

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:

1 Section 1. Subdivisions 3-a, 4, 6 and 9 of section 4-104 of the  
2 election law, subdivision 3-a as added by chapter 694 of the laws of  
3 1989 and subdivision 9 as added by chapter 180 of the laws of 2005, are  
4 amended and subdivision 5 is amended by adding a new paragraph (d) to  
5 read as follows:  
6 3-a. [In cities with populations of more than one hundred thousand,  
7 any] ANY person or entity which controls a building for which a tax  
8 exemption, tax abatement, subsidy, grant or loan for construction, reno-  
9 vation, rehabilitation or operation has been provided by any agency of  
10 the state or any political subdivision thereof on or after the effective  
11 date of this subdivision shall agree to make available for registration  
12 and voting purposes the room or rooms in such building which the board  
13 or body empowered to designate polling places determines are suitable  
14 for registration and voting, are accessible to physically disabled  
15 voters and are as close as possible to a convenient entrance to such  
16 building. Notwithstanding any other provision of law, any agency of the  
17 state or any political subdivision thereof may deny a tax exemption, tax  
18 abatement, subsidy, grant or loan for construction, renovation, rehabil-  
19 itation or operation to a building in any such city which is otherwise  
20 eligible for such exemption, abatement, subsidy, grant or loan if the  
21 person or entity which controls such building refuses to agree to make  
22 available for registration and voting purposes the room or rooms in such  
23 building which the board or body empowered to designate polling places  
24 determines are suitable for registration and voting, are accessible to  
25 physically disabled voters and are as close as possible to a convenient  
26 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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1 apply to buildings used solely for residential purposes which contain  
2 less than twenty-five dwelling units.

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

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

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

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

42 S 2. This act shall take effect immediately.