

STATE OF NEW YORK

2688

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

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

AN ACT to amend the election law and the vehicle and traffic law, in relation to requiring the board of elections to check all registered voter's citizenship and lawful permanent resident status and requires showing government issued identification to vote

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

1 Section 1. The election law is amended by adding a new section 5-714
2 to read as follows:

3 § 5-714. Check of citizenship. The board of elections, with the
4 department of motor vehicles, shall check all registered voter's and all
5 persons attempting to register to vote's citizenship and lawful permanent
6 resident status using department of motor vehicle records. Whenever
7 it appears to the satisfaction of a board of elections that any voter or
8 witness has made a false statement, whether or not under oath, affecting
9 a persons qualifications to be registered or has given false testimony
10 at any hearing affecting such registration, such board forthwith shall
11 forward such statement or testimony to the district attorney.

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

16 § 8-303. [~~Initial voter~~] Voter identification. 1. Applicability. Each
17 board of elections, in a uniform and nondiscriminatory manner, shall
18 require a voter to meet the requirements of subdivision two of this
19 section [~~if:~~

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

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

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

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

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

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

10 (2) in the case of an individual who votes by mail, submits in the
11 outer envelope with the envelope containing the ballot[~~+(i)~~] a copy of
12 a current and valid government issued photo identification[~~, or~~

13 ~~(ii) a copy of a current utility bill, bank statement, government~~
14 ~~check, paycheck, or other government document that shows the name and~~
15 ~~address of the voter].~~

16 (3) A valid and current government issued photo identification shall
17 include: a New York state driver's license or non-driver ID; a United
18 States passport; an identification card issued by a United States educa-
19 tional institution; a United States military identification card; a
20 government issued medical card or any identification card issued by the
21 United States or the state of New York.

22 (b) Fail-safe voting. (1) An individual who desires to vote in person,
23 but [~~who does not meet the requirements of subparagraph one of paragraph~~
24 ~~(a) of this subdivision]~~ does not possess a current and valid government
25 issued photo identification, may cast an affidavit ballot[~~, and notwith-~~
26 ~~standing this section of law, such].~~ Such affidavit ballot shall be duly
27 cast and counted[~~, even though such individual does not meet the~~
28 ~~requirements of subparagraph one of paragraph (a) of this subdivision,~~
29 provided such individual casting such ballot is an otherwise eligible
30 voter pursuant to law, provided further that the individual produces to
31 the local board of elections a valid and current government issued photo
32 identification within three days of casting that ballot and that such
33 ballot otherwise complies with the requirements of law.

34 (2) An individual who desires to vote by mail but who does not [~~meet~~
35 ~~the requirements of subparagraph two of paragraph (a) of this subdivi-~~
36 ~~sion]~~ possess a current and valid government issued photo identifica-
37 tion, may cast such a ballot by mail and such ballot shall be duly cast
38 and counted[~~, notwithstanding this section,~~] provided [~~the voter is~~
39 ~~determined to be an eligible voter and provided further],~~ that the local
40 board of elections determines the validity of the ballot by mail and
41 that such ballot otherwise complies with the requirements of law.

42 3. Inapplicability. Subdivisions one and two of this section shall not
43 apply in the case of a person: (a) who registers to vote by mail and
44 submits as part of such registration [~~either+~~

45 ~~(1)]~~ a copy of a current and valid government issued photo identifica-
46 tion; or

47 [~~(2) a copy of a current utility bill, bank statement, government~~
48 ~~check, paycheck, or government document that shows the name and address~~
49 ~~of the voter,]~~

50 (b) [~~(1)]~~ who registers to vote by mail and submits with such regis-
51 tration either:

52 [~~(i)]~~ (1) a driver's license or a department of motor vehicles non-
53 driver photo ID number; or

54 [~~(ii)]~~ (2) at least the last four digits of the individual's social
55 security number; and [~~(2)]~~ with respect to whom a local board of
56 elections matches the information submitted under [~~subparagraph one of~~

1 this paragraph with an existing state identification record bearing the
 2 number, name and date of birth of such voter; ~~[ex]~~ and
 3 ~~[(e) who is: (1)]~~ (3) such person is entitled to vote by absentee
 4 ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42
 5 U.S.C. 1973ff-1 et seq.); and

6 ~~[(2)]~~ (4) such person is provided the right to vote otherwise than in
 7 person under section 3 (b) (2) (B) (ii) of the Voting Accessibility for
 8 the Elderly and Handicapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii));
 9 or

10 ~~[(3)]~~ (5) such person is entitled to vote otherwise than in person
 11 under any other federal law.

12 § 3. Subdivision 2 of section 491 of the vehicle and traffic law is
 13 amended by adding a new paragraph (f) to read as follows:

14 (f) Any adult citizen whose income qualifies such citizen for Medi-
 15 caid, as verified in writing by the county's department of social
 16 services, shall not be required to pay any fee for an identification
 17 card. This provision shall not apply to identification cards described
 18 in paragraph (e) of this subdivision, which can be used for certain
 19 border crossings.

20 § 4. This act shall take effect immediately.