S T A T E O F N E W Y O R K

3465

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Election Law

AN ACT to create a temporary state commission on the electoral process and to provide for the making of grants by the state board of elections to local boards of election for the improvement of the electoral process and making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. A temporary state commission on the electoral process is hereby created to examine, evaluate, and make recommendations pertaining to the electoral process, with particular focus on the procedures involved in the conduct of the process of voting at polling places. The commission shall direct its attention to the availability, feasibility, and reliability of new technologies for the conduct of voting.

S 2. The commission shall consist of 13 members, each to serve for a term of 2 years, to be forthwith appointed as follows: 2 shall be appointed by the temporary president of the senate and 1 by the minority leader of the senate; 2 shall be appointed by the speaker of the assembly and 1 by the minority leader of the assembly; 7 shall be appointed by the governor. The appointees shall be broadly representative of the geographic areas of the state. No more than 4 appointees shall be legislators. The governor shall designate the chair and vice chair from among his or her appointees. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments.

S 3. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available therefor.

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

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S 4. The commission may meet within and without the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law.

S 5. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

S 6. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources, and data of any court, department, division, board, bureau, commission, or agency of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

S 7. The commission shall make a preliminary report to the governor and the legislature of its findings, conclusions, and recommendations not later than July 1, 2010 and a final report of its findings, conclusions, and recommendations not later than January 1, 2011, and shall submit with its reports such legislative proposals as it deems necessary to implement its recommendations.

S 8. Within the amounts appropriated therefor, the state board of elections shall make grants to local boards of elections for the following purposes:

a. To increase the numbers and improve the training of election inspectors and other poll workers;

b. To improve procedures for the testing, maintenance, and repair of voting machines;

c. To enhance the implementation of the National Voter Registration Act of 1993;

d. To improve compliance with the Americans with Disabilities Act insofar as such act applies to voting; and

e. To improve the application and enforcement of laws pertaining to eligibility of students to register and vote in the jurisdictions in which they attend an institution of higher education.

In making such grants the state board of elections shall give priority to jurisdictions according to the volume of complaints and known problems.

S 9. The sum of twenty-five million dollars ($25,000,000), or so much thereof as may be necessary, is hereby appropriated to the state board of elections from any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, for the purposes of carrying out the provisions of section eight of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the state board of elections, or its duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chair of the senate finance committee and the chair of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

S 10. This act shall take effect immediately; provided that sections one through seven of this act shall remain in effect until January 1, 2011, when upon such date such sections shall expire and shall be deemed repealed.