

Executive

PART 6213

AGENCY ASSISTED REGISTRATION

(Statutory authority: Election Law § 5-211; 5-212)

Sec.

6213.1 Participating agencies

6213.2 Duties of participating agencies designated by Election Law,
section 5-211

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6213.5 Duties of the State Board of Elections

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Section 6213.1 Participating agencies.

(a) In addition to those agencies, departments, divisions, and offices which have been specifically set forth in Election Law, sections 5-211 and 5-212, those private offices and agencies which receive public funds from State agencies primarily providing services to persons with disabilities shall be subject to the provisions of these regulations.

(b) Such specified agencies shall submit updated lists of such private offices and agencies to the State Board of Elections.

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6213.2 Duties of participating agencies designated by Election Law, section 5-211.

(a) (1) The agency shall provide to any person who does not speak or understand English, voter registration assistance in the same manner and at the same level which they provide assistance for the completion of their own forms. In targeted areas of New York State, members of language minority groups identified pursuant to sections 4(f)(4) and 203(c) of the Voting Rights Act of 1965 as amended, shall be provided both written materials and oral assistance in their language to aid them in understanding and following the procedures for voter registration. Written materials in Spanish and Chinese will be available from the State Board.

(2) The agency shall provide a mail voter registration application form to every person who wishes to register to vote but prefers not to do so at the agency, and to any person who otherwise requests a mail registration form.

(b)(1) Pursuant to Election Law, 5-211(8)(f), the following shall serve as the address and phone number for use in related circumstances: you may file a complaint with the State Board of Elections at 40 Steuben Street, Albany, New York 12207-2109, or fax a complaint to (518) 473-8315; or call 1-800-4NY-NVRA.

(2) A signed declination form shall be retained by each participating agency for 22 months.

(c)(1) Each agency shall transmit to the appropriate board of elections at least once a week, all completed applications for registration forms and change of address forms. Each transmittal shall include a completed transmittal form which will be provided by the state board of elections. The agency is to complete part one of the document and retain the pink copy for its records. The white and yellow copies of the transmittal document shall be included in each transmittal to the appropriate county board of elections.

(2) Each agency shall be required to complete the following information on every transmittal form:

- (i) site code;
- (ii) date of transmittal;
- (iii) number of voter registration applications in this transmittal;
- (iv) total number of voter registration applications transmitted, year to date;
- (v) number of declinations received since the last transmittal, delineated as follows:
 - (a) declined, with no explanation;
 - (b) already registered;
 - (c) asked for and received a mail registration form; and
 - (d) blanks.

(3) All completed voter registration forms and changes of address for voting purposes, which are received by an agency between the 13th and 25th day before a general, special or primary election, shall be transmitted to the appropriate board by whatever means and with a frequency calculated to assure their receipt by the appropriate board not later than the 20th day before such election.

(4) Each agency, at the request of the State Board, shall provide the number of agency transactions at each site.

(d) In addition to its own rules and regulations, each agency shall develop written procedures necessary for the implementation of this program and shall provide the State Board with a copy of such procedures. Those procedures shall include, but not be limited to, the following:

(1) method and frequency of transmittal of completed voter registration materials to the appropriate board of elections;

(2) procedures for ensuring compliance with the requirements of this act by programs and agencies under contract with such agency to provide services to persons with disabilities;

(3) plans for providing required foreign language assistance;

(4) provisions governing the use of volunteers to provide assistance in completing voter registration forms when provision of such assistance in completing the agency form is included in the volunteers' regular duties. Volunteer services shall not relieve agency obligations under the law;

(5) each agency shall name one person as the voter registration program coordinator for the agency. That person shall be responsible for the establishment and maintenance of site coordinators, employee training, program coordination, procedures, and supplies;

(6) in addition to the initial implementation lists provided to the state board of elections, agencies shall submit any changes to programs, sites and locations, on a monthly basis;

(e) Not later than 60 days prior to program implementation, at the beginning of each school year, and again in January or February in a presidential election year, CUNY and SUNY administrations shall provide State Board of Elections with specific plans for voter registration at each college campus and shall submit a request for numbers of voter registration forms required. Such plans shall include, but not be limited to, procedures to assure that each student receive a voter registration form and shall include the name and telephone number of a contact person at each college campus.

