

STATE OF NEW YORK

5972

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IN ASSEMBLY

March 9, 2015

Introduced by M. of A. KAVANAGH, CUSICK, RIVERA, MOSLEY, CLARK, THIELE, GOTTFRIED, JAFFEE, FAHY, LUPARDO -- Multi-Sponsored by -- M. of A. GLICK, MAYER, PEOPLES-STOKES -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "voter empowerment act of New York"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "voter empowerment act of New York".

3 § 2. Section 5-104 of the election law is amended by adding a new
4 subdivision 3 to read as follows:

5 3. The provisions set forth in subdivision one of this section regard-
6 ing the right of students to register and vote shall be interpreted in a
7 manner consistent with the constitutional requirement that each citizen
8 must be permitted to vote in that community which is the "locus of ...
9 primary concern" to that citizen at the time of the election. Accordin-
10 gly, a student attending a college or university in this state shall be
11 permitted to retain his or her parental residence for voting purposes if
12 the parental community remains the locus of the student's primary
13 concern or, in the alternative, a student shall be permitted to register
14 and vote from his or her residence within the college or university
15 community if he or she regards the college or university as the communi-
16 ty of primary concern.

17 § 3. The election law is amended by adding a new section 5-200 to read
18 as follows:

19 § 5-200. Automated voter registration. 1. Notwithstanding any other
20 manner of registration required by this article, each person in the
21 state qualified to vote pursuant to section 5-102 of this article, shall
22 be automatically registered to vote as provided in this section,
23 provided that the person consents to voter registration.

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

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1 2. The state board of elections or county board of elections shall
2 register to vote or update the registration record of any person in the
3 state qualified to vote pursuant to section 5-102 of this article who
4 consents to the registration or update and does any of the following:

5 (a) completes an application for a new or renewed driver's license,
6 non-driver identification card, pre-licensing course certificate,
7 learner's permit or certification of supervised driving with the depart-
8 ment of motor vehicles, or notifies such department in writing of a
9 change of his or her name or address;

10 (b) completes an application for services, renewal or recertification
11 for services, or change of address relating to such services from agen-
12 cies designated in section 5-211 of this title;

13 (c) completes an application for services, renewal or recertification
14 for services, or change of address relating to such services from any
15 municipal housing authority as set forth in article thirteen of the
16 public housing law;

17 (d) registers for classes at institutions of the state university of
18 New York and the city university of New York;

19 (e) completes a maximum sentence of imprisonment or is discharged from
20 parole;

21 (f) completes an application for unemployment insurance;

22 (g) becomes a member or employee of the New York division of military
23 and naval affairs; or

24 (h) completes an application with any other state or federal agency
25 designated as a source agency pursuant to paragraph (b) of subdivision
26 three of this section.

27 3. (a) The term "source agency" includes the department of motor vehi-
28 cles, any government agency designated pursuant to section 5-211 of this
29 title, the state university of New York and the city university of New
30 York, all public housing authorities listed in article thirteen of the
31 public housing law, the department of corrections and community super-
32 vision, the department of labor, the New York division of military and
33 naval affairs and any agency designated by the state board of elections
34 pursuant to paragraph (b) of this subdivision.

35 (b) The state board of elections may designate additional state agen-
36 cies to serve as sources for voter registration. In designating an agen-
37 cy under this paragraph, the state board of elections shall consider:

38 (i) the likelihood that source records reflect a large number of
39 eligible citizens;

40 (ii) the extent to which source records reflect eligible citizens who
41 would not otherwise be registered under the act to modernize voter
42 registration;

43 (iii) the accuracy of personal identification data in source records;
44 and

45 (iv) any additional factors designated by the chief election official
46 as reasonably related to accomplishing the purposes of the act to
47 modernize voter registration.

48 4. The state board of elections and the source agencies shall enter
49 into agreements to ensure that for each person described in subdivision
50 two of this section, each source agency electronically transmits to the
51 state or local boards of elections the following information in a format
52 that can be read by the computerized statewide voter registration list:

53 (a) given name or names and surname or surnames;

54 (b) mailing address and residential address;

55 (c) date of birth;

56 (d) citizenship;



1 (e) driver's license or non-driver identification card number, last
2 four digits of the person's social security number, or a space for the
3 person to indicate that he or she does not have any such number;

4 (f) political party enrollment, if any;

5 (g) an indication that the person intends to apply for an absentee
6 ballot, if any; and

7 (h) an image of the person's signature.

8 In the event that any transmission of data pursuant to this section
9 fails to include an image of an individual's signature, the absence of a
10 signature shall not preclude the registration of an eligible citizen.
11 The board of elections shall develop procedures to enable an eligible
12 citizen, whose information is transmitted pursuant to this section and
13 whose information lacks an electronic signature, to provide a signature
14 at the polling place or with an application for an absentee ballot
15 before voting. The board may require an elector who has not provided a
16 signature before arriving at the polling place or submitting an absentee
17 ballot to present a current and valid photo identification or a copy of
18 a current utility bill, bank statement, government check, paycheck, or
19 other government document that shows the name and address of the voter.

20 5. If an agency does not routinely request information concerning the
21 citizenship status of individuals, it shall maintain records sufficient
22 to transmit to the board of elections indications of United States citi-
23 zenship for each person described in subdivision two of this section,
24 but shall not retain, use, or share any such information relating to an
25 individual's citizenship for any other purpose.

