

STATE OF NEW YORK

3416

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. MYRIE, GOUNARDES -- read twice and ordered printed,
and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to removing provisions of
such law requiring election inspectors, poll clerks, and election
coordinators to be appointed in a bipartisan manner

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 3-400 of the election law, subdivisions 3, 4 and 5
2 as renumbered by chapter 9 of the laws of 1978, subdivision 6 as amended
3 and subdivision 8 as renumbered by chapter 133 of the laws of 2011,
4 subdivision 8 as added by chapter 76 of the laws of 2010, subdivision 7
5 as amended by chapter 293 of the laws of 2017 and subdivision 9 as added
6 by chapter 6 of the laws of 2019, is amended to read as follows:

7 § 3-400. Election inspectors and poll clerks; provision for. 1. There
8 shall be for each election district of the state four election inspec-
9 tors.

10 2. At every general election in each election district where two
11 voting machines are used, there shall be two clerks in addition to the
12 four inspectors of election, except that in an election district located
13 in a town, where one voting machine is used, the town board may direct
14 the board of elections to appoint not more than two clerks in such
15 district if in the discretion of such board the service of such clerk or
16 clerks is reasonably necessary for the proper conduct of the election.
17 In each election district where paper ballots, in addition to one voting
18 machine, are used at a general election, there shall be two clerks in
19 addition to the four inspectors of election. In each election district
20 where paper ballots, in addition to more than one voting machine are
21 used at a general election there shall be four clerks in addition to the
22 four inspectors. The duties of such clerks shall be such as shall be
23 prescribed by the board of elections and they shall serve at the general
24 election only. When deemed necessary in any election or primary, the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 board of election may require additional poll clerks to be designated in
2 any election district.

3 ~~3. [Appointments to the offices of election inspector or poll clerk in~~
4 ~~each election district, shall be equally divided between the major poli-~~
5 ~~tical parties.]~~

6 4.] To the extent practicable there shall be election inspectors and
7 poll clerks at each poll site from the two major political parties and
8 non-affiliated inspectors and poll clerks. Before entering on their
9 duties, the election inspectors of each election district outside the
10 city of New York shall appoint one of their number chairman, to serve as
11 such during his term of office. If a majority shall not agree upon such
12 an appointment, they shall draw lots for that position.

13 ~~[5. In the city of New York in each odd numbered election district a~~
14 ~~chairman shall be designated who shall be an inspector named by the~~
15 ~~political party which polled the highest number of votes for governor at~~
16 ~~the last preceding election for such officer and in each even numbered~~
17 ~~election district a chairman shall be designated who shall be an inspec-~~
18 ~~tor named by the political party which polled the second highest number~~
19 ~~of votes for governor at the last preceding election for such officer.]~~

20 6.] 4. No person shall be certified or act as an election inspector or
21 poll clerk who is not a registered voter (unless such person is duly
22 qualified under subdivision eight of this section) and a resident of the
23 county in which he or she serves, or within the city of New York, of
24 such city, who holds any elective public office, or who is a candidate
25 for any public office to be voted for by the voters of the district in
26 which he or she is to serve, or the spouse, parent, or child of such a
27 candidate, or who is not able to speak and read the English language and
28 write it legibly.

29 ~~[7.] 5.~~ The board of elections may employ election inspectors to work
30 split shifts with adjusted compensation~~[, provided, however, that at~~
31 ~~least one inspector from each of the two major political parties is~~
32 ~~present at the poll site for the entire time that the polls are open].~~
33 Each county board of elections shall prescribe the necessary rules and
34 procedures to ensure proper poll site operation.

35 ~~[8.] 6.~~ A person seventeen years of age who is enrolled in a school
36 district and fulfilling the requirements of section thirty-two hundred
37 seven-a of the education law shall be eligible to be appointed as, and
38 to perform the duties of, an election inspector or poll clerk as
39 provided in this chapter.

40 ~~[9.] 7.~~ Notwithstanding any inconsistent provisions of this article,
41 election inspectors or poll clerks, if any, at polling places for early
42 voting, shall consist of either board of elections employees who shall
43 be appointed by the commissioners of such board or duly qualified indi-
44 viduals, appointed in the manner set forth in this section. ~~[Appoint-~~
45 ~~ments to the offices of election inspector or poll clerk in each polling~~
46 ~~place for early voting shall be equally divided between the major poli-~~
47 ~~tical parties.]~~ The board of elections shall assign staff and provide
48 resources to ensure a voter's wait time to vote at an early voting site
49 shall not exceed thirty minutes.

50 § 2. Subdivision 2 of section 3-401 of the election law, as added by
51 chapter 90 of the laws of 1991, is amended to read as follows:

52 2. All election coordinators shall be trained in the manner prescribed
53 by this article for election inspectors and poll clerks. Election coor-
54 dinators shall be appointed by the board of elections. ~~[The appointment~~
55 ~~of election coordinators shall be equally divided between the two major~~
56 ~~political parties.]~~ To the extent practicable there shall be coordina-

tors at each poll site from the two major political parties and non-affiliated coordinators.

