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

5447

2009-2010 Regular Sessions

I N S E N A T E

May 6, 2009

Introduced by Sen. ADDABBO -- 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 designating poll sites

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

Section 1. Subdivisions 3-a, 4, 6 and 9 of section 4-104 of the election law, subdivision 3-a as added by chapter 694 of the laws of 1989 and subdivision 9 as added by chapter 180 of the laws of 2005, are amended and subdivision 5 is amended by adding a new paragraph (d) to read as follows:

3-a. [In cities with populations of more than one hundred thousand, any] ANY person or entity which controls a building for which a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation has been provided by any agency of the state or any political subdivision thereof on or after the effective date of this subdivision shall agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. Notwithstanding any other provision of law, any agency of the state or any political subdivision thereof may deny a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation to a building in any such city which is otherwise eligible for such exemption, abatement, subsidy, grant or loan if the person or entity which controls such building refuses to agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. The provisions of this subdivision shall not

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

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apply to buildings used solely for residential purposes which contain less than twenty-five dwelling units.

4. Where an election district is so situated or the only facilities available therein are such that public convenience would be served by establishing a polling place outside such district, the board or body empowered by this chapter to [establish election districts] DESIGNATE A POLLING PLACE may SO designate a polling place in [a contiguous] ANOTHER ELECTION district WITHIN THE SAME TOWN OR CITY.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, POLLING PLACES DESIGNATED FOR ANY ONE SUCH ELECTION DISTRICT THAT WILL BE UTILIZING ANY VOTING MACHINE OR SYSTEM CERTIFIED AFTER APRIL FIRST, TWO THOUSAND NINE FOR USE IN NEW YORK STATE PURSUANT TO CHAPTER ONE HUNDRED EIGHTY-ONE OF THE LAWS OF TWO THOUSAND FIVE, MAY BE THE POLLING PLACE OF ANY OTHER DISTRICT OR DISTRICTS, PROVIDED THE VOTING SYSTEM USED IN SUCH POLLING PLACE PRODUCES SEPARATE AND DISTINCT VOTE TOTALS FOR EACH ELECTION DISTRICT VOTING IN SUCH POLLING PLACE ON SUCH VOTING MACHINE OR SYSTEM.

6. Each polling place designated, whenever practicable, shall be situated on the main or ground floor of the premises selected. It shall be of sufficient area to admit and comfortably accommodate [at least ten] voters [at one time and to allow for the placement in such meeting place, of booths, furniture and equipment, as provided by law] IN NUMBERS CONSISTENT WITH THE DEPLOYMENT OF VOTING SYSTEMS AND PRIVACY BOOTHS, PURSUANT TO TITLE 9 NYCRR, SUBTITLE V. SUCH DEPLOYMENT OF VOTING SYSTEMS, ELECTION WORKERS AND ELECTION RESOURCES SHALL BE IN A SUFFICIENT NUMBER TO ACCOMMODATE THE NUMBERS OF VOTERS ELIGIBLE TO VOTE IN SUCH POLLING PLACE.

9. Whenever the board of elections shall determine that there is no building within an election district available and suitable for the meetings for the registration of voters [or for any election], or that for reasons of efficiency or economy it is desirable to consolidate such meetings of one or more districts in one place, such board may designate a building for such VOTER REGISTRATION purpose in [an adjoining] ANOTHER ELECTION district in the same village, city or town and there may be as many distinctly separate [meetings or polling places] MEETINGS lawfully located in the same building as public convenience may require. Wherever possible, public schools, fire houses, municipal buildings or other buildings exempt from taxation shall be designated for such meetings [and polling places]. Such a determination shall be made only after notice to the chairpersons of the county committees of all political parties and reasonable opportunity for them to be heard.

S 2. This act shall take effect immediately.