26 6. The state board of elections shall prepare and distribute to
27 participating agencies written instructions as to the implementation of
28 the program and shall be responsible for establishing training programs
29 for employees of source agencies listed in this section. Training shall
30 include requirements that employees of any source agency communicate to
31 each individual identified in subdivision two of this section that the
32 source agency maintains strict neutrality with respect to a person's
33 party enrollment and all persons seeking voter registration forms and
34 information shall be advised that government services are not condi-
35 tioned on being registered to vote, or eligibility to register to vote.
36 No statement shall be made nor any action taken to discourage the appli-
37 cant from registering to vote.

38 7. The agreements between the state board of elections and the source
39 agencies shall include the format in which information will be transmit-
40 ted, whether and how each entity will collect, in addition to the manda-
41 tory information listed in subdivision four of this section, additional
42 information on a voluntary basis from persons for the purpose of facili-
43 tating voter registration, the frequency of data transmissions, the
44 procedures, and other measures that will be used to ensure the security
45 and privacy of the information transmitted, and any other matter neces-
46 sary or helpful to implement the requirements of this section.

47 8. Each source agency shall cooperate with the state board of
48 elections and county board of elections to facilitate the voter regis-
49 tration of each person described in subdivision two of this section, and
50 to electronically transmit the information needed to register each such
51 person to vote or to update each such person's voter registration
52 record.

53 9. Each source agency shall enter into an agreement with the state
54 board of elections finalizing the format and content of electronic tran-
55 smissons required by this section no later than September first, two
56 thousand seventeen; provided, that each source agency shall be able to

1 comply fully with all requirements of this section, including the
2 collection and transmission of all data required to register individuals
3 to vote, by January first, two thousand eighteen.

4 § 4. Subdivisions 1 and 6 of section 5-208 of the election law, subdi-
5 vision 1 as amended by chapter 200 of the laws of 1996 and subdivision 6
6 as added by chapter 659 of the laws of 1994, are amended to read as
7 follows:

8 1. The board of elections shall transfer the registration and enroll-
9 ment of any voter for whom it receives a notice of change of address to
10 another address in the [same county or city] state, or for any voter who
11 [casts] submits a ballot in an affidavit ballot envelope which sets
12 forth such a new address. Such notices shall include, but not be limit-
13 ed to, notices received from any state agency which conducts a voter
14 registration program pursuant to the provisions of sections 5-211 and
15 5-212 of this title or which transmit information, that the voter has
16 notified such agency of a change of address in the [same city or county]
17 state unless the voter has indicated that such change of address is not
18 for voter registration purposes, notices of change of address from the
19 United States Postal Service through the National Change of Address
20 System, any notices of a forwarding address on mail sent to a voter by
21 the board of elections and returned by the postal service, national or
22 state voter registration forms, confirmation mailing response cards,
23 United States Postal Service notices to correspondents of change of
24 address, applications for registration from persons already registered
25 in such county or city, or any other notices to correspondents sent to
26 the board of elections by such voters.

27 6. If a notice sent pursuant to [subdivision five of] this section is
28 returned [by the postal service] as undeliverable and without a forward-
29 ing address, the board of elections shall return the registration of
30 such voter to the original address, send such voter a confirmation
31 notice pursuant to the provisions of subdivision one of section 5-712 of
32 this [title] article and place such voter in inactive status.

33 § 5. Subdivision 3 of section 5-208 of the election law, as added by
34 chapter 659 of the laws of 1994, is amended to read as follows:

35 3. If such a notice is received at least [twenty] ten days before a
36 primary, special or general election, such change of address must be
37 completed before such election. If such a notice is not received at
38 least ten days before a primary, special or general election, then a
39 voter may vote in accordance with subdivision three-d of section 8-302
40 of this chapter.

41 § 6. Subdivision 1 of section 4-117 of the election law, as amended by
42 chapter 288 of the laws of 2009, is amended to read as follows:

43 1. The board of elections, between August first and August fifth of
44 each year, shall send by first class mail on which is endorsed "ADDRESS
45 CORRECTION REQUESTED" and which contains a request that any such mail
46 received for persons not residing at the address be dropped back in the
47 mail, a communication, in a form approved by the state board of
48 elections, to every registered voter who has been registered without a
49 change of address since the beginning of such year, except that the
50 board of elections shall not be required to send such communications to
51 voters in inactive status. The communication shall notify the voter of
52 the days and hours of the ensuing primary and general elections, the
53 place where he appears by his registration records to be entitled to
54 vote, the fact that voters who have moved or will have moved from the
55 address where they were last registered must [re-register or, that if
56 such move was to another address in the same county or city, that such