§ 3. Subdivision 1 of section 3-402 of the election law is amended to read as follows:

1. Election inspectors, in performing their duties, shall act as a board and a majority vote thereof shall be required to decide all questions. If, however, any inspector or inspectors shall be temporarily absent for a portion of the meeting, the inspectors present shall have and may exercise any power or perform any duty conferred or imposed upon a board of inspectors[~~, provided that they are not all members of the same political party~~].

§ 4. Subdivisions 2, 5 and 7 of section 3-404 of the election law, subdivision 5 as amended by chapter 263 of the laws of 1991 and subdivision 7 as amended by chapter 234 of the laws of 1976, are amended to read as follows:

2. Each political party entitled to representation on any board of elections may, not later than the first day of May in each year, file with the appropriate board of elections, an original list of persons recommended to serve. Supplemental lists may be filed at the same time and at any time before the designation is made and certified or when a vacancy exists. [~~All designations shall~~] Designations may be made first from those named in the original list filed if those designated are found qualified.

5. If a political party shall fail to submit a list or the list shall be exhausted, the board of elections shall request from the appropriate political party an original or supplemental list. If after ten days no list is filed by that party, the board of elections may appoint qualified persons[~~, enrolled members of the political party in default,~~] to act as election inspectors, poll clerks or election coordinators.

7. Election officers [~~shall~~] may be appointed from the lists submitted, by those members of the board who represent the political party which submitted such lists. If such list is not furnished, the members of the board who represent the political party in default, shall designate the persons to be appointed as election officers.

§ 5. Subdivisions 1 and 4 of section 3-406 of the election law are amended to read as follows:

1. Each board of elections shall establish a list of persons duly qualified to serve as election inspectors, which list shall be known as the "Additional Inspector List", in such number of persons as the board shall determine. [~~Such a list shall be equally divided between the major political parties.~~] To the extent practicable there shall be additional inspectors from the two major political parties and non-affiliated inspectors. Appointments under this section shall be made in the manner provided for the appointment of regular election inspectors and for a like term.

4. If the board of elections shall determine that a vacancy exists upon any board of inspectors or that any election inspector or poll clerk is absent, and that no qualified voter has been appointed pursuant to this chapter to act in place of such election inspector or poll clerk, or to relieve any qualified voter who has been so appointed, it shall forthwith direct a person appointed pursuant to this section to act in place of the absent election inspector or poll clerk or qualified voter so appointed until such absent election inspector or his appointed successor shall appear[~~, provided, however, that the additional election inspector so appointed shall be a designee of the same political party as the election inspector in whose place he shall act~~]. The board of

1 elections shall provide suitable identification for every additional
2 election inspector to present to the chairman of the board before enter-
3 ing upon the duties of such office.

4 § 6. Section 3-418 of the election law, the section heading and subdi-
5 vision 4 as amended by chapter 373 of the laws of 1978, is amended to
6 read as follows:

7 § 3-418. Election inspectors and poll clerks; emergency provisions for
8 filling vacancies or absences. 1. If, at the time of a meeting of the
9 inspectors, there shall be a vacancy, or if any inspector shall be
10 absent, [~~the~~ an inspector present [~~who is the designee of the same~~
11 ~~party as the absent inspector~~] shall appoint a qualified voter of the
12 same city or town to act in place of the absent inspector. If, however,
13 any inspectors shall be temporarily absent for a portion of the meeting,
14 the inspectors present[, ~~provided that they are not all members of the~~
15 ~~same political party,~~] shall have and may exercise any power or perform
16 any duty conferred or imposed upon a board of inspectors.

17 2. If at the time of any such meeting two inspectors [~~who are members~~
18 ~~of the same party~~] shall be absent, or their places shall be vacant, the
19 poll clerk or poll clerks present, if any, [~~of the same party~~] shall act
20 as inspectors and shall appoint qualified voters of the same city or
21 town [~~who are members of the same party as the absent inspectors~~], to
22 act in place of such clerks.

23 3. If at the time of any such meeting two inspectors and the poll
24 clerk or clerks, if any, [~~who are members of the same party~~] shall be
25 absent, or their places shall be vacant, the inspector or inspectors
26 present, or in their absence the poll clerk or clerks present, if any,
27 shall appoint qualified voters of the same city or town[, ~~who are~~
28 ~~members of the same party as such absent inspectors,~~] to act as such
29 inspectors and clerks, until the inspectors or clerks duly appointed by
30 the original appointing authority, shall appear.

31 4. If at the time of any such meeting, there shall be a vacancy in the
32 office of poll clerk, or if a poll clerk shall be absent, the inspectors
33 [~~who are designees of the same party, or in their absence, any poll~~
34 ~~clerk of the same party who is present,~~] shall appoint a qualified voter
35 of the same city or town [~~who is a member of the same party,~~] to act in
36 place of the absent poll clerk.

37 5. Every person so appointed or named shall take the oath of office,
38 which shall be administered by any person authorized to administer oaths
39 or by one of the inspectors.

40 § 7. Subdivision 1 of section 8-302 of the election law is amended to
41 read as follows:

42 1. At all elections held pursuant to the provisions of this chapter
43 two inspectors [~~representing different political parties~~] shall act
44 together at all times in supervising the use of the registration records
45 and in verifying the rights of persons to vote on the basis of such
46 records.

47 § 8. This act shall take effect immediately.