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6213.3 Duties of Department of Motor Vehicles under Election Law, section 5-212.

(a) Pursuant to Election Law, section 5-212(4)(e), the following shall serve as the address and phone number for use in related circumstances: you may file a complaint with the State Board of Elections at 40 Steuben Street, Albany, New York 12207-2109, or fax a complaint to (518) 473-8315; or call 1-800-4NY-NVRA.

(b) The agency shall provide to any person who does not speak or understand English, voter registration assistance in the same manner and at the same level which they provide assistance for the completion of their own forms. In targeted areas of New York State, members of language minority groups identified pursuant to sections 4(f) (4) and 203(c) of the Voting Rights Act of 1965 as amended, shall be provided both written materials and oral assistance in their language to aid them in understanding and following the procedures for voter registration. Written materials in Spanish and Chinese will be available from the State Board.

(c) The agency shall provide a mail voter registration form to every person who wishes to register to vote, but prefers not to do it at the agency, and to any person who otherwise requests a voter registration form.

(d) A signed declination form shall be retained for 22 months.

(e) (1) At least once a week, each motor vehicle office shall transmit to the appropriate board of elections all completed application for registration forms and change of address forms. Each transmittal shall include a completed transmittal document, which is generated by the Department of Motor Vehicles. The agency is to complete part one of the document, transmit, and include it with each transmittal to the appropriate County Board of Elections.

(2) The agency shall be required to complete the following information on every transmittal form:

- (i) site code;
- (ii) date of transmittal;
- (iii) number of voter registration applications in this transmittal;
- (iv) total number of declinations received since the last transmittal.

(3) The agency, at the request of the State Board, shall provide the number of agency transactions at each site.

(f) In addition to its own rules and regulations, the agency shall develop written procedures necessary for the implementation of this program and shall provide the State Board with a copy of such procedures. Those procedures shall include, but not be limited to, the following:

(1) method and frequency of transmittal of completed voter registration materials to the appropriate board of elections;

(2) procedures for ensuring compliance with the requirements of this act;

(3) plans for providing required foreign language assistance; and

(4) the commissioner shall name one person as the voter registration program coordinator for the department. That person shall be responsible for the establishment and maintenance of site coordinators, employee training, program coordination, procedures, and supplies.

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6213.4 Duties of county boards of elections.

(a) Each local board shall develop written procedures for the processing of registration and change of address forms received from participating agencies, and Federal registration forms received from the State Board of Elections. A copy of those procedures shall be filed with the State Board for review as to compliance with the law, not later than June 1, 1996.

(b) Registration applications in each transmittal from any agency site shall be processed as a unit or batch. When the processing is completed, the County Board shall complete part two of the transmittal document accompanying each batch and retain the yellow copy for its records.

(c) Each board shall provide the following information on the transmittal document for every batch:

- (1) number of new registrations contained in this batch;
- (2) number of address changes contained in this batch;
- (3) number of enrollment changes contained in this batch;
- (4) number of name changes contained in this batch;
- (5) number of duplicate registrations contained in this batch;
- (6) number of incomplete forms contained in this batch; and
- (7) brief description of any problems the board has encountered with this site.

(d) Local boards shall send to the State Board of Elections the white copy of all completed transmittal documents on a weekly basis.

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6213.5 Duties of the State Board of Elections.

(a) (1) The State Board of Elections shall develop a voter registration form for use by the designated voter registration agencies. The form shall be designed to prevent the disclosure of the agency where an applicant completed the registration form and shall meet all the requirements of State and Federal law.

(2) The State Board shall assign an identification code to every agency site participating in the program. Sites shall be designated by program and State agency sub-contractors who receive State funding from agencies providing services to persons with disabilities shall receive separate site codes. The State Board shall retain the only list of said identification codes.