1 voter may] either notify the board of elections of his new address or
2 vote by paper ballot at the polling place for his new address even if
3 such voter has not re-registered, or otherwise notified the board of
4 elections of the change of address. If the location of the polling place
5 for the voter's election district has been moved, the communication
6 shall contain the following legend in bold type: "YOUR POLLING PLACE HAS
7 BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also
8 indicate whether the polling place is accessible to physically disabled
9 voters, that a voter who will be out of the city or county on the day of
10 the primary or general election or a voter who is ill or physically
11 disabled may obtain an absentee ballot, that a physically disabled voter
12 whose polling place is not accessible may request that his registration
13 record be moved to an election district which has a polling place which
14 is accessible, the phone number to call for applications to move a
15 registration record or for absentee ballot applications, the phone
16 number to call for the location of registration and polling places, the
17 phone number to call to indicate that the voter is willing to serve on
18 election day as an election inspector, poll clerk, interpreter or in
19 other capacities, the phone number to call to obtain an application for
20 registration by mail, and such other information concerning the
21 elections or registration as the board may include. In lieu of sending
22 such communication to every registered voter, the board of elections may
23 send a single communication to a household containing more than one
24 registered voter, provided that the names of all such voters appear as
25 part of the address on such communication.

26 § 7. Paragraph (a) of subdivision 1 of section 5-400 of the election
27 law, as amended by chapter 659 of the laws of 1994, is amended to read
28 as follows:

29 (a) Moved his or her residence outside the [city or county in which he
30 is registered] state.

31 § 8. Paragraphs (b), (c) and (d) of subdivision 2 of section 5-400 of
32 the election law, paragraphs (b) and (d) as added by section 20 and
33 paragraph (c) as added and paragraph (d) as relettered by section 22 of
34 chapter 659 of the laws of 1994, are amended to read as follows:

35 (b) A notice that the registrant has moved to an address outside the
36 [city or county] state which is signed by the registrant and sent to the
37 board of elections.

38 (c) A notice signed by the registrant which states that such regis-
39 trant has moved to an address outside the [city or county] state and
40 that such change of address is for voter registration purposes.

41 (d) A notice from a board of elections or other voter registration
42 officer or agency that such person has registered to vote from an
43 address outside [such city or county] the state.

44 § 9. Subdivision 3 of section 5-210 of the election law, as amended by
45 chapter 179 of the laws of 2005, is amended to read as follows:

46 3. Completed application forms, when received by any county board of
47 elections and, with respect to application forms promulgated by the
48 federal election commission, when received by the state board of
49 elections, or showing a dated cancellation mark of the United States
50 Postal Service or contained in an envelope showing such a dated cancel-
51 lation mark which is not later than the [twenty-fifth] tenth day before
52 the next ensuing primary, general or special election, and received no
53 later than the [twentieth] fifth day before such election, or delivered
54 in person to such county board of elections not later than the tenth day
55 before a special election, shall entitle the applicant to vote in such
56 election, if he or she is otherwise qualified, provided, however, such

1 applicant shall not vote on a voting machine until his or her identity
2 is verified. Any county board of elections receiving an application form
3 from a person who does not reside in its jurisdiction but who does
4 reside elsewhere in the state of New York, shall forthwith forward such
5 application form to the proper county board of elections. Each board of
6 elections shall make an entry on each such form of the date it is
7 received by such board.

8 § 10. Paragraphs (g) and (k) of subdivision 5 of section 5-210 of the
9 election law, as amended by chapter 179 of the laws of 2005, subpara-
10 graph (xii) of paragraph (k) as added by chapter 362 of the laws of
11 2008, are amended and a new paragraph (n) is added to read as follows:

12 (g) Notice that the applicant must be a citizen of the United States,
13 is [or will be at least eighteen years old not later than December thir-
14 ty-first of the calendar year in which he or she registers] at least
15 sixteen years old when he or she submits an application to register to
16 vote and a resident of the county or city to which application is made.

17 (k) The form shall also include space for the following information,
18 which must be contained on the inside of the form after it is folded for
19 mailing:

20 (i) A space for the applicant to indicate whether or not he or she has
21 ever voted or registered to vote before and, if so, the approximate year
22 in which such applicant last voted or registered and his or her name and
23 address at the time.

24 (ii) The name and residence address of the applicant including the zip
25 code and apartment number, if any.

26 (iii) The date of birth of the applicant.

27 (iv) A space for the applicant to indicate his or her driver's license
28 or department of motor vehicles non-driver photo ID number or the last
29 four digits of his or her social security number or, if the applicant
30 does not have either such number, a space for the applicant to indicate
31 he or she does not have either.

32 (v) A space for the applicant to indicate whether or not he or she is
33 a citizen of the United States and the statement "If you checked "no" in
34 response to this question, do not complete this form."

35 (vi) [A space for the applicant to answer the question "Will you be 18
36 years of age on or before election day?" and the statement "If you
37 checked "no" in response to this question, do not complete this form
38 unless you will be 18 by the end of the year."

39 (vii)] A statement informing the applicant that if the form is submit-
40 ted by mail and the applicant is registering for the first time, certain
41 information or documents must be submitted with the mail-in registration
42 form in order to avoid additional identification requirements upon
43 voting for the first time. Such information and documents are:

44 (A) a driver's license or department of motor vehicles non-driver
45 photo ID number; or

46 (B) the last four digits of the individual's social security number;
47 or

48 (C) a copy of a current and valid photo identification; or

49 (D) a copy of a current utility bill, bank statement, government
50 check, paycheck or other government document that shows the name and
51 address of the voter.

52 [(viii)] (vii) The gender of the applicant (optional).

