

CHAPTER 24

AN ACT to amend the election law, in relation to creating a statewide voter registration list

Became a law May 3, 2005, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

Section 1. The election law is amended by adding a new section 5-614 to read as follows:

§ 5-614. Statewide voter registration list. 1. There shall be one official record of the registration of each voter. Such record shall be maintained in an interactive, statewide, computerized, voter registration list. Such statewide voter registration list shall constitute the official list of voters for the state of New York. Such list shall be in the custody of the state board of elections and administered and maintained by the state board of elections, subject to rules and regulations promulgated by the state board of elections in accordance with subdivision four of section 3-100 of this chapter. Local boards of elections shall comply with all the rules and regulations promulgated by the state board of elections pursuant to this section.

2. The official statewide voter registration list shall be created by combining the existing voter registration list maintained by each local board of elections into a single integrated list. The state board of elections, pursuant to subdivision four of section 3-100 of this chapter, shall promulgate rules and regulations, which shall be binding upon each local board of elections, concerning the combining of each existing voter registration list into a single integrated list. Such rules and regulations shall be designed, to the maximum extent practicable, to allow each local board of elections to continue to use its existing computer infrastructure, computer software and database applications to access data from and transmit data to the statewide voter registration list. To create such list, each local board of elections shall transmit to the state board of elections a certified copy of the voter registration records of such board in an electronic format prescribed by the state board of elections. The state board of elections shall on an ongoing basis compile such records from the local boards of elections into a statewide voter registration list. The computer infrastructure of such list shall be maintained and administered by the state board of elections and such board shall, in accordance with subdivision four of section 3-100 of this chapter, promulgate uniform rules and regulations for the maintenance of voter registration records not inconsistent with this chapter. The state board of elections shall make accessible to each local board of elections the statewide voter registration list. Such list shall be maintained in a computerized form which permits different user interfaces.

3. The statewide voter registration list shall:

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

a. serve as the single system for storing and managing the official list of registered voters throughout the state which local boards of elections shall use for creating the computer generated registration list prepared for each election for each election district as provided by this chapter;

b. contain the name and registration information of every legally registered voter in the state, as provided by section 5-500 of this article and such other information as may be deemed necessary by the state board of elections in accordance with subdivision four of section 3-100 of this chapter;

c. contain a unique identifier for each legally registered voter in the state;

d. be coordinated and referenced with other state and federal identification records;

e. provide timely electronic access to the information contained therein to election officials;

f. provide that all voter registration information obtained by a local board of elections shall be electronically entered into such list on an expedited basis at the time the information is provided to such board;

g. ensure that the state board of elections provides such support as may be required so that local boards of elections are able to enter the information described in paragraph f of this subdivision;

h. serve as the official voter registration list for the conduct of all elections in the state which are administered by local boards of elections; and

i. allow local boards of elections, using their own systems, to perform essential election functions including but not limited to processing of absentee voters, administration of poll workers and polling places, assignment of election jurisdictions based on residence and address and other functions necessary for the conduct of elections using voter registration information from the official statewide voter registration list.

4. Adding, changing, canceling or removing voter registration records shall be conducted only by local boards of elections as provided by this chapter.

5. For purposes of removing names of ineligible voters from the list of eligible voters, the state board of elections shall obtain and transmit to local boards of elections (a) the list of persons who have died maintained by the New York city department of health and the state department of health, and (b) the list of persons subject to forfeiture of the right to vote pursuant to section 5-106 of this article maintained by the office of court administration or by a court having made such determination.

6. Each local board of elections shall, within twenty-five days after receiving such list of decedents or list of persons subject to forfeiture of the right to vote pursuant to section 5-106 of this article, use such lists to identify and remove decedents and persons subject to forfeiture of the right to vote pursuant to section 5-106 of this article from the list of eligible voters.

7. The local board of elections shall electronically file with the state board of elections a cancellation and removal report indicating all cancellations and removal actions taken by the local board of elections from the list of eligible voters. Such report shall be filed in a format and at such intervals as directed by the state board of elections.

8. If the information received by the board of elections through the statewide voter registration list indicates that a voter is currently registered to vote more than once, the local board of elections containing the registration record of the earlier dated registration record shall send such voter the confirmation notice prescribed by section 5-712 of this article and place such voter in inactive status pursuant to section 5-213 of this article.

9. The state board of elections shall, in accordance with subdivision four of section 3-100 of this chapter, promulgate rules and regulations to ensure compliance with the adding, changing, canceling or removing of voters from the single, official, statewide voter registration list.

10. Any person may bring a challenge pursuant to this chapter against any board of elections to compel the removal of an ineligible voter from the list of eligible voters or to compel the correction of a registration record in the case of a voter wrongfully canceled or removed from the statewide, single, official voter registration list.

11. The state board of elections shall establish a statewide voter hotline using information available through the statewide voter registration list for voters to obtain information regarding their voter registration.

12. a. The state board of elections, in consultation with local boards of elections and in accordance with subdivision four of section 3-100 of this chapter, shall establish minimum standards for statewide voter registration list maintenance activities and schedules for such activities by regulation.

b. The list maintenance performed pursuant to the minimum standards required by paragraph a of this subdivision shall be conducted in a manner consistent with this chapter to ensure that:

(1) the name of each registered voter appears in the statewide voter registration list;

(2) only names of persons who are not registered or who are not eligible to vote are removed from such list; and

(3) the prior registrations of duplicate names are removed from such list.

13. The state board of elections shall provide adequate technological security measures to prevent the unauthorized access to or disruption of the statewide voter registration list established pursuant to this section and any voter registration records electronically transmitted between local boards of elections and the state board of elections as provided for in subdivision two of this section. A copy of such list shall be stored at least twenty-five miles away from the place where the original is housed.

14. The statewide voter registration list system shall ensure that voter registration records in the state are accurate and are updated regularly, including a system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters, as provided for by this chapter.

§ 2. This act shall take effect immediately; and the state board of elections shall promulgate rules and regulations as necessary to comply with the provisions of this act on or before July 1, 2005.

The Legislature of the STATE OF NEW YORK ss.

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly

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