



State of New York

Executive Chamber

No. 169

EXECUTIVE ORDER

STATE POLICY CONCERNING VOTER REGISTRATION

WHEREAS, suffrage is a fundamental right that the Supreme Court has rightly labeled “preservative of all rights”; and

WHEREAS, New York State has historically led the nation in protecting fundamental rights, yet voter participation rates in the State remain stubbornly low; and

WHEREAS, maximized participation in elections is an indisputably desirable hallmark of democracy; and

WHEREAS, New Yorkers may lack access to voter registration forms or be unaware of voter registration requirements; and

WHEREAS, the State possesses expertise, resources, and infrastructure that uniquely qualifies it to assist New Yorkers with voter registration.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Definitions

1. “State entity” shall mean all agencies and departments over which the Governor has executive authority.

B. The following procedures are hereby established to implement the program of voter registration:

1. State entities shall conduct the following voter registration projects to assist citizens of the State in registering to vote:
 - a. State entities which have regular contact with the public in their daily administration of business shall make mail registration forms available to persons who are interested in registering to vote, and shall make staff available to assist the public in filling out the mail registration forms; and
 - b. State entities shall send mail registration forms and related information to persons whose mailing information is held by the entity in question. The transmission of such mail registration forms to such persons shall occur electronically or by mail, as appropriate.
2. All in-person voter registration projects subject to Section B(1)(a) above shall be conducted in the public areas of State entities.

3. Each State entity involved in a voter registration project, after consultation with the Governor's Office of Employee Relations as appropriate, shall make employees available to administer the State entity's voter registration project, and shall appoint a coordinator for that State entity responsible for the implementation and reporting of the voter registration program.
4. Employees involved in a voter registration project shall assist persons interested in registering to vote by explaining the mail registration process and the questions contained on the mail registration form in accordance with the guidelines of this Order.
5. Each State entity involved in the voter registration project conducted pursuant to this section shall, at the next regularly scheduled printing of its intake form, amend such form to include the following statement:

“If you are not registered to vote at your current address you may receive a registration form here today. You may receive government services without being registered to vote. Would you like a registration form? Yes - No.”
6. In the period between the signing of this Order and the amending of a State entity's intake form, each State entity's intake personnel shall, after appropriate training, routinely inquire of persons seeking services from the State entity whether such persons would like to register to vote. If the applicant answers affirmatively either orally or by checking the appropriate section of a State entity's amended intake form, the employee shall hand the applicant a voter registration form, offer assistance in filling it out, and direct the applicant to the nearest mailbox. Such employee shall not take custody of a completed voter registration form.
7. All employees involved in any aspect of a voter registration project shall observe the following restrictions:
 - a. such employees shall maintain a position of strict neutrality with respect to a person's political preference or party enrollment;
 - b. such employees shall not display any political preference or party allegiance;
 - c. such employees shall not make any statement or take any action the purpose or effect of which is to discourage the applicant from registering to vote, and
 - d. such employees shall not make any statement or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits from the State entity.
8. In coordination with the New York State Director of State Operations and in consultation with the New York State Board of Elections, each State entity conducting a voter registration project shall develop and prominently display promotional materials informing the public of the existence of voter registration services.
9. All voter registration project activities shall be carried out consistent with and to the maximum extent allowable by law.
10. State entities that are statutorily designated as subject to the National Voter Registration Act of 1993 (the “NVR Act”) under Sections 5-211 and 5-212 of the New York State Election Law shall not alter their practices under such designation and shall not be required to undertake any additional activities pursuant to this Order beyond the mailing activities described in Section B(1)(b) above. The State Board of Elections shall not be subject to the activities described in this Order apart from consultation where specifically referenced.
11. State entities that are not statutorily designated as subject to the NVR Act shall not be deemed to be discretionary NVR Act agencies under 52 U.S.C. § 20506(a)(3) by virtue of their involvement in voter registration project activities under this Order.

12. No part of this Order shall be construed in a manner that conflicts with the provisions of the NVRA as codified at 52 U.S.C. § 20501-20511. All voter registration project activities described in this Order shall be considered, as a matter of law, separate and distinct from any obligations arising under the NVRA.

C. Establishment of Voter Registration Task Force

1. A Voter Registration Task Force is hereby established to administer the voter registration project activities described in this Order.
2. The Voter Registration Task Force shall be composed of the Counsel to the Governor, the Director of State Operations, and the Commissioners of the Departments and Offices of Labor, Motor Vehicles, State, Children and Family Services, People with Developmental Disabilities, Temporary and Disability Assistance, Health, Transportation, Human Rights, and the New York State Workers' Compensation Board.
3. The Voter Registration Task Force shall meet at least quarterly. It shall:
 - a. Identify the list of State entities participating in voter registration projects;
 - b. Coordinate the administration of the program in appropriate State entity offices;
 - c. Resolve any administrative difficulties which may arise as the program is implemented;
 - d. Develop training programs for State employees involved in the registration effort;
 - e. Consult and engage with the State Board of Elections regarding administration of the program;
 - f. Report by March 1, 2018 to the Governor on the progress of the program. The report shall include information on the number of new voters registered and the operation of the program in State entity offices, and suggestions for the improved administration of the program; and
 - g. Seek comments and proposals from the public or interested entities concerning the effectiveness of the program and suggestions for improvement.



BY THE GOVERNOR

Mr. C

Secretary to the Governor

GIVEN under my hand and the Privy Seal of the

State in the City of Albany this twenty-fourth day of July in the year two thousand seventeen.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".