53 [(ix)] (viii) A space for the applicant to indicate his or her choice
54 of party enrollment, with a clear alternative provided for the applicant
55 to decline to affiliate with any party.

56 [(x)] (ix) The telephone number of the applicant (optional).

1 [(xi)] (x) A place for the applicant to execute the form on a line
2 which is clearly labeled "signature of applicant" preceded by the
3 following specific form of affirmation:

4 AFFIDAVIT: I swear or affirm that:

5 * I am a citizen of the United States.

6 * I will have lived in the county, city, or village for at least 30
7 days before the election.

8 * I meet all the requirements to register to vote in New York
9 State.

10 * This is my signature or mark on the line below.

11 * All the information contained on this application is true. I
12 understand that if it is not true I can be convicted and fined up
13 to \$5,000 and/or jailed for up to four years.

14 which form of affirmation shall be followed by a space for the date and
15 the aforementioned line for the applicant's signature.

16 [(xii)] (xi) A space for the applicant to register in the New York
17 state donate life registry for organ and tissue donations established
18 pursuant to section forty-three hundred ten of the public health law.

19 (xii) The email address of the applicant (optional).

20 (n) Agreements adopted pursuant to section 5-200 of this title between
21 source agencies and the state or county boards of elections are not
22 required to include the collection or transmission of the information
23 requested in paragraph (j) or subparagraph (i), (vii), (ix) or (xi) of
24 paragraph (k) of this subdivision, and no board of election shall refuse
25 to register to vote or update the registration record of any person in
26 the state whose information is transmitted pursuant to section 5-200 of
27 this title for the reason that such information does not include the
28 information requested by paragraph (j) or subparagraph (i), (vii),
29 (viii), (ix) or (xi) of paragraph (k) of this subdivision.

30 § 11. Subdivisions 9, 11 and 14 of section 5-210 of the election law,
31 as amended by chapter 179 of the laws of 2005, are amended to read as
32 follows:

33 9. The county board of elections shall, promptly and in any event, not
34 later than twenty-one days after receipt by it of the application, veri-
35 fy the identity of the applicant, except if such board receives the
36 application within twenty-one days of a special, primary or general
37 election, the board shall verify the identity of the applicant within
38 five days or before such election, whichever shall be sooner. In order
39 to do so, the county board of elections shall utilize the information
40 provided in the application and shall attempt to verify such information
41 with the information provided by the department of motor vehicles,
42 social security administration and any other lawful available informa-
43 tion source. If the county board of elections is unable to verify the
44 identity of the applicant within twenty-one days of the receipt of the
45 application, it shall immediately take steps to confirm that the infor-
46 mation provided by the applicant was accurately utilized by such county
47 board of elections, was accurately verified with other information
48 sources and that no data entry error, or other similar type of error,
49 occurred. Following completion of the preceding steps, the county board
50 of elections shall mail (a) a notice of its approval, (b) a notice of
51 its approval which includes an indication that such board has not yet
52 been able to verify the identity of the applicant and a request for more
53 information so that such verification may be completed, or (c) a notice
54 of its rejection of the application to the applicant in a form approved
55 by the state board of elections. Notices of approval, notices of
56 approval with requests for more information or notices of rejection

1 shall be sent by nonforwardable first class or return postage guaranteed
2 mail on which is endorsed "ADDRESS CORRECTION REQUESTED" and which
3 contains a request that any such mail received for persons not residing
4 at the address be dropped back in the mail. The voter's registration and
5 enrollment shall be complete upon receipt of the application by the
6 appropriate county board of elections. The failure of a county board of
7 elections to verify an applicant's identity shall not be the basis for
8 the rejection of a voter's application, provided, however, that such
9 verification failure shall be the basis for requiring county board of
10 elections to take the additional verification steps provided by this
11 chapter. The notice shall also advise the registrant of the date when
12 his registration and enrollment is effective, of the date and the hours
13 of the next regularly scheduled primary or general election in which he
14 will be eligible to vote, of the location of the polling place of the
15 election district in which he is or will be a qualified voter, whether
16 such polling place is accessible to physically handicapped voters, an
17 indication that physically handicapped voters or voters who are ill or
18 voters who will be out of the city or county on the day of the primary
19 or general election, may obtain an absentee ballot and the phone number
20 to call for absentee ballot applications, the phone numbers to call for
21 location of polling places, to obtain registration forms and the phone
22 number to call to indicate that the voter is willing to serve on
23 election day as an inspector, poll clerk or interpreter. The notice of
24 approval, notice of approval with request for more information or notice
25 of rejection shall also advise the applicant to notify the board of
26 elections if there is any inaccuracy. The form of such mail notification
27 shall be prescribed by the state board of elections and shall contain
28 such other information and instructions as it may reasonably require to
29 carry out the purposes of this section. The request for more information
30 shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF
31 ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE
32 REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICA-
33 TION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such
34 notice is returned undelivered without a new address, the board shall
35 forthwith send such applicant a confirmation notice pursuant to the
36 provisions of section 5-712 of this article and place such applicant in
37 inactive status. The state board of elections shall prepare uniform
38 notices by this section as provided for in subdivision eight of section
39 3-102 of this chapter.

