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2005-2006 Regular Sessions

I N A S S E M B L Y

February 2, 2005

Introduced by M. of A. GIANARIS, J. RIVERA, HOYT, PERALTA, CUSICK, POWELL -- Multi-Sponsored by -- M. of A. BRADLEY, R. DIAZ, GLICK, GORDON, GRANNIS, GREEN, O'DONNELL, PEOPLES, TOWNS, WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, the vehicle and traffic law and the tax law, in relation to enacting the "automatic voter registration act"

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 "automatic voter registration act".

3 S 2. The election law is amended by adding a new section 5-212-a to
4 read as follows:

5 S 5-212-A. AUTOMATIC VOTER REGISTRATION. 1. IN ADDITION TO ANY OTHER
6 METHOD OF VOTER REGISTRATION PROVIDED FOR IN THIS ARTICLE, EACH QUALIFIED
7 PERSON SHALL BE REGISTERED TO VOTE PURSUANT TO THE PROVISIONS OF
8 THIS SECTION.

9 2. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF MOTOR VEHICLES
10 SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE NAME AND ADDRESS

11 OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT OF THIS STATE,

12 WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN YEARS ON OR BEFORE

13 THE NEXT GENERAL ELECTION, AND WHO HOLDS A NON-DRIVER IDENTIFICATION

14 CARD, LEARNER'S PERMIT OR DRIVER'S LICENSE PURSUANT TO THE VEHICLE AND

15 TRAFFIC LAW.
16 3. ON OR BEFORE THE FIRST OF SEPTEMBER, THE DEPARTMENT OF
TAXATION AND
17 FINANCE SHALL TRANSMIT TO THE STATE BOARD OF ELECTIONS THE
NAME AND
18 ADDRESS OF EVERY CITIZEN OF THE UNITED STATES, WHO IS A RESIDENT
OF THE
19 STATE, WHO HAS ATTAINED OR WILL ATTAIN THE AGE OF EIGHTEEN
YEARS ON OR
20 BEFORE THE NEXT GENERAL ELECTION, AND WHO HAS SUBMITTED A
RESIDENT
21 PERSONAL INCOME TAX RETURN PURSUANT TO ARTICLE TWENTY-TWO OF
THE TAX
22 LAW.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets
{ } is old law to be omitted.

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1 4. THE STATE BOARD OF ELECTIONS SHALL COMPILE THE INFORMATION
SUBMIT-
2 TED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION
FOR THE
3 PURPOSE OF COMPLYING WITH THE PROVISIONS OF SUBDIVISION
THIRTEEN OF
4 SECTION 3-102 OF THIS CHAPTER, AND WITHIN TEN DAYS OF THE
RECEIPT OF THE
5 NAMES AND ADDRESSES OF PERSONS PURSUANT TO SUCH SUBDIVISIONS
TWO AND
6 THREE, THE STATE BOARD OF ELECTIONS SHALL TRANSMIT EACH SUCH
NAME AND
7 ADDRESS TO THE APPROPRIATE BOARD OF ELECTIONS, BASED UPON THE
ADDRESS,
8 AND EACH SUCH PERSON SHALL IMMEDIATELY BE REGISTERED TO VOTE.
9 5. THE STATE BOARD OF ELECTIONS IS AUTHORIZED AND DIRECTED TO
ESTAB-
10 LISH ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE
PROVISIONS OF
11 THIS SECTION.
12 6. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO PROVIDE
FOR THE
13 ENROLLMENT OF ANY PERSON IN A PARTY. EVERY PERSON REGISTERED
PURSUANT TO
14 THIS SECTION MAY ENROLL IN A PARTY BY COMPLYING WITH THE
PROVISIONS OF
15 TITLE THREE OF THIS ARTICLE.
16 S 3. Subdivisions 2 and 3 of section 5-212-a of the election
law, as
17 added by section two of this act, are amended to read as
follows:
18 2. On or before the first of September EACH YEAR, the
department of

19 motor vehicles shall transmit to the state board of elections
the name

20 and address of every citizen of the United States, who is a
resident of

21 this state, who has attained or will attain the age of
eighteen years

22 AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL ELECTION
AND on or

23 before the next general election, and who holds a non-driver
identifica-

24 tion card, learner`s permit or driver`s license pursuant to the
vehicle

25 and traffic law.

26 3. On or before the first of September EACH YEAR, the
department of

27 taxation and finance shall transmit to the state board of
elections the

28 name and address of every citizen of the United States, who is
a resi-

29 dent of the state, who has attained or will attain the age of
eighteen

30 years AFTER THE DATE OF THE IMMEDIATELY PRECEDING GENERAL
ELECTION AND

31 on or before the next general election, and who has submitted a
resident

32 personal income tax return pursuant to article twenty-two of
the tax

33 law.

34 S 4. Section 201 of the vehicle and traffic law is amended by
adding a

35 new subdivision 8 to read as follows:

36 8. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO
PROHIBIT THE

37 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION
TWO OF

38 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED
BY SUCH

39 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS
WITHOUT

40 ANY FEE IMPOSED BY SECTION TWO HUNDRED TWO OF THIS ARTICLE.

41 S 5. Section 170 of the tax law is amended by adding a new
subdivision

42 9 to read as follows:

43 9. NO PROVISION OF THIS CHAPTER SHALL BE DEEMED TO
PROHIBIT THE

44 DEPARTMENT FROM COMPLYING WITH THE PROVISIONS OF SUBDIVISION
THREE OF

45 SECTION 5-212-A OF THE ELECTION LAW. THE INFORMATION REQUIRED
BY SUCH

46 SUBDIVISION SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS
WITHOUT

47 ANY CHARGE OR FEE.

48 S 6. The state board of elections shall conduct a study of the
practi-

49 cality and cost-effectiveness of providing automatic voter
registration

50 pursuant to section 5-212-a of the election law, as added by
section two
51 of this act and amended by section three of this act. In
addition, such
52 board shall study the feasibility of utilizing other state
and local
53 records for the purpose of automatically registering persons to
vote. On
54 or before January 1, 2007, the state board of elections shall
submit a
55 report of its findings and recommendations pursuant to this
section to

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1 the governor, temporary president of the senate and speaker
of the
2 assembly.
3 S 7. This act shall take effect immediately, except that
section three
4 of this act shall take effect one year after the effective date
of this
5 act.

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END

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