Summary of Automatic Voter Registration Legislation
(SB 8806 sponsored by Gianaris and A8280C sponsored by Walker)

- The bill creates an automatic voter registration (AVR) system in which people opt-out of voter registration, pre-registration, or updating of an existing registration record during transactions with state and local agencies.
- The covered AVR agencies are the Department of Motor Vehicles, the Department of Health, the Office of Temporary and Disability Assistance (OTDA), the Department of Labor, the Office of Vocational and Educational Services for Individuals (Access-VR), county and city departments of social services, and the New York City Housing Authority (NYCHA).
- The Governor can designate additional state and local agencies as AVR agencies.

Registration Process and Screening of Ineligible Applicants

- Applicants are explicitly informed of the requirements for registration (including citizenship) and that by signing the relevant agency form, they are attesting to these requirements.
- Individuals are provided a clear and direct opportunity to decline voter registration by checking a box. They must be instructed, “If you do not check this box, and you provide your signature on the space below, you will have attested to your eligibility to register or pre-register to vote and you will have applied to register or pre-register to vote.”
- The form includes a prominent warning to non-citizens to decline registration, stating “If you are not a citizen of the United States, you must check the box below. Non-citizens who register or pre-register to vote may be subject to criminal penalties and such voter registration or pre-registration may result in deportation or removal, exclusion from admission to the United States, or denial of naturalization.”
- As a further security measure and protection for non-citizens, an agency cannot forward registration data if an applicant has provided any information on the form that indicates they are not a citizen or do not meet one of the other eligibility requirements.
- Agencies electronically submit registration information for people who don’t opt-out to the State Board of Elections, which forwards it to local boards of election for processing and verification.
- As an added protection for non-citizens, any ineligible people erroneously registered during an AVR transaction are only subject to penalties for illegal registration and voting if they willfully and knowingly sought to register despite knowing that they were ineligible.
Political Party Affiliation Opportunities

- Individuals have the chance to affiliate with a party during the AVR transaction and are informed that party affiliation is necessary to vote in primary elections.
- First-time registrants who don’t affiliate through AVR transactions are sent two more mailers offering the chance to affiliate. They may also affiliate at the polls via an affidavit ballot.

Implementation

- The bill takes effect on January 1, 2023.
- The State Board of Elections is responsible for issuing regulations governing the AVR process, and each covered agency must develop an implementation plan, which is subject to public comment.