Talking Points / Q and A for Automatic Voter Registration Legislation  
(SB 8806 sponsored by Gianaris and A8280C sponsored by Walker)

- New York has some of the lowest voter registration and turnout rates in the country, ranking 42nd in turnout in 2018. One million eligible voters are not registered, while thousands more are registered under an out-of-date name or address. The pandemic has made matters much worse, reducing new registrations by 50% as traditional sign-up methods become less accessible.

- This legislation creates an automatic voter registration (AVR) system at the Department of Motor Vehicles, the Department of Health, the Department of Labor, and additional state and local agencies that interact with low-income communities that are less likely to otherwise be registered to vote. AVR is a modern and efficient way to address low registration, low turnout, and out-of-date registration records.

- AVR transforms voter registration from an “opt-in” process, where people must affirmatively request registration or updating of their records during an agency transaction, to an “opt-out” one, where people are registered or have their records updated unless they decline. Voters who don’t opt-out have their information securely and electronically sent to state election officials.

- This small change makes a big difference for registration and election administration. An unregistered voter who applies for a driver’s license, enrolls in Medicaid, or signs up for unemployment benefits will be registered to vote, unless she declines registration. Likewise, anyone already registered to vote will have their registration updated to reflect a change of name or address, reducing provisional ballots and ensuring mail ballots reach the right place.

- This legislation will thus create more complete and accurate voter rolls, with more people registered at the correct name and address. More importantly, AVR will ease registration for historically underrepresented populations, such as low-income people and people of color. AVR will reach an extremely broad population, ensuring that the millions of eligible voters who interact with the DMV, the Department of Health, the Department of Labor, and other covered agencies are on the voter rolls with current and accurate information.
• At the same time, the bill provides numerous important safeguards to protect non-citizens. Registrants must attest to eligibility (including citizenship) and are clearly and prominently warned that non-citizens must decline registration. As a further security measure, an agency cannot forward registration data if an applicant has provided any information on the form that indicates ineligibility. Finally, any ineligible person who fails to decline registration is only subject to penalties for illegal registration and voting if he willfully and knowingly sought to register despite knowing that he was ineligible. The bill thus strikes an appropriate balance between expanding access to registration while ensuring the integrity of the voter rolls.

• Seventeen states and the District of Columbia have already adopted AVR, leading to a significant increase in registration and turnout. New York should join these ranks and replace its antiquated registration system with a more efficient, accurate, and accessible process.

SB 8806 Q&A

Q: How does the AVR process bring new registrants onto the rolls?

A: AVR transforms voter registration from an “opt-in” process, where eligible people must affirmatively request registration, to an “opt-out” process, where eligible people are registered to vote during a transaction with a government agency unless they decline registration. This simple change streamlines the registration process, making voter registration the default option rather than an extra burden. Seventeen other states and the District of Columbia have already adopted AVR, bringing millions of unregistered eligible individuals onto the rolls across the country.

Q: How does AVR make existing registration records more accurate?

A: AVR also ensures cleaner, more accurate voter registration records. Anyone already registered to vote who interacts with a covered agency will have their registration updated to reflect a change of name or address, unless they decline the update. Updates make up the overwhelming majority of AVR transactions and ensure that voter rolls are accurate and complete in the run-up to an election. This means mail is no longer sent to an out-of-date address, securing the process when voters cast ballots by mail. Similarly, current registration information prevents issues on election day, significantly reducing wait times and provisional ballots.

Q: What agencies does this bill cover? Why were these agencies chosen?

A: The bill requires AVR at the Department of Motor Vehicles, the Department of Health, the Department of Labor, the Office of Temporary and Disability Assistance (OTDA), 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.

These agencies were chosen in order to reach as many New Yorkers as possible, while still relying on detailed eligibility information. More than 12 million New Yorkers have driver’s licenses, and more than 6.4 million are on Medicaid, which is administered by the Department of Health and county departments of social services. Unemployment benefit enrollment through the Department of Labor has skyrocketed during the pandemic, and the remaining agencies are likely to reach low income and minority communities that may not interact, or interact less frequently, with the DMV, DOH, and DOL. Most importantly, all of these agencies are able to collect detailed application information, including citizenship status, address, and date of birth, which can be used for voter registration and updating of registration records.

Q: How does the AVR process protect non-citizens?

A: The AVR process in the legislation protects non-citizens from erroneous registration and its consequences in five ways:

- Applicants are explicitly informed of the requirements for registration (including citizenship) and that by signing the agency form, they are attesting to these requirements.
- Non-citizens are clearly, prominently, and repeatedly instructed to declines registration.
- Non-citizens are warned of the criminal and immigration penalties for voter registration.
- If an application indicates non-citizenship (such as an answer to a citizenship question or a social security number associated with a non-citizen), an agency cannot forward registration data to election officials, regardless of whether or not the person opts-out.
- Finally, as an added safety net, an ineligible person somehow registered through an AVR transaction is only subject to penalties for illegal registration and voting if he willfully and knowingly sought to register despite knowing that he was ineligible.

Q: How does this bill interact with the Greenlight law?

A: The AVR system in this legislation has been designed for consistency with the Greenlight law. Under the Greenlight law, applicants for a standard (non-Real ID) license at the DMV cannot have their citizenship status or the documents used to establish identity recorded on the driver’s license application form. This means that as a general matter, an applicant for a standard license cannot be asked a citizenship question on the driver’s license application form.

As discussed above, the AVR system includes multiple safeguards and warnings to prevent non-citizens applying for a standard license from erroneously registering to vote. In addition, the system allows agencies to screen out anyone whose voter registration application indicates non-citizenship.

Q: Why doesn’t this bill take effect until January 1, 2023?
A: Other states passing AVR have typically used a two-year implementation timeline to ensure that covered agencies have adequate time to develop and test registration systems and ensure a secure and accurate process. The legislation is scheduled to take effect January 1, 2023, rather than two years from the date of passage in order to ensure that the new systems do not go live in the middle of an election cycle, when election officials are likely preoccupied with other matters. A two-year implementation window with a January launch date thus ensures a smooth implementation process.