envelope in the return envelope;
8 (v) has a ballot affirmation envelope that is signed by the person that
9 has provided assistance to the voter but is not signed or marked by the
10 voter; ~~or~~ (vi) contains the signature of someone other than the voter
11 and not of the voter; or (vii) does not include a copy of a government
12 issued identification card.

13 § 6. This act shall take effect immediately.