

# NEW YORK

## VOTER REGISTRATION

These resources are current as of May 1, 2014. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

This guide summarizes key aspects of laws governing voter registration on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

Registration requirements and procedures are particularly susceptible to change. This information was last revised May 1, 2014. Check with the applicable state authorities, listed below, for updated information.

- Voter Registration in New York State is generally governed by Article 5 of the New York State Election Law. Chapter II of the Consolidated Laws of New York, State of New York 2014 Election Law (“NY Election Law”) is available at <http://www.elections.ny.gov/NYSBOE/download/law/2012NYElectionLaw.pdf>.

## DEADLINES FOR REGISTRATION

- **Deadline for registering**
  - A person is entitled to vote in an election if they meet one of the following registration deadlines:
    - The completed registration form is received in person by any county Board of Elections no later than 25 days prior to the primary or general election;
    - The completed federal registration form is received in person by the State Board of Elections no later than 25 days prior to the primary or general election; N.Y. Elect. Law § 5-210(3).

- The completed registration form or federal registration form – either of which must have a United States Postal Service cancellation mark not later than 25 days before the primary, general, or special election – must be received by the 20<sup>th</sup> day before the primary, general, or special election; N.Y. Elec. Law §§ 5-1-(5)(1); 5-210(3) or
    - The registration form or the Federal Registration Form is delivered in person to any county Board of Elections no later than the 10<sup>th</sup> day before a special election. N.Y. Elec. Law §§5-210(5)(l); 5-210(3).
  - In addition, any person who has been honorably discharged from the military after the 25<sup>th</sup> day before a general election or who has become naturalized after the 25<sup>th</sup> day before a general election may register and vote in the general election as long as she is registered at least 10 days before the general election. N.Y. Elec. Law § 5-210(4).
- **Does state offer Election Day registration?**
  - No. New York State does not currently offer Election Day registration. N.Y. Elec. Law § 5-210(1).
- **Does state allow by-mail registration?**
  - Yes. Completed registration forms may be mailed to a local Board of Elections. Federal Registration Forms must be sent to the State Board of Elections. N.Y. Elec. Law §§ 5-210(1); 5-210(3).
- **May voter register before turning 18?**
  - Yes. Although a person must be at least 18 years old to vote, someone who is not yet 18 may register provided that she will turn 18 by the end of the calendar year. N.Y. Elec. Law § 5-210(5)(g).

## VOTER ID REQUIREMENTS

- **Required for registration?**
  - If the applicant is a first time registrant, she must submit certain ID with her registration form. This will allow the voter to avoid presenting any ID when she votes. Acceptable ID includes:
    - A driver's license or a non-driver photo ID issued by the DMV;
    - The last four digits of the individual's social security number;
    - A copy of a current and valid photo ID; or
    - A copy of a current utility bill, bank statement, government check, paycheck or other government document showing the name and address of the voter. N.Y. Elec. Law § 5-210(5)(k)(vii)(A-D).
  - Note that a photo ID is not required to register
- **Required for voting?**

