



Helping Voters Register Under New York Law

Important: Voter registration drives in states have to follow certain laws and rules, such as a rule against providing something of value in exchange for voter registration. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In New York, a person is eligible to register to vote if the person is:¹

- A citizen of the United States;
- 18 years of age on or before the next Election Day; and
- A resident of New York and of the city, county, or village in which he or she intends to vote for at least 30 days preceding the next election (except that a person who does not meet the residency requirement may vote for President and Vice President if otherwise eligible)

In New York, a person may not register to vote or vote if the person is:²

- Convicted of a felony and sentenced to either death or imprisonment, unless pardoned or restored to the rights of citizenship by the governor, the maximum sentence has expired, the execution of a sentence of imprisonment is suspended, or the person is discharged from parole; or
- Adjudged incompetent by a court or other judicial authority

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: New York state law does not currently provide any specific rules for homeless voters. In 1984, a federal court addressing an old version of the residency law held that the state could not refuse to allow homeless individuals to register to vote on the ground that they fail to inhabit traditional residences.³

Felony Convictions: Persons who have been convicted of a felony lose the right to vote. This right is automatically restored when the maximum sentence is completed or the person is discharged by the Board of Parole. If the

applicant has been issued a Certificate of Relief from Disabilities or a Certificate of Good Conduct while on parole, the person may register.⁴

College Students: Persons do not lose or gain a residence by reason of presence or absence while a student of any institution of learning.⁵ New York law does not otherwise address college student voter registration.

PART 3: FILLING OUT AN APPLICATION

New York requires the following information for a voter registration application to be considered complete:⁶

- Name;
- Complete Residence address;
- Date of birth such that the applicant is or will be 18 years of age by Election Day or not later than December 31st of the calendar year in which he or she registers;;
- Driver's license number, non-driver photo ID number, or the last four digits of the applicant's Social Security Number, or, if the applicant has none of these, an indication to that effect;
- Checked box indicating that the applicant is a United States citizen;
- Signature affirming that the information contained in the application is true

Political party enrollment is optional but in order to vote in a primary election of a political party, a voter must enroll in that political party, unless state party rules allow otherwise.⁷

If an applicant is registering to vote for the first time and the applicant's identification number provided on the application cannot be verified, and the application is submitted by mail, he or she will need to provide proper identification either with the voter registration application or at the polls on Election Day.⁸

PART 4: VOTER REGISTRATION DEADLINE

- In order to vote in an upcoming election, applicants must submit a completed application no later than the 25th day before that election, whether a primary, special, or general election. Applications sent by mail must be postmarked no later than the 25th day prior to the election and received by a county board of elections (or, for federal forms, the state board) no later than the 20th day prior to the election. For special elections only, an applicant may also deliver a completed application in person to a county board of elections by the 10th day before the special election.⁹
- Any qualified voter who has been honorably discharged from the military or has been naturalized after the 25th day before the election may register in person at the county board of elections in the county of his or her residence and vote in any general election held at least 10 days after such registration.¹⁰
- Mailing within the state and within the times prescribed for filing is sufficient if the affidavit is received by the board. The postmark shall be sufficient proof of the date of mailing. If mailed outside of the state or if the postmark is omitted or illegible the affidavit must be received by the board within the times so prescribed for filing.¹¹

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	No.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	New York law does not address this issue.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	New York law does not address this issue.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, under state and federal law. See details below, question A.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	No.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	New York election law does not directly address this issue, however, there is a rule regarding mutilation and material alteration of forms, see below question B.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	New York law does not specifically address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Not other than the general voter registration deadline. In order for an

	applicant to be eligible to vote on Election Day, the group must submit the application no later than the 25 th day prior to that election. ¹²
<i>What are the consequences for failing to submit applications on time?</i>	New York election law does not directly address this issue, however, it is a misdemeanor to willfully suppress or destroy an application, see below question C for details.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	New York election law does not specifically address this issue, however it is a misdemeanor for a person other than the applicant to, prior to the filing of the application, mutilate or materially alter a signed application for registration by mail. ¹³
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notice, see below question D for details.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants must be contacted by the county board if any of the required information is missing, see below question E for details.
<i>Who investigates and enforces the state rules?</i>	State Board of Elections Division of Election Law Enforcement/local boards of election/attorney general/district attorney. See below question F for details.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