40 11. If the county board of elections suspects or believes that for any
41 reason the applicant is not entitled to registration and enrollment, it
42 shall make inquiry in reference thereto. If the board of elections shall
43 find that the applicant is not qualified to register and enroll, the
44 application shall be rejected and the applicant notified of such
45 rejection and the reason therefor, no later than ten days before the day
46 of the first primary or general election occurring at least [twenty-
47 five] ten days after the filing of the application, except that if the
48 application was submitted between twenty-five and ten days before the
49 day of the first primary or general election, such board shall notify
50 the applicant at least five days before such election.

51 14. Notwithstanding the entry by the county board of elections on the
52 registration poll record of the information contained on an application
53 form prescribed by this section, such entry shall not preclude the coun-
54 ty board of elections from subsequently rejecting the application if it
55 is not satisfied that the applicant is entitled to register and enroll
56 as provided by this section, provided that the applicant is notified of

1 such rejection and reasons therefor no later than ten days before the
2 day of the first primary or general election occurring at least [twen-
3 ty-five] ten days after the filing of such application form, except that
4 if the application was submitted between twenty-five and ten days before
5 the day of the first primary or general election, such board shall noti-
6 fy the applicant at least five days before such election.

7 § 12. Subdivisions 11 and 12 of section 5-211 of the election law,
8 subdivision 11 as amended by chapter 200 of the laws of 1996 and subdi-
9 vision 12 as added by chapter 659 of the laws of 1994, are amended to
10 read as follows:

11 11. The participating agency shall transmit [the completed applica-
12 tions for registration and change of address forms] all information
13 collected pursuant to section 5-200 of this title to the appropriate
14 board of elections not later than ten days after receipt except that all
15 such completed applications and forms received by the agency between the
16 thirtieth and twenty-fifth day before an election shall be transmitted
17 in such manner and at such time as to assure their receipt by such board
18 of elections not later than the twentieth day before such election.

19 12. [Completed application forms, when received] All information
20 collected pursuant to section 5-200 of this title by a participating
21 agency not later than the twenty-fifth day before the next ensuing
22 primary, general or special election and transmitted by such agency to
23 the appropriate board of elections so that they are received by such
24 board not later than the twentieth day before such election shall enti-
25 tle the applicant to vote in such election provided the board determines
26 that the applicant is otherwise qualified.

27 § 13. Subdivisions 11 and 12 of section 5-211 of the election law, as
28 amended by section twelve of this act, are amended to read as follows:

29 11. The participating agency shall transmit all information collected
30 pursuant to section 5-200 of this title to the appropriate board of
31 elections not later than ten days after receipt except that all such
32 completed applications and forms received by the agency between the
33 [thirtieth] fifteenth and [twenty-fifth] tenth day before an election
34 shall be transmitted in such manner and at such time as to assure their
35 receipt by such board of elections not later than the [twentieth] fifth
36 day before such election.

37 12. All information collected pursuant to section 5-200 of this title
38 by a participating agency not later than the [twenty-fifth] tenth day
39 before the next ensuing primary, general or special election and trans-
40 mitted by such agency to the appropriate board of elections so that they
41 are received by such board not later than the [twentieth] fifth day
42 before such election shall entitle the applicant to vote in such
43 election provided the board determines that the applicant is otherwise
44 qualified.

45 § 14. Subdivision 14 of section 5-211 of the election law, as amended
46 by chapter 200 of the laws of 1996, is amended and two new subdivisions
47 18 and 19 are added to read as follows:

48 14. Applications shall be processed by the board of elections in the
49 manner prescribed by [section] sections 5-200 and 5-210 of this title
50 or, if the applicant is already registered to vote from another address
51 in the county or city, in the manner prescribed by section 5-208 of this
52 title. The board shall send the appropriate notice of approval or
53 rejection as required by either subdivision nine of such section 5-210
54 or subdivision five of such section 5-208.

55 18. All colleges, universities and public school districts located in
56 this state shall make voter registration forms available to any students

1 eligible to register or pre-register to vote under paragraph (g) of
2 subdivision five of section 5-210 of this title in the same manner and
3 subject to the same provisions and rules and regulations as all other
4 designated agencies under this section; except that a college, universi-
5 ty or public school district that is not otherwise designated as a
6 source agency pursuant to section 5-200 of this title shall not be
7 required to collect or maintain forms containing a person's declination
8 to register to vote as required by subdivision ten of this section, or
9 to conduct a study and report thereon as required by subdivision seven-
10 teen of this section.

11 19. The state board of elections or, in the city of New York, the New
12 York city board of elections, shall provide to public colleges, univer-
13 sities, and school districts a sufficient quantity of coded voter regis-
14 tration applications that identify each such application as originating
15 from either a public college, university, or school district. The state
16 board of elections shall provide for the delivery of such coded applica-
17 tions by the first day of August of each year to each college, universi-
18 ty, or school district covered by this chapter, except that the New York
19 city board of elections shall provide and deliver such forms to each
20 participating public university, college, or school district located in
21 the city of New York. Every board of elections scanning voter registra-
22 tion forms shall capture any designated agency codes thereon and report
23 them on a monthly basis to the state board of elections which shall make
24 such detailed information available to the public.

