

# STATE OF NEW YORK

2381

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sen. MYRIE -- 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 enabling constitutionally-qualified electors to register to vote and to cast a ballot on the same day at a polling location

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

1 Section 1. Subdivision 3 of section 8-302 of the election law is  
2 amended by adding four new paragraphs (f), (g), (h), and (i) to read as  
3 follows:

4 (f) "Conditional voter registration" means a properly executed affida-  
5 vit in the form described in paragraph (e) of this subdivision at an  
6 early voting or election day polling location and which may be deemed  
7 effective after the board of elections processes the affidavit, deter-  
8 mines the registrant's eligibility to register, and validates the regis-  
9 trant's information, as specified in paragraph (h) of this subdivision.

10 (g) In addition to other methods of voter registration provided under  
11 this chapter, an elector who is otherwise qualified to register to vote  
12 and to cast a ballot under sections one and three of article two of the  
13 New York state constitution may complete a conditional voter registra-  
14 tion and cast an affidavit ballot at an early voting or election day  
15 polling location at any time permissible under section five of article  
16 two of the New York state constitution, other restrictions on the time  
17 for registration in this chapter notwithstanding.

18 (h) (1) A conditional voter registration shall be deemed effective if  
19 the board of elections is able to determine before or during the canvass  
20 period for the election that the registrant is eligible to register to  
21 vote and that the information provided by the registrant on the regis-  
22 tration affidavit matches information contained in a database maintained  
23 by the department of motor vehicles or the federal social security  
24 administration.

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

LBD04111-01-3

1     (2) If the information provided by the registrant on the registration  
2     affidavit cannot be verified based on information contained in a data-  
3     base maintained by the department of motor vehicles or the federal  
4     social security administration, but the board of elections is able to  
5     determine that the registrant is otherwise eligible to vote, the regis-  
6     trant shall be issued a voter identification number and the conditional  
7     voter registration shall be deemed effective.

8     (i) The board of elections shall offer conditional voter registration  
9     and voting pursuant to this article, in accordance with all of the  
10    following procedures:

11    (1) The board of elections shall provide conditional voter registra-  
12    tion and voting pursuant to this article at all early voting and  
13    election day polling locations.

14    (2) The board of elections shall advise registrants that a conditional  
15    voter registration will be effective only if the registrant is deter-  
16    mined to be eligible to register to vote for the election and the infor-  
17    mation provided by the registrant on the registration affidavit is veri-  
18    fied pursuant to subparagraph (h) of this subdivision.

19    (3) The board of elections shall conduct the receipt and handling of  
20    each conditional voter registration and offer and receive a correspond-  
21    ing ballot in a manner that protects the secrecy of the ballot and  
22    allows the elections official to process the registration, determine the  
23    registrant's eligibility to register, and validate the registrant's  
24    information before counting or rejecting the corresponding ballot.

25    (4) After receiving a conditional voter registration, the board of  
26    elections shall process the registration, determine the registrant's  
27    eligibility to register, and attempt to validate the registrant's infor-  
28    mation.

29    (5) If a conditional registration is deemed effective, the board of  
30    elections shall include the corresponding ballot in the official  
31    canvass.

32    § 2. This act shall take effect on the ninetieth day after it shall  
33    have become a law.