It is a felony under New York law to pay, lend or contribute, or offer or promise to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter or other person to place or cause to be placed or refrain from placing or causing to be placed his name upon a registration poll record.¹⁴

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹⁵ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an

assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁶

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁷

DURING THE DRIVE

B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

New York election law does not directly address this issue, however it is a misdemeanor for a person other than the applicant to, prior to the filing of the application, willfully suppress, mutilate, materially alter, or, except as authorized by election law, destroy a signed application for registration by mail.¹⁸ A second misdemeanor conviction under the election law results in a felony.¹⁹

C. What are the consequences for failing to submit voter registration applications on time?

New York election law does not directly address this issue, however it is a misdemeanor for a person other than the applicant to, prior to the filing of the application, willfully suppress or, except as authorized by election law, destroy a signed application for registration by mail.²⁰

D. How will an applicant know whether the election official received the application?

Applicants will receive notice either of approval, approval with request for more information needed to verify the applicant's identity, or rejection. A notice of rejection must also advise the applicant with instructions on how to complete the application and the period of time by which the application must be provided in order to be eligible to vote in the next election.²¹

E. How may an applicant correct an incomplete application after it has been submitted to election officials?

If any of the required information is missing on the voter registration application, the county board must take immediate steps to obtain the missing information. In any such case the county board must notify the applicant of the reasons that the registration application is incomplete and the period of time in which the application information must be provided in order to be eligible to vote in the next election.²²

F. Who is responsible for investigating and enforcing the state rules?

There is a division of election law enforcement within the State Board of Elections, headed by a chief enforcement counsel. The state board is charged with investigating violations of the election laws, however, the chief enforcement counsel has sole authority within the board. Local boards may also make investigations, and must report the results to the division of election law enforcement chief enforcement counsel within 90 days of the start of the investigation. The chief enforcement counsel may request, and shall receive, the assistance of the state police in any investigation. The election law details an administrative process by which potential criminal and non-criminal complaints of violations are addressed by the chief enforcement counsel, the state board, and in matters with reasonable cause to believe a criminal violation occurred warranting prosecution, the attorney general or district attorney with jurisdiction over the matter.²³ The State Board may appoint a special investigator.²⁴

WEB PAGE OF STATUTE

<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>: (Select Laws of New York, Election Law, Article 5)

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ N.Y. Elec. Law § 5-102

² N.Y. Elec. Law § 5-106

³ *Pitts v. Black*, 608 F. Supp. 696, 710 (S.D.N.Y. 1984)

⁴ New York State Dept. of Corrections and Community Supervision, Restoration of Rights, https://www.parole.ny.gov/program_restoration.html (last visited Jan. 14, 2016).

⁵ N.Y. Elec. Law § 5-104

⁶ N.Y. Elec. Law § App § 6217.5 (McKinney)

⁷ New York Voter Registration Form, available at <http://www.elections.ny.gov/NYSBOE/download/voting/voteform.pdf>.

⁸ N.Y. Elec. Law § 5-210(5)(k)(vii); N.Y. Elec. Law § App § 6217.5. Accepted documents include a driver's license or non-driver's photo ID number, the last four digits of the individual's social security number, a copy of current valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

⁹ N.Y. Elec. Law § 5-210(3)

¹⁰ N.Y. Elec. Law § 5-210(4)

¹¹ N.Y. Elec. Law § 5-310

¹² N.Y. Elec. Law § 5-210(3)

¹³ N.Y. Elec. Law § 17-108

¹⁴ N.Y. Elec. Law § 17-142

¹⁵ 52 U.S.C. § 10307(c)

¹⁶ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁷ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised February 2015)

¹⁸ N.Y. Elec. Law § 17-108

¹⁹ N.Y. Elec. Law §§ 17-108, 17-166

²⁰ N.Y. Elec. Law § 17-108

²¹ N.Y. Elec. Law § App § 6217.5

²² N.Y. Elec. Law § App § 6217.5

²³ N.Y. Elec. Law § 3-104

²⁴ N.Y. Elec. Law § 3-107