

**I-866-OUR-VOTE  
(1-866-687-8683)****Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**VOTER REGISTRATION FORMS**

There are several ways to get a voter registration form. English or Spanish forms can be filled out online at: <http://www.elections.state.ny.us/Voting.html#RegisterVote>. Original copies are available at the same website, either through printing a PDF version, or by mail by filling out a request form online. Original copies are also available at any County Board of Elections Office or the Department of Motor Vehicles. Under the Agency-Based Voter Registration Program, several government offices also have and accept original voter registration forms:

- Alcoholism and Substance Abuse Services
- City Universities of New York(CUNY)
- Commission for the Blind and Visually Impaired
- Commission on Quality of Care for the Mentally Disabled
- Department of Health - WIC Program
- Department of Labor
- Department of Social Services
- Department of State
- Division of Veterans' Affairs
- Military Recruiting Offices
- Office for the Aging
- Office of the Advocate for Persons with Disabilities
- Office of Mental Health
- Office of Mental Retardation and Developmental Disabilities
- State Universities of New York(SUNY)
- Vocational and Educational Services for Individuals with Disabilities
- Workers' Compensation Board

Forms are also available upon request by calling 1-866-VOTE-NYC or 1-800-FOR-VOTE.

**1) Are there restrictions on registering to vote using a photocopied voter registration form?**

No. Originals are only required where an applicant is required to file in person, and this is not required for voter registration applications. Voter registration forms can be filed in person, by an agent, or by mail. Forms can be printed from the PDF version available at: <http://www.elections.state.ny.us/Voting.html#RegisterVote>, and can be printed off and filed by an agent.

**2) Are there restrictions on the use of the National Voter Registration Form?**

No. Either the mail-in voter registration application developed pursuant to the National Voter Registration Act or the New York Statewide application form is acceptable, so long as the applicant is otherwise eligible to vote according to the New York Election Law. Eligible voters are: (1) citizens of the United States, (2) 18 years of age on Election Day, (3) residents of New York for a minimum of 30 days, (4) not in jail or on parole for a felony conviction, and (5) not able to claim a right to vote elsewhere.

**3) Are there restrictions regarding the use of registration form information?**

Although New York does not explicitly address the copying of registration forms before filing, the information on the forms is public information and there is no independent restriction against copying before the applicant mails the form. After filing and review, the County Board of Elections will provide, upon request, to the public a list of all approved and registered voters at a charge not to exceed the cost of reproduction and publication. In counties with a population over 100,000, the County Board will include those voters who did once but no longer appear on the annual enrollment lists.

All registration forms and lists of voters are available upon request at 40 Steuben Street, Albany, New York 12207-2109. The request must be signed and made in writing. Unless denied, the records should be available within five days of the request. If denied, the person making the request has the right to appeal the denial to the New York State Board of Elections. After access is granted, the records can be review on-site during business hours. Photocopies can be sent at \$.25 per page plus the value of the postage. If transmission uses the telephone lines, the cost is \$.65 per page. The charge for computer printouts is limited to the cost of reproduction.

**4) Are there restrictions regarding pre-filling info on registration forms?**

The regulations do not directly address the use of pre-filling information. The signature of the applicant must be an original signature. If the applicant is unable to sign because the applicant is unable to read or write due to illiteracy or disability, the applicant is excused from signing. An applicant that does not speak English may use the help of an interpreter, so long as the interpreter puts his or her information in the remarks line of the form and states the relationship to the applicant.

## **COMPLETING VOTER REGISTRATION FORMS**

**5) How long must you live in a county before you are eligible to register to vote?**

To qualify for registration, a person must be a resident of the state and the county, city, or village for a minimum of 30 days. The 30 day requirement will not prohibit someone otherwise qualified from voting for the United States president or vice president. A person who cannot satisfy the 30 day requirement, was qualified to vote in New York prior to moving, and is not qualified in another state may request a special ballot to vote for president and vice president. The request can be made by mail to the Board of Elections 7 days prior to Election Day, or made in person by Election Day.

**6) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?**

Yes. A person may not use a P.O. Box to register, as the address is used to verify residency. A residence is any place where a person maintains a fixed and principal home to which he or she intends to return. A college or dorm address may be used if the applicant lives at that address, despite a temporary absence, and intends to return. A P.O. Box is sufficient as a mailing address, but insufficient to establish residency. College students should list the street address of their dorm and specify the room, floor, or apartment they occupy.

**7) If I leave or enter the state because of work or school, can I register to vote?**

A residence is a place where a person maintains a fixed, permanent, or principal home to which he or she intends to return. A person can leave to attend school out of state and not lose residency, so long as he or she has the intention of returning. Residency is not measured solely by expressed intent. The Election Board will assess the conduct and attendant circumstances to determine the residency of the applicant. Such factors include: applicant's financial independence, business pursuits, employment, income sources, residence for income tax purposes, age, marital status, residence of parents, spouse and children, leaseholds, location of owned property, including registered cars, and any other such factors reasonably necessary to determine residency.

So long as a student is qualified and registered, he or she can vote absentee while away at school.

Students who want to vote are protected by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. This means that they cannot be treated differently than any other citizen when it comes to voting. Specifically, students should neither be forced to fill out additional information that non-students do not have to fill out nor can election officials require students fulfill additional obligations that non-students do not have to satisfy. Of course, no one can register and vote in two places but if a student considers her dorm or her address at school her residence, she can register to vote there; if she feels that the address where her parents live or the address she lived before going to school is her residence, she can register to vote there and vote by absentee ballot.