- Generally, no, ID is not required for voting. All first time registrants are required to provide identity with their voter registration forms, which will be verified by the Board of Elections prior to the election. If a registrant's identity is not verified by the date of the election, she must provide ID (any of the forms listed above) at the voting location. If this voter who is required to produce an ID at the polling station does not do so, she may still vote but not on the voting machine; in this circumstance she must vote by Affidavit Ballot. N.Y. Elec. Law §§ 5-210(3); 8-302(2-a).
- At the election, voters whose names are entered in the Voter Registration Book are required to sign their names in the Registration Poll Record. A voter's Election Day signature will be compared to the signature in the Voter Registration Book. Only when the election inspectors are satisfied that the two signatures match will the voter be able to vote on the machine. N.Y. Elec. Law § 8-304.
- **Requirement to provide proof of citizenship to register and/or vote?**
  - No. Proof of citizenship is not required to register or vote. A person applying for registration must sign the registration form swearing or affirming that she is a citizen of the United States. N.Y. Elec. Law § 5-210(5)(k)(xi). No such affirmation is required on the day of the election.
- **Does state accept National voter Registration Act (NVRA) registration forms? Any restrictions?**
  - Yes. New York state accepts the Federal Registration Form developed pursuant to the National Voter Registration Act. N.Y. Elec. Law § 5-210(5)(l).
- **May groups "cage" completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?**
  - New York election law is currently silent on this issue; caging of completed forms is not specifically prohibited. It should be noted that any fraudulent practices, undue influences or other wrongdoings relating to voter registration is punishable as a misdemeanor or a felony. See e.g., N.Y. Elec. Law §§ 17-102(5); 17-102(9).
  - Although there is no deadline imposed for a group to return a registration form to be processed in time to be effective, it must be returned in time to comply with the deadlines noted above.
- **May a group "pre-fill" some or all of the form (e.g. name, address) before sending/giving it to a would-be registrant?**
  - New York election law is currently silent on this issue; registration of voters by private groups is not specifically prohibited.

- Employees of Voter Registration Agencies are permitted to assist registration applicants in completing the registration form. N.Y. Elec. Law. § 5-211(4). State law prohibits such employees from (i) influencing the applicant's political preference; (ii) displaying any political preference; (iii) discouraging the applicant from registering; and (iv) leading the applicant to believe that a decision to register has any bearing on the availability of services or benefits that the agencies provide. N.Y. Elec. Law § 5-211(5).
- **May voter registration drive workers assist a voter in completing their registration form?**
  - New York election law is currently silent on this issue; private voter registration drives are not specifically prohibited.
  - Any improper influence over registrants is prohibited. N.Y. Elec. Law § 17-104(5). Also, as discussed above, New York election law prohibits employees of Voter Registration Agencies from exerting undue influence over the registration applicant's political preference and her decision to register.
- **Does state require training of voter registration workers?**
  - New York election law is currently silent on this issue; private voter registration drives are not specifically prohibited. Although the law does require that the Board of Elections establish training programs for employees at various Voter Registration Agencies, there is no requirement that private groups be trained. N.Y. Elec. Law § 5-211(1).
- **Does state require registration of voter registration drives?**
  - New York election law is currently silent on this issue; registration of private voter drives is not specifically required.
- **Any requirement that group must provide information to voters about how they may contact the group to determine the status of their registration (e.g., South Dakota)?**
  - New York election law is currently silent on this issue; status notification is not specifically required or regulated.
- **May group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?**
  - New York election law is currently silent on this issue; private voter registration drives may compensate for such work it is not specifically prohibited or regulated.

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

### **State agencies:**

*New York State Board of Elections*  
40 North Pearl Street, Suite 5  
Albany, NY 12207  
Telephone: (518) 474-6220  
Website: <http://www.elections.ny.gov/>

### **Local agencies:**

For a list of county Board of Elections in New York State, please visit the following website: <http://www.elections.ny.gov/CountyBoards.html>.

### *New York City Board of Elections:*

General office:  
32 Broadway, 7 Fl  
New York, NY 10004-1609  
Telephone: (212) 487-5400  
Website: <http://vote.nyc.ny.us/index.html>

### Borough offices:

Bronx: 1780 Grand Concourse, 5 Fl  
Bronx, NY 10457  
Telephone: (718) 299-9017

Brooklyn: 345 Adams Street, 4 Fl  
Brooklyn, NY 11201  
Telephone: (718) 797-8800

Manhattan: 200 Varick St., 10 Fl  
New York, NY 10014  
Telephone: (212) 886-2100

Queens: 126-06 Queens Boulevard  
Kew Gardens, NY 11415  
Telephone: (718) 730-6730

Staten Island: 1 Edgewater Plaza, 4 Fl  
Staten Island, NY 10305  
Telephone: (718) 876-0079

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## **FOR FURTHER ASSISTANCE**

**For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:**

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