25 § 15. Subdivisions 6 and 7 of section 5-212 of the election law,
26 subdivision 6 as amended by chapter 200 of the laws of 1996 and subdivi-
27 sion 7 as added by chapter 659 of the laws of 1994, are amended to read
28 as follows:

29 6. The department of motor vehicles shall transmit [that portion of
30 the form which constitutes the completed application for registration or
31 change of address form] all information collected pursuant to section
32 5-200 of this title to the appropriate board of elections not later than
33 ten days after receipt except that all such completed applications and
34 forms received by the department between the thirtieth and twenty-fifth
35 day before an election shall be transmitted in such manner and at such
36 time as to assure their receipt by such board of elections not later
37 than the twentieth day before such election. All transmittals shall
38 include original signatures or an electronic image thereof as required
39 by subdivision four of section 5-200 of this title.

40 7. [Completed application forms received] All information collected
41 pursuant to section 5-200 of this title by the department of motor vehi-
42 cles not later than the twenty-fifth day before the next ensuing prima-
43 ry, general or special election and transmitted by such department to
44 the appropriate board of elections so that they are received not later
45 than the twentieth day before such election shall entitle the applican-
46 t to vote in such election provided the board determines that the appli-
47 cant is otherwise qualified.

48 § 16. Subdivisions 6 and 7 of section 5-212 of the election law, as
49 amended by section fifteen of this act, are amended to read as follows:

50 6. The department of motor vehicles shall transmit all information
51 collected pursuant to section 5-200 of this title to the appropriate
52 board of elections not later than ten days after receipt except that all
53 such completed applications and forms received by the department between
54 the [thirtieth] fifteenth and [twenty-fifth] tenth day before an
55 election shall be transmitted in such manner and at such time as to
56 assure their receipt by such board of elections not later than the

1 [twentieth] fifth day before such election. All transmittals shall
2 include original signatures or an electronic image thereof as required
3 by subdivision four of section 5-200 of this title.

4 7. All information collected pursuant to section 5-200 of this title
5 by the department of motor vehicles not later than the [twenty-fifth]
6 tenth day before the next ensuing primary, general or special election
7 and transmitted by such department to the appropriate board of elections
8 so that they are received not later than the [twentieth] fifth day
9 before such election shall entitle the applicant to vote in such
10 election provided the board determines that the applicant is otherwise
11 qualified.

12 § 17. Subdivision 3 of section 5-213 of the election law, as amended
13 by chapter 200 of the laws of 1996, is amended to read as follows:

14 3. The board of elections shall restore the registration of any such
15 voter to active status if such voter notifies the board of elections
16 that he resides at the address from which he is registered, or the board
17 finds that such voter has validly signed a designating or nominating
18 petition which states that he resides at such address, or if such voter
19 casts a ballot in an affidavit envelope which states that he resides at
20 such address, or if the board receives notice that such voter has voted
21 in an election conducted with registration lists prepared pursuant to
22 the provisions of section 5-612 of this article. If any such notifica-
23 tion or information is received [twenty] ten days or more before a
24 primary, special or general election, the voter's name must be restored
25 to active status for such election.

26 § 18. Subdivision 3 of section 5-304 of the election law, as amended
27 by chapter 90 of the laws of 1991, is amended to read as follows:

28 3. A change of enrollment received by the board of elections, showing
29 a dated cancellation mark of the United States Postal Service or
30 contained in an envelope showing such cancellation mark which is dated,
31 not later than the twenty-fifth day before the [general election shall
32 be deposited in a sealed enrollment box, which shall not be opened until
33 the first Tuesday following such general election. Such change of
34 enrollment shall be then removed and entered as provided in this arti-
35 cle] next ensuing primary, general or special election, and received no
36 later than the fifth day before such election or delivered in person to
37 such county board of elections not later than the tenth day before a
38 primary, general or special election, shall be effective for such
39 election. Enrollment changes shall be entered as provided in this arti-
40 cle and shall be deemed to take effect on the tenth day after such
41 change of enrollment is received by the board of elections or if the
42 change of enrollment, or the envelope containing it, bears a dated
43 cancellation mark of the United States Postal Service, such change shall
44 be entered and shall be deemed to take effect on the tenth day after the
45 date of such mark, whichever is earlier; except that no change will take
46 effect sooner than the fifth day after the receipt of such change of
47 enrollment by the board of elections.

48 § 19. The opening paragraph of paragraph (e) of subdivision 3 of
49 section 8-302 of the election law, as amended by chapter 125 of the laws
50 of 2011, is amended to read as follows:

51 Whenever a voter presents himself or herself and offers to cast a
52 ballot, and he or she claims to live in the election district in which
53 he or she seeks to vote but no registration poll record can be found for
54 him or her in the poll ledger or his or her name does not appear on the
55 computer generated registration list or his or her signature does not
56 appear next to his or her name on such computer generated registration

1 list or his or her registration poll record or the computer generated
2 registration list does not show him or her to be enrolled in the party
3 in which he or she claims to be enrolled and the voter is not otherwise
4 eligible to cast an affidavit ballot pursuant to subdivision three-d of
5 this section, a poll clerk or election inspector shall consult a map,
6 street finder or other description of all of the polling places and
7 election districts within the political subdivision in which said
8 election district is located and if necessary, contact the board of
9 elections to obtain the relevant information and advise the voter of the
10 correct polling place and election district for the residence address
11 provided by the voter to such poll clerk or election inspector. There-
12 after, such voter shall be permitted to vote in said election district
13 only as hereinafter provided:

14 § 20. Section 8-302 of the election law is amended by adding a new
15 subdivision 3-d to read as follows:

16 3-d. A person appearing on election day whose name cannot be found or
17 whose information is incomplete or incorrect on the statewide voter
18 registration list and who affirms that that he or she interacted with a
19 source agency listed in subdivision three of section 5-200 of this chap-
20 ter and consented to voter registration shall be permitted to cast an
21 affidavit ballot. Such affidavit ballot shall be counted if at the poll-
22 ing place, the person presents proof of identity and evidence of regis-
23 tering to vote or performing any of the activities specified in subdivi-
24 sion two of section 5-200 of this chapter, and there is no affirmative
25 proof that the person is ineligible to register to vote or that the
26 person did not register or perform any of the activities specified in
27 subdivision two of section 5-200 of this chapter.

28 (a) A person may swear to and subscribe to an affidavit stating that
29 the person has registered to vote or performed any of the activities in
30 subdivision two of section 5-200 of this chapter and consented to use
31 agency information for voter registration. That affidavit shall be
32 sufficient evidence of registering to vote or performing any of the
33 activities specified in subdivision two of section 5-200 of this chapter
34 for the purposes of this section.

35 (b) A person without identification may swear to and subscribe to an
36 affidavit stating that the person did not present documentary proof of
37 identity, but that all of the identifying information on the affidavit
38 ballot envelope is complete and accurate. That affidavit shall be suffi-
39 cient evidence of identity for the purposes of this section. Nothing in
40 this subdivision shall be deemed to override the provisions of subdivi-
41 sion two-a of this section governing the requirements for a person whose
42 name appears in the computer generated registration list with a notation
43 indicating that the voter's identity was not yet verified as required by
44 the federal Help America Vote Act.

45 § 21. Subdivision 11 of section 5-614 of the election law, as added by
46 chapter 24 of the laws of 2005, is amended to read as follows:

47 11. The state board of elections shall establish a statewide voter
48 [hotline using information available through the statewide voter regis-
49 tration list for voters to obtain information regarding their voter
50 registration] registration information system available through a secure
51 public website accessible from the website of the state board of
52 elections and through a toll-free telephone number maintained by the
53 state board of elections. The information system shall:

54 a. allow any voter:

55 (i) to review the voter registration information represented on the
56 statewide voter registration list for that voter;

1 (ii) to submit a confidential request to correct or update the voter's
2 voter registration information, which shall be sent to the applicable
3 county board of elections; and

4 (iii) to determine the location of the polling place to which the
5 voter is assigned;

6 b. provide an interface that allows any person:

7 (i) to determine the location of the polling place associated with any
8 residential address within the state; and

9 (ii) to determine whether he or she is represented on the statewide
10 voter registration list; and

11 c. provide a secure website interface that allows any eligible citizen
12 who is not represented on the statewide voter registration list to view
13 the notices contained on an application form under section 5-210 of this
14 article and to confidentially submit, through the interface, the data
15 collected on such application form to the state board of elections. Upon
16 receipt of such data, the state board of elections shall forward the
17 information to the local board of elections of the county or city where
18 the citizen resides. Such data shall be processed as an application form
19 submitted by mail pursuant to section 5-210 of this article, subject to
20 the requirements of section 303(b) of the Help America Vote Act of 2002
21 (42 U.S.C. § 15483(b)), except that the absence of a written signature
22 shall not render the application incomplete or otherwise preclude the
23 registration of an eligible citizen.

24 For any eligible citizen attempting to use the system established
25 under this subdivision to submit information that will not be processed
26 as valid for the proximate election, the system must notify the citizen
27 at the time of the submission that the update will not take effect for
28 the proximate election. If the citizen is attempting to use the system
29 established under this subdivision to correct or update voter registra-
30 tion information under this section, the system must also notify the
31 citizen that he or she may use the election-day procedure provided in
32 subdivision three-d of section 8-302 of this chapter.

33 The board of elections shall develop procedures to enable an eligible
34 citizen who submits an application pursuant to this subdivision and
35 whose application lacks an electronic signature to provide a signature
36 at the polling place or with an application for an absentee ballot
37 before voting. The board of elections may require an elector who has not
38 provided a signature before arriving at the polling place or submitting
39 an absentee ballot to present a current and valid photo identification
40 or a copy of a current utility bill, bank statement, government check,
41 paycheck, or other government document that shows the name and address
42 of the voter.

43 § 22. Subdivision 3 of section 8-510 of the election law, as amended
44 by chapter 43 of the laws of 1988, is amended to read as follows:

45 3. The inspectors shall place such completed report, and each court
46 order, if any, directing that a person be permitted to vote, and each
47 affidavit completed pursuant to subdivision three-d of section 8-302 of
48 this article, inside a ledger of registration records or computer gener-
49 ated registration lists between the front cover, and the first registra-
50 tion record and then shall close and seal each ledger of registration
51 records or computer generated registration lists, affix their signature
52 to the seal, lock such ledger in the carrying case furnished for that
53 purpose and enclose the keys in a sealed package or seal such list in
54 the envelope provided for that purpose.