(3) The State Board shall provide sufficient copies of the registration form to all participating agencies for use in the agency assisted voter registration program.

(b) The State Board shall consult with the Department of Motor Vehicles on the design of a voter registration form for use by the department in its voter registration program. The form shall meet all requirements of State and Federal law.

(c) (1) The State Board of Elections shall develop a transmittal document to accompany the transmittal of completed registration applications from agencies to local boards. Local boards will be required to forward copies of these documents to the State Board. The transmittal document shall serve as the basic source of statistical information required from the State by the Federal Elections Commission rules and regulations.

(2) The transmittal document shall be an NCR form in triplicate. It shall require the following information:

(i) to be provided by each transmitting agency:

(a) site code;

(b) date of transmittal;

(c) number of application forms in this transmittal;

(d) number of declinations because already registered;

(e) number of declinations with no explanation;

(f) number of persons who requested and received a mail registration form; and

(g) total number of transmittals to date;

(ii) to be provided by each local board of elections:

(a) number of new registrations contained in the batch;

(b) number of address changes contained in the batch;

(c) number of enrollment changes contained in the batch;

(d) number of name changes contained in the batch;

(e) number of duplicate registrations contained in the batch;

(f) number of incomplete forms contained in the batch; and

(g) any problems encountered with the particular agency site.

(3) The State Board shall compile the statistics contained in the transmittal documents as they are received from the local boards of elections. The State Board of Elections may request that each participating agency submit data on the volume of transactions processed by each agency for comparison to transmittal statistics. The State Board will regularly monitor such information, to assess compliance, and shall make inquiries and recommendations based on such assessment. This information shall be forwarded to the Federal Election Commission, the Governor and State Legislature annually. The information shall be available upon request to the public.

(d) The State Board shall transmit to the appropriate local board all federal voter registration forms received at the State Board. All such forms received on the 20th day before an election shall be time stamped

at the State Board and then forwarded by overnight mail to the appropriate board for processing.

(e) At least quarterly, the State Board shall transmit to the appropriate local board of elections:

(1) all notices from Federal and State courts of felony convictions and prison sentences;

(2) all notices from courts that an individual has been adjudicated incompetent;

(3) the names of persons for whom death certificates have been filed with the Department of Health.

(f) The State Board of Elections shall be responsible for developing training programs on the requirements and implementation of this act and shall be responsible for providing training to all participating agency trainers. Those trainers, in consultation with the State Board, shall be responsible for training current agency employees and shall develop a system for training all new employees. The State Board shall provide such training as often as it deems appropriate.

(g) The State Board of Elections shall design, prepare and distribute informational and promotional materials and re-supply each site, as necessary. Materials shall be produced in English, Spanish and Chinese and shall be written to accommodate minimum levels of literacy. Agencies shall prominently display appropriate materials at each work station and in each public area of the agency.

(h) The State Board of Elections shall prepare and distribute informational guides to local boards, agencies and the public, which shall contain all necessary provisions of the State Election Law and rules and regulations of the State Board of Elections, relative to the implementation of and compliance with the National Voter Registration Act.

(i) The State Board of Elections shall, in consultation with the Department of Immigration and Naturalization Services, provide information and registration forms to be distributed to all new citizens at Immigration and Naturalization Services ceremonies across the State.

(j) The State Board of Elections shall consult with the Department of Defense to develop the necessary procedures for providing voter registration forms at armed forces recruiting stations across the State; and for the transmittal of completed forms received at such recruiting stations to the State Board.

(k) When a complaint is received via the toll free number provided in the agency and motor vehicle voter registration forms, State Board employees will take all appropriate steps towards resolving the complaint as quickly as possible. In order to ensure that a caller is able to exercise his/her rights as outlined in Section 11 of the National Voter Registration Act, all persons filing a complaint via the toll free number will be sent a complaint form which should be completed and returned to the State Board of Elections.

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