STATE OF NEW YORK

6297

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the election law, in relation to requiring a valid government issued photo identification card to be presented when casting a ballot

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 **government issued** photo 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 **government issued** photo identification[~~; or~~

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

LBD09014-01-3

~~(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 valid and current government issued photo identification shall include: 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 or any identification card issued by the United States or the state of New York.

(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 photo 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 local board of elections determines the validity of the affidavit ballot and** that such ballot otherwise complies with the requirements of law.

(2) An individual who desires to vote by mail but who does not [~~meet the requirements of subparagraph two of paragraph (a) of this subdivision~~] **possess a current and valid government issued photo 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 local board of elections determines the validity of the ballot by mail 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 **government issued** 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)~~] **(1)** a driver's license or a department of motor vehicles non-driver photo ID number; or

[~~(ii)~~] **(2)** 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)~~] **(3) such person is** entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

[~~(2)~~] **(4) such person is** 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)~~] **(5) such person is** entitled to vote otherwise than in person under any other federal law.

§ 2. This act shall take effect immediately.