55 § 23. The election law is amended by adding a new section 17-138 to
56 read as follows:

1 § 17-138. Discrimination and harassment. No person acting under color
2 of any provision of law may harass or discriminate against or assist
3 others in harassing or discriminating against any person on the basis of
4 the information supplied by the person for voter registration purposes,
5 a person's declination to register to vote or to supply information for
6 voter registration purposes, or a person's absence from the statewide
7 voter registration list except as required to administer elections or
8 enforce election laws.

9 § 24. Subdivision 1 of section 3-220 of the election law, as amended
10 by chapter 104 of the laws of 2010, is amended to read as follows:

11 1. All registration records, certificates, lists, and inventories
12 referred to in, or required by, this chapter shall be public records and
13 open to public inspection under the immediate supervision of the board
14 of elections or its employees and subject to such reasonable regulations
15 as such board may impose, provided, however, that no data transmitted
16 pursuant to section 5-200 of this chapter shall be considered a public
17 record open to public inspection solely by reason of its transmission
18 and that the following information shall not be released for public
19 inspection:

20 (a) any voter's signature;

21 (b) the personal residence and contact information of any voter for
22 whom any provision of law requires confidentiality;

23 (c) any portion of a voter's driver's license number, [department of
24 motor vehicle] non-driver [photo ID] identification card number, social
25 security number and facsimile number [shall not be released for public
26 inspection];

27 (d) any voter's telephone number; and

28 (e) any voter's email address. No such records shall be handled at
29 any time by any person other than a member of a registration board or
30 board of inspectors of elections or board of elections except as
31 provided by rules imposed by the board of elections.

32 § 25. Subdivision 4 of section 3-212 of the election law is amended by
33 adding two new paragraphs (c) and (d) to read as follows:

34 (c) Said annual report, as required by paragraph (a) of this subdivi-
35 sion, shall also include:

36 (1) the number of records that have been received, transmitted, trans-
37 ferred, updated, or corrected pursuant to section 5-200 of this chapter,
38 by source;

39 (2) the number of records received under section 5-200 of this chap-
40 ter, by source, that do not relate to persons identified as eligible to
41 vote;

42 (3) the number of persons who have contacted the board to opt out of
43 voter registration;

44 (4) the number of voters who submit voter registration forms and/or
45 requests to update or correct voter registration information using the
46 system described in section 5-614 of this chapter; and

47 (5) the number of voters who correct voter registration information
48 using the election-day procedure described in section 8-302 of this
49 chapter.

50 (d) Said annual report, as required by paragraph (a) of this subdivi-
51 sion, shall exclude any information that personally identifies any
52 person other than an election official or other government official.

53 § 26. Section 17-104 of the election law is amended to read as
54 follows:

55 § 17-104. False registration. 1. Any person who:

1 [1.] (a) Registers or attempts to register as an elector in more than
2 one election district for the same election, or more than once in the
3 same election district; or,

4 [2.] (b) Registers or attempts to register as an elector, knowing that
5 he will not be a qualified voter in the district at the election for
6 which such registration is made; or

7 [3.] (c) Registers or attempts to register as an elector under any
8 name but his or her own; or

9 [4.] (d) Knowingly gives a false residence within the election
10 district when registering as an elector; or

11 [5.] (e) Knowingly permits, aids, assists, abets, procures, commands
12 or advises another to commit any such act, is guilty of a felony.

13 2. Notwithstanding any other provision of this chapter, no person
14 shall be liable for an error in the statewide voter registration list
15 unless such person knowingly and willfully makes a false statement in
16 order to effectuate or perpetuate voter registration. An error in the
17 statewide voter registration list shall not constitute a fraudulent or
18 false claim to citizenship.

19 § 27. Subdivision 17 of section 3-102 of the election law, as renum-
20 bered by chapter 23 of the laws of 2005, is renumbered subdivision 21
21 and four new subdivisions 17, 18, 19 and 20 are added to read as
22 follows:

23 17. ensure that, upon receipt and verification of a person's express
24 request to opt out of voter registration, the person's name and regis-
25 tration record will not be added to the county or statewide voter regis-
26 tration lists;

27 18. ensure that election officials shall not provide the record of any
28 person who has opted out of voter registration, in whole or in part, to
29 any third party for any purpose other than the compilation of a jury
30 list;

31 19. publish and enforce a privacy and security policy specifying each
32 class of users who shall have authorized access to the statewide voter
33 registration list, preventing unauthorized access to the statewide voter
34 registration list and to any list provided by a source agency or list
35 maintenance source, and setting forth other safeguards to protect the
36 privacy and security of the information on the statewide voter registra-
37 tion list;

38 20. promulgate rules regarding the notification of voters of transfer
39 of address by electronic mail; and

40 § 28. This act shall take effect immediately; provided, however, that
41 sections two, three, four, six, seven, eight, ten, twelve, fourteen,
42 fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three of
43 this act shall take effect January 1, 2016; provided further that
44 sections five, nine, eleven, thirteen, sixteen, seventeen, and eighteen
45 of this act shall take effect January 1, 2017. Effective immediately,
46 any rules, regulations and agreements necessary to implement the
47 provisions of this act on its effective date are authorized and directed
48 to be completed on or before such date.