**8) Are there any I.D. requirements to register to vote?**

Identification is required for first-time voters. The applicant's identity must be verified prior to voting. Applicants should include either their driver's license number or last four digits of their social security number on the registration form. If applicants do not have either of those numbers, they should include a copy of a valid form of photo ID; a copy of a utility bill, bank statement, government check, government paycheck; or other government document bearing their name and address in order to avoid verifying identity when voting.

**9) Are there any I.D. requirements in order to vote?**

If the Election Board cannot verify an applicant's identity, the Board will send notice to the applicant via first class mail requesting additional information. Lack of verification of identity alone is insufficient to deny a registration application. If the identification of the applicant is not confirmed prior to Election Day, the voter should bring either a driver's license or department of motor vehicles non-driver photo ID; a copy of a utility bill, bank statement, or government paycheck; or any other government document that shows the voter's name and address.

Voters must bring a form of identification to the polls to verify identity. Valid forms of identification are valid photo ID, including driver's license or department of motor vehicles non-driver photo ID; or a utility bill, bank statement, government check, or government paycheck; or other government document with name and address. If voters do not have identification, they may still vote, if otherwise eligible, by filling out an affidavit ballot. If voting by mail, voters must still comply with the identification requirements, by providing copies of the aforementioned documents. If they do not, their vote will be counted, so long as the voter is otherwise eligible.

**10) What are the rules regarding missing or illegible information on registration forms?**

If the form is incomplete in any manner, the Election Board will send the applicant notice stating why the application is incomplete, what information is needed, and the period of time in which the information must be provided. If the missing information relates to verifying the identity of the voter, the application will be processed and the voter registered. The Board will send notice that the voter could not be identified and request additional information in order to do so.

**11) If a person changes their name, can they have their new name reflected on their voter registration records by filling out a voter registration form?**

Yes. Once registered, the voter should send a new voter registration form to make a name or address change. If not, the voter can note the change of name on Election Day, which will then update his or her registration record.

## **REGISTERING OTHERS TO VOTE**

**12) What are the laws regarding third party registration?**

There are restrictions on who may assist voters on Election Day at the polls, but there are no provisions that address third party registration, other than restrictions regarding the signature of the applicants on the voter registration form. See **Question 4**. It is a violation of elective franchise to pay, compensate, or otherwise induce a voter to vote for a certain candidate or to vote or refrain from voting in an election, or for a voter to accept any of these inducements. Accepting compensation for registering voters is likely a violation of New York Election Law. See **Question 13**.

There are restrictions on the use of volunteers or agents on Election Day and assisting voters at the polls, but such restrictions are not extended to assisting voters to register.

**13) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?**

Although not addressed explicitly, no person may receive, accept, or offer to pay any compensation to influence a voter or applicant to give or withhold a vote, or to register or refrain from registering to vote.

**14) Is training or registration with state required for registration drives?**

Election inspectors, poll clerks, and election coordinators who are appointed to assist voters on Election Day must be trained by the Board of Elections. The Agencies that assist in voter registration under the Agency-Based Voter Registration Program and the Department of Motor Vehicles must train employees. There is no provision that addresses the training of agents or volunteers who assist in voter registration.

**15) Are volunteers or staff of voter registration drives required to be county or state residents?**

Election inspectors, poll clerks, and election coordinators must be registered voters and residents of the applicable county. There is no provision that states that volunteers or agents are so required.

## **REGISTRATION DEADLINES**

**16) What is the deadline to register to vote?**

For the 2008 election, the deadline to register is October 10, 2008. Under New York law, registration forms must be delivered or post-marked 25 days before an election.

**17) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?**

No. See **Question 16**.

**18) Is it possible to register on Election Day?**

New York does not allow Election Day registration. The applicant must have submitted a registration form at least 25 days before the election in order to vote. If there is not a registration record for the

voter on Election Day, and the voter is otherwise qualified, the voter can vote on an affidavit ballot. The board will determine whether the voter is eligible and if the vote counts, and the voter has the right to know whether her vote was counted.

**19) Does state election law allow for early voting?**

In-person absentee voting begins as soon as the ballots are available, at least 32 days before the election. The voter can vote at the County Board of Elections office in his or her county, and can vote in-person until the day before Election Day. If voting absentee by mail, the voter must ensure that the ballot is postmarked the day before Election Day and is received within 7 days after Election Day in order to be counted.

In order to vote absentee, voters must submit an application. Applications can be downloaded at: <http://vote.nyc.ny.us/absentee.html>. The voter can request an application by phone at 1-866-VOTE-NYC (inside New York City, 212-VOTE-NYC), or 1-800-FOR-VOTE. A voter can also go to the County Board of Elections office and request an absentee ballot. Once the application is received and processed, the Board of Elections will mail the absentee ballot to the requested address on the application.

Voters can only vote absentee under certain circumstances:

- Unavoidable absence due to employment, business, or studies;
- Unavoidable absence due to employment, business, or studies of a spouse or child;
- Vacation;
- Illness or physical disability, whether permanent or temporary;
- Hospitalization at Veterans Administrative Hospital; or
- Qualified Inmate Voter or jailed voter awaiting a grand jury hearing or trial

## **VOTER REGISTRATION LEGISLATION**

**20) Is there any pending legislation? If so, where is it in the legislative process?**

No.

**21) Applicable statutes?**

None.

**22) Is there an official elections contact who is helpful?**

For more information, call 1-866-VOTE-NYC, 1-800-FOR-VOTE, or 1-800-4NY-NVRA, or contact the County Board of Elections.

**23) What web resources are available?**

<http://www.elections.state.ny.us/Voting.html>

<http://www.vote.nyc.ny.us/>

National Campaign for Fair Elections:

[http://www.nationalcampaignforfairelections.org/pages/new\\_york](http://www.nationalcampaignforfairelections.org/